

# Data Protection Complaints Policy

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| Definitions            |                                                                                                                                                                                           |
|------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                        |                                                                                                                                                                                           |
| Legal duty             | When processing data is necessary for compliance with a legal obligation the Council is responsible for (Article 6(1)(c) of UK GDPR)                                                      |
| Lawful basis           | The reason for processing the data as set out in the UK GDPR (Article 6)                                                                                                                  |
| Subject Access Request | Request made by an individual to receive a copy of their personal data, and other supplementary informal, held by the Council in accordance with the UK GDPR and Data Protection Act 2018 |
| Personal data          | Information relating to an identified or identifiable individual                                                                                                                          |
| We/the local authority | St Albans City and District Council, usually acting through its officers                                                                                                                  |
| This Policy            | The Data Protection Complaints Policy                                                                                                                                                     |
| You                    | The complainant, or person making a complaint                                                                                                                                             |

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## Introduction

This Policy explains how St Albans City and District Council handles data protection complaints; that is complaints about how we collect, use, store, or share your personal data. It also explains how the Electoral Registration Officer and the Returning Officer for St Albans City and District Council handles data protection complaints.

We are required by s164A of the [Data Protection Act 2018](#), as amended by the Data (Use and Access) Act 2025 (DUUA), to have a formal procedure for handling data protection complaints.

This Policy will take effect on 19<sup>th</sup> June 2026, and it will be reviewed annually by the Data Protection Officer. As it is a statutory requirement to have this Policy, a report will be presented annually to the Audit & Governance Committee, so that there is strategic oversight.

## What is a data protection complaint?

A data protection complaint occurs when you consider the Council has not handled your personal data correctly, or you consider we have not responded to a subject access request correctly. It can also occur when you consider there has been a data breach, and we have not handled that correctly. You do not have to use the words 'data protection complaint' for us to treat your concern as one.

Examples include:

- Using your personal data without a lawful basis.
- Sharing your data without authority or in breach of confidentiality.
- Retaining your data for longer than necessary.
- Failing to respond to a Subject Access Request within the required timeframe, or in another non-compliant way.
- Failing to correct inaccurate personal data when asked to do so.
- Failing to delete personal data when there is a legal duty to do so.
- Handling your data in a way that has caused you distress.

## What falls outside the remit of a data protection complaint?

Some matters fall outside this Policy:

- Corporate Complaints (Complaints about how we deliver our services or carry out our functions)
- Standards Complaints (Complaints made against District or Parish Councillors)
- Freedom of Information (FOI) or Environmental Information (EIR) requests

We have a [Corporate Complaints Policy](#) which deals with complaints about the way we deliver our services and carry out our functions. We also have a [Standards Complaints Procedure: Arrangements for dealing with allegations of misconduct by Councillors under the Localism Act 2011](#).

We deal with FOI and EIR requests under our **FOI Policy** and **EIR Policy** which can be found on [our website](#). We offer an **Internal Review** (which is the name given to a complaint about our response) for both types of information request and details can be found [here](#) in our **Internal Review Procedure**.

## **Time limit for making a complaint**

We will accept a data protection complaint made within 12 months of the event occurring, or of you becoming aware of it.

We will consider exercising discretion to accept complaints made outside this period where the Data Protection Officer or their representative considers that there is a good reason for the delay.

If we decide not to accept a complaint, we will explain why we are not accepting the complaint, and we will remind you of your right to complain to the Information Commissioner's Office.

## **How to make a data protection complaint?**

You can raise a data protection complaint directly by email [GDPR@stalbans.gov.uk](mailto:GDPR@stalbans.gov.uk) to the Data Protection Officer.

You can also write by post to the Data Protection Officer at St Albans City and District Council, Civic Centre, St Peter's Street, St Albans, AL1 3JE.

All complaints are handled confidentially by the Data Protection Officer or someone they nominate to deal with the complaint. We cannot investigate anonymous complaints as we need to be able to communicate the outcome to you.

If you are making a complaint on someone else's behaviour you will need to provide authority in writing from them for us to share any information with you.

## **How we deal with your complaint – Our review**

### **What to include**

When you make a data protection complaint, we will expect you to tell us what it is about, what you consider was wrong in the way we handled the data, and what outcome you are looking for.

### **Acknowledgement**

We will always aim to respond as quickly as possible, and in any event, within the timeframes set out below. In exceptional circumstances where we cannot meet these timescales, we will contact you, explain why we cannot meet the timescale and provide a revised timescale.

The Data (Use and Access) Act 2025 requires that complaints are acknowledged within 30 days. Our aim is to acknowledge all complaints within 5 working days of receipt.

## **How we respond to a data protection complaint**

When we respond, we will:

- Address all the specific concerns you have raised.
- Where applicable, explain what personal data we hold and how it has been used, including the lawful basis.
- Give a clear decision as to whether we have upheld, partially upheld, or not upheld the complaint.

- Where we have upheld your complaint, we will explain what steps we are taking to address the things that we did wrong.
- Tell you what to do next if you are not satisfied with the outcome.
- Where applicable, we will tell you what we propose to do in terms of a remedy for you. We will consider the impact on you and reflect that in the remedy we offer. If a proposed remedy cannot be delivered, we will tell you why, offer any available alternative, and remind you of your right to complain to the ICO.

Under the DUUA, we are required to investigate your complaint 'without undue delay'. We will provide a response within **one month** of receipt of your complaint, or sooner if possible. In exceptional cases it may take longer and we will explain this to you.

## **The Information Commissioner's Office (ICO)**

We hope we can resolve your concern through our internal process.

Under the DUUA, the Information Commissioner's Office will generally expect you to complete the Council's internal complaints process before it will investigate.

If you remain dissatisfied after we have dealt with your complaint, you have the right to complain to the ICO:

Website: <https://ico.org.uk/make-a-complaint/>

Telephone: 0303 123 1113

By Post: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

## **Review**

We will review this Policy annually or sooner if any changes necessitate it.