

St Faith's Church of England Infant and Nursery School

West Parade, Lincoln, LN1 1QS

Data Protection Complaints Procedure

Data Controller St Faith's CofE Infant and Nursery School Data Protection Officer Mr Darrel Towndrow Email: dpo@st-faiths.lincs.sch.uk	Policy information Version: 1.0 Date adopted: [date] Next review: [date] Approved by: Board of Governors Policy owner: Data Protection Officer
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1. Introduction and Purpose

This procedure sets out how St Faith's Church of England Infant and Nursery School ("the school") handles complaints relating to data protection and information rights. It has been adopted to meet the school's obligations under section 164A of the Data Protection Act 2018 (inserted by section 103 of the Data (Use and Access) Act 2025), which requires controllers to facilitate individuals' right to complain directly to the school about its handling of personal data, and to acknowledge, investigate and respond to such complaints within set timescales.

This procedure is separate from, and takes precedence over, the school's general Complaints Procedure for matters falling within its scope. Complaints relating to data protection or information rights are not considered under the school's general Complaints Procedure and will instead be managed in accordance with this procedure.

This procedure should be read alongside the school's Data Protection Policy, which sets out the wider framework for how the school processes personal data.

2. What is a Data Protection Complaint?

A data protection complaint is an expression of dissatisfaction that the school has failed to comply with the UK GDPR or Part 3 of the Data Protection Act 2018 in the way it has handled an individual's personal data. A complaint does not need to refer to specific legislation or use formal language to be treated as a data protection complaint. Examples include concerns about:

- the way a Subject Access Request or other rights request was handled;
- the security measures used to store or transmit personal data, including in connection with a data breach;
- how personal data has been collected, used, shared, or retained; or
- the accuracy of personal data held by the school.

Dissatisfaction with the service or decision the school has provided, where this does not relate to the handling of personal data, is not a data protection complaint and should be raised under the school's general Complaints Procedure instead. Where it is unclear which procedure applies, the Data Protection Officer (DPO) will clarify this with the individual at the earliest opportunity.

3. How to Make a Complaint

Data protection complaints should be made by email to the DPO at dpo@st-faiths.lincs.sch.uk, including a description of the concern and, where possible, what outcome the individual is seeking.

As the school's DPO is an external provider, complaints should be made by email rather than by telephone. Where a complaint is instead received by a member of staff in person, by telephone, or in writing to the school office, that member of staff must record the details and pass them to the Headteacher or school office without delay, who will forward the complaint to the DPO. The school's response timescales (see Section 4) run from the date the complaint is first received by the school, regardless of how or to whom it was made.

Where a complaint is made by a third party on behalf of a data subject, the school will verify that the third party is authorised to act on the individual's behalf before investigating the complaint.

Where a complaint is made by, or on behalf of, a pupil, the school will consider whether the pupil has sufficient understanding to exercise their own data protection rights, and will ensure that any communication with the pupil is provided in clear, age-appropriate language.

4. Acknowledging the Complaint

The school will acknowledge receipt of a data protection complaint within 30 days of it being received by the school. A separate acknowledgement is not required where the school has both investigated and provided a substantive response to the complaint within that 30-day period.

5. Investigating and Responding

The school will investigate the complaint and take appropriate steps to respond without undue delay. What constitutes undue delay will depend on the complexity of the complaint and the level of risk or harm involved. Where the scope of the complaint or the outcome sought is unclear, the DPO will seek to clarify this with the complainant at an early stage.

The school will keep the complainant informed of progress where the investigation is ongoing, including an explanation of any delay, rather than providing a detailed account of every investigative step.

6. Outcome

The school will inform the complainant of the outcome of their complaint in plain, accessible language. Where the complainant remains dissatisfied, or where this procedure has been exhausted, they will be informed of their right to refer the matter to the Information Commissioner's Office (ICO).

Information Commissioner's Office — Contact Details

Website: ico.org.uk/make-a-complaint

Telephone: 0303 123 1113

Post: Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

7. Recording Complaints

The DPO will maintain a record of all data protection complaints received by the school, including the date of receipt, the date of acknowledgement, the nature of the complaint, the actions taken, the outcome, and any relevant correspondence. This record supports the school's accountability obligations under the UK GDPR and will be reviewed periodically by the DPO.

8. Review

This procedure will be reviewed at least annually by the DPO, and approved by the Headteacher and Board of Governors. It will also be reviewed following any significant change to legislation or ICO guidance relating to data protection complaints.

This procedure supports the school's Data Protection Policy and should be read alongside it.