

DATA PROTECTION COMPLAINTS PROCEDURE

This procedure is designed to assist anyone who is unhappy with the handling of their personal data or the outcome of an information rights request made under Data Protection legislation, which includes the UK GDPR, Privacy and Electronic Communications Regulations and Data Protection Act 2018.

1. Informal Complaints

1.1 Where appropriate, it is encouraged to first raise concerns with the individual or team directly involved with the processing of personal data, who will seek to resolve the complaint informally within 30 days. If you remain dissatisfied with the outcome you can submit a formal written complaint, as outlined below.

2. Formal Written Complaints

2.2 If the complaint cannot be resolved informally, a formal written complaint should be lodged within 30 calendar days of either receiving the original response to an information rights request, or from the date that an unsatisfactory informal response was received. The complaint should be submitted in writing to dpo@keele.ac.uk and will be reviewed by the University's Data Protection Officer or their nominee.

2.3 Acceptance of complaints regarding incidents that happened more than 3 months prior will be at the University's discretion. Where necessary, verification of the identity of the complainant will be sought.

2.4 The University will acknowledge receipt and the complaint will be fully and fairly investigated and a written response provided within 30 calendar days. Should further time be required to investigate, this will be communicated within those 30 calendar days and will not normally exceed an additional 60 calendar days.

2.5 Where clarification or further information is needed from you, processing of the complaint will be paused until this is received. Should you not provide sufficient information to assist the Data Protection Officer (or their nominee) in conducting an effective investigation, your complaint may be closed.

2.6 Upon completion of the investigation you will be notified of:

- i. Whether the complaint has been upheld, partly upheld, or not upheld
- ii. An explanation of the decision and how it was reached
- iii. Any proposed recommendations and/or resolutions
- iv. Information on next steps if you are dissatisfied with the outcome

2.7 The University may reject or discontinue the processing of a complaint in the event that it, or communications surrounding it, are deemed to be vexatious, malicious, manifestly unfounded, abusive or excessive.

3. Types of Complaints

3.1 Types of data protection complaints which can be investigated:

- a) Damage or distress resulting from a personal data breach
- b) The University's response to a request made under Article 15 of UK GDPR (i.e. Subject Access Request)
- c) The University's response to a request made under Articles 16, 17, 18, 20, 21 and 22 of UK GDPR

- (i.e. rectification, erasure, restriction, portability, objections and automated decisions)
- d) A potential breach of the data protection principles set out at Article 5 of the UK GDPR, namely:
- Data not processed under an applicable lawful basis or without an adequate privacy notice
 - Data further processed with an incompatible purpose
 - Too much data processed
 - Inaccurate or out of date data
 - Data retained longer than necessary
 - Data not held securely (integrity and confidentiality)
- e) Other possible breaches of Data Protection Legislation, which may include:
- Unwanted marketing communications
 - Concerns of inappropriate disclosure or sharing of personal data

3.2 Some types of data protection complaints may not be investigated by the University, including for the following reasons:

- i. The incident(s) complained about occurred too long ago to investigate
- ii. The complaint is deemed vexatious, malicious, manifestly unfounded, abusive or excessive
- iii. The complaint is a repetition of issues which have been addressed previously, either by the Information Compliance team or via other University processes
- iv. The Information Rights process (e.g. Subject Access Request) has not yet concluded
- v. The complaint lacks specific detail and/or the complainant does not provide sufficient information to enable an effective investigation
- vi. The identity of the complainant is not verifiable, or the University is not satisfied that the complainant's representative has authority to act
- vii. They fall outside the remit of Data Protection Legislation, e.g. Freedom of Information (FOI) requests

4. Information Commission

4.1 If a complainant remains dissatisfied following receipt of the outcome of the University's investigation, the complaint can then be addressed to the Information Commission, whose office is the independent body that oversees the implementation of UK Data Protection legislation. Complaints must be made within 3 months of the date of the University's internal complaints outcome. Complaints can be made online at <https://ico.org.uk/make-a-complaint/data-protection-complaints/>

5. Confidentiality

5.1 It may be necessary during the investigation of a complaint to share pertinent information with relevant colleagues or third parties, including:

- i. to those who need to know in order to discharge their responsibilities at work;
- ii. where disclosure is deemed necessary in the interests of health and safety at work or the welfare of colleagues, students or the public
- iii. where disclosure is required by law
- iv. to witnesses/attendees of meetings held as part of investigations

5.3 Anonymised data collected during complaint investigations may be used for reporting, evaluation and development purposes.

5.4 Personal data processed for the purpose of investigating a complaint in compliance with data protection legislation will be handled in accordance with the University's Privacy Notices.

Document Version History	Date
06-26	19 June 2026