



PROCR 16.6 Data Protection Complaints Procedure

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Contents

1. Purpose	3
2. Scope	3
3. Responsibilities	3
4. Making a complaint.....	3
5. Valid data protection complaints	4
7. Timescales.....	6
8. Complaint handling process	6
9. Complaints to the ICO	7
10. Records Management	7
11. Trend Analysis	8
12. Review.....	8

1. Purpose

This procedure sets out how New College Lanarkshire (NCL) handles data protection complaints, in compliance with UK data protection law and the Information Commissioners Office (ICO) guidance.

NCL is committed to:

- Providing a clear and accessible process for raising data protection complaints
- Handling complaints fairly, transparently and without undue delay

2. Scope

This procedure applies to:

- All individuals/data subjects (e.g. students, staff, applicants, visitors, suppliers)
- All complaints relating to data protection (A data protection complaint is any expression of dissatisfaction where an individual believes their data protection rights have been infringed.)

3. Responsibilities

3.1 Data Protection Officer

The Data Protection Officer is responsible for maintaining this procedure, logging, investigating and responding to all data protection complaints. In the absence of the Data Protection Officer, any investigation shall be carried out by the College Registrar.

3.2 All Staff

All staff are responsible for directing any data protection complaints to the Data Protection Officer and providing any information or assistance necessary to support any complaint investigation.

3.3 Information Governance Group

The Information Governance Group is responsible for reviewing complaints quarterly and providing oversight and guidance on any trend analysis.

4. Making a complaint

4.1 How individuals can complain

All data protection complaints should be directed to the Data Protection Officer via email data.protection@nclan.ac.uk.

Individuals do not have to contact the Data Protection Officer directly to make a complaint although we will always encourage this. A complaint can be made via any communication channel available. Staff should always be aware of potential complaints via the following methods:

- Verbal Requests
- Email
- Written (letter)
- Social Media (X, Facebook)
- Website Contact Forms
- Teams Chats

There is no requirement for an individual to state explicitly that they are making a data protection complaint, or to refer specifically to data protection legislation. Therefore, any expression of dissatisfaction where an individual believes their data subject rights have been infringed should be directed to the Data Protection Officer.

4.2 Complaints on behalf of individuals

There are occasions where an individual may decide to use a third party to make a complaint on their behalf, such as a solicitor or family member.

To protect the individual's personal data, NCL will make all the necessary checks to be satisfied that any third party making the complaint on behalf of the individual is entitled to do so. This may include requesting written authority to make the complaint (e.g. evidence of consent from the individual) or a more general power of attorney.

5. Valid data protection complaints

5.1 What is a valid data protection complaint

When an individual considers that NCL has infringed data protection legislation because of the way NCL has handled their personal data (or the personal data of the individual they're acting on behalf of), they can make a data protection complaint.

In order to complain it is not necessary for the complainant to use legal terms or quote sections of the legislation.

For example, individuals may submit complaints about:

- the way NCL has responded to their subject access request (SAR), or other data subject rights request;

- the security measures NCL has in place to store their personal data (e.g. a data subject who has been impacted by a data breach, regardless of whether it's reportable to the ICO or not); or
- how NCL has collected or used their personal data (e.g. where we have stored it, how long we have kept it for, or its accuracy).

Although a complaint may be made at any time, there may be limits as to what NCL can reasonably investigate in relation to historic cases.

5.2 What is not a data protection complaint

Individuals may complain about NCL's services or other matters while exercising their data subject rights. These would not be considered as a data protection complaint.

For example:

- an employee may raise a grievance issue, and also request copies of their personal data; or
- a student may complain about an academic issue, and also request that we delete their personal data.

Where it is not clear if an individual is making a data protection complaint, the College will ask them to clarify.

If a complaint refers to a matter other than data protection, the relevant policy should be followed:

- Complaints Handling Policy
- Grievance Policy

6. Refusing a complaint

NCL may refuse a complaint if it is considered manifestly unfounded, abusive, vexatious or excessive.

Each complaint will be considered on a case-by-case basis with the following factors taken into consideration:

- the complainant has explicitly stated that they intend to cause disruption (whether in the complaint, or in other correspondence), or has threatened individuals;
- the complainant has made unsubstantiated accusations against individuals, and is persisting in those accusations;
- the complainant is targeting particular individuals, against whom they have a personal grudge;
- the complainant makes frequent complaints intended to cause disruption; and

- the complainant continues to repeat the substance of previous complaints which have already been investigated.

Any decision to refuse a data protection complaint must be approved by a member of the Executive Board.

Where a complaint is refused, the Data Protection Officer will contact the complainant providing information on:

- the reasons for refusing to progress the complaint;
- their right to make a complaint to the ICO; and
- their right to pursue their data subject rights through a judicial remedy.

7. Timescales

NCL shall aim to acknowledged receipt of a complaint within 5 working days.

NCL shall provide a response, without undue delay, and in any event within one calendar month of receipt of a complaint.

For example: If a complaint is received on the 3rd November 2025, a response would be due to the requestor by the 3rd December 2025. Holidays and weekends are not taken into account when calculating the response date. If the last day to respond to the complaint falls on a weekend or public holiday, the response must be sent on the next working day.

8. Complaint handling process

8.1 Investigate the complaint

The investigation should commence without undue delay.

Additional information and/or supporting evidence may be requested from the complainant to assist the investigation, this should be requested as soon as possible.

The Data Protection Officer will carry out the complaint investigation as necessary to address the concerns raised. This may involve speaking with other individuals named or involved with the situation, engaging with third party organisations and / or requesting access to any documentation / information they feel pertinent.

Should the complaint investigation interact or overlap with any other NCL procedure these will be managed between the Data Protection Officer and relevant department to ensure the complaint investigation does not prejudice or delay any other process.

8.2 Communicating the outcome

The outcome of any complaint will depend on the investigation findings. The complaint outcome will be communicated to the complainant in writing, normally by email.

Possible outcomes include:

- **Explanation of processing.** NCL may provide clarification or more details about how and why NCL processes personal data, which may be necessary to address the complaint.
- **Acknowledgement and apology.** Where the investigation identifies that an error or that a breach has occurred, this will be acknowledged and, where appropriate, an apology provided.
- **Remedial action.** Where the investigation identifies actions that should be taken to resolve the complaint these will be carried out promptly. For example: inaccurate personal data will be corrected; data being retained in excess of the retention schedule will be deleted.
- **Lessons learned.** Where the investigation identifies areas for improvement, NCL will review the lessons learned, take steps to resolve the issues which caused the complaint, and take action to improve any relevant processes.
- **No further action.** There may be times when NCL does not consider that any further action is required based on the available evidence during the investigation.

9. Complaints to the ICO

If a complainant is dissatisfied with the outcome of their complaint, they may refer the matter to the Information Commissioner's Office (ICO).

All complaint responses must include information on how a complaint can be made to the ICO.

NCL will liaise with the ICO accordingly should the ICO contact us in relation to a complaint.

Once a complaint has been received from the ICO, the Data Protection Officer or College Registrar will investigate the complaint based on the information provided by the ICO.

The Data Protection Officer or College Registrar will draft and submit a response to the ICO.

10. Records Management

10.1 Register of Complaints

The Data Protection Officer is responsible for maintaining a register of complaints received, to allow monitoring of the progress and the volume of complaints.

10.2 Copies of Complaints

A casefile will be created for each complaint, named with the corresponding reference from the Data Protection Complaints Register. Each casefile should contain:

- all the correspondence with the complainant
- all internal correspondence relating to the complaint
- all investigation notes and evidence
- copy of final complaint response

- all correspondence with the ICO, where the individual takes their complaint to the ICO.

This casefile will be maintained in line with the records retention schedule and retained for 3 years from the last correspondence relating to the complaint.

11. Trend Analysis

On a quarterly basis the Data Protection Officer will analyse all complaints to review if there are any trends in the nature or cause of complaints and how effectively complaints were handled.

Where there are identifiable trends, these will be reported to the Information Governance Group with any potential solutions available to improve NCL performance or reduce the volume of complaints received.

12. Review

These procedures will be formally reviewed every two years, or earlier should there be a change in legislation, relevant guidance or where operational improvements can be made to ensure consistent and efficient handling of data protection complaints.