

Data Protection Complaints Procedure

Version: 1.0

Where does this Procedure sit?

The Data Protection Complaints Procedure is part of Coventry City Council's Data Protection Governance Framework.

Where a customer's behaviour during a data protection complaint is unreasonable or aggressive, the following will also apply:

[Unreasonable or vexatious complainants' policy](#)

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1. Introduction

This procedure explains how Coventry City Council provides a clear, fair and accessible process for individuals to raise concerns about how their personal data has been handled. It reflects statutory obligations introduced by the UK Data (Use and Access) Act 2025 (DUAA), which amends [Data Protection Act 2018](#) at S164A and requires all organisations to operate an internal data protection complaints process. Complaints must be handled internally before they can be escalated to the Information Commissioner's Office (ICO).

Upon receipt of a Data Protection Complaint, Coventry City Council will send an acknowledgement to the complainant within 5 working days and conduct an investigation into the complaint. The Council will take appropriate steps to respond to the complaint and inform the complainant of the outcome without undue delay. The complainant will be kept informed about progress on the complaint where an outcome cannot be swiftly determined.

Where the complainant is dissatisfied following the outcome response provided by Coventry City Council, they may raise the complaint with the ICO.

An individual may make a complaint to the Council if they consider that there is an infringement of the UK GDPR or part 3 Data Protection Act 2018. This includes the following:

- The handling of data subjects' rights requests
- Unauthorised or unlawful use, sharing, retention or collection of personal data of the individual
- Concerns about data security or breaches affecting an individual's information

What is out of scope:

- General service specific complaints which are not relating to personal data
- FOI or Environmental Information Regulations (EIR) issues. The Council has an existing process to request internal review upon receipt of a response of an FOI or EIR request which is communicated at the time of responding to requesters.

The full details of the Data Protection Complaints Procedure are contained in the following pages.

2. Procedure

2.1 Purpose

The purpose of this procedure is to establish Coventry City Council's governance framework for receiving, assessing, managing and responding to data protection complaints. It ensures complaints are handled in a manner that is impartial, timely, accessible, and compliant with data protection legislation.

2.2 Scope

This procedure applies Council wide to all services, staff, contractors and third-party processors who process personal data on behalf of Coventry City Council.

2.3 Principles

- **Accessibility:** Clear and visible routes for complaints, including email, post and online forms.
- **Timeliness:** Acknowledgement within 5 working days and outcomes provided without undue delay.
- **Fairness:** Impartial assessment of the issues and appropriate enquiries proportional to risk.
- **Transparency:** Clear explanation of findings and actions.
- **Learning:** Complaints inform improvements to data protection practices.

2.4. What Individuals Can Complain About

Complaints may be made about:

- the handling of a data subject rights request,
- suspected unlawful processing, sharing, retention or collection of personal data,
- data security concerns or personal data breaches.

2.5 Out of scope

Complaints that fall outside the data protection framework include:

- general service complaints,
- FOI or EIR matters,
- issues unrelated to personal data.
These will be directed to the appropriate procedure.

2.6 Other reasons a complaint may not be accepted

- the complaint is manifestly unfounded or excessive,

- duplication of an existing complaint,
- the complaint is made more than three years after the individual became aware of the issue (statute of limitations),
- no valid authority is provided when a representative acts on behalf of a data subject,
- the Council is asked to access a third-party online portal to respond (this is not accepted).

2.7 Time Limits

Individuals are encouraged to raise their complaint as soon as possible after becoming aware of issues, and within 6 months. Complaints submitted after 6 months will be considered only where it is reasonable to do so. This is because evidence and records may be harder to obtain over time.

The Data Protection team has discretion to investigate complaints relating to events older than 6 months where appropriate.

Older matters may be considered where for example:

- There is ongoing risk of harm,
- There are safeguarding concerns,
- There is evidence of systematic failure,
- Relevant records or evidence remain available (e.g., in case management systems, even where mailbox retention periods have expired).

This ensures that serious concerns are not excluded solely because of the passage of time.

2.8 Complaints Made on Behalf of Another Person

Complaints may only be made about the data subject's own personal data unless valid legal authority is provided, including:

- Lasting power of attorney,
- Court Order,
- Parental responsibility,
- Signed consent or written authority to act.

The Council will not access complaints submitted to it via a third party or that requires it to click on a link.

2.9 Escalation to the ICO

Following full investigation by Coventry City Council, the Council's response is final. If the complainant remains dissatisfied, after receiving the full and complete response they have the right to contact the ICO.

3. Risks

3.1 Failure to comply with this procedure may result in:

- Non-compliance with statutory requirements (DUAA 2025, UK GDPR, DPA 2018),
- Regulatory action by the ICO,
- Reputational and financial harm,
- Reduced public trust.

4. Definitions

- **Data Subject** – The Data Subject is the living individual to whom the data belongs.
- **Personal data** - Personal data means any information relating to an identifiable person who can be directly or indirectly identified from it. This can include an IP address or other online identifier as well as the more obvious name, address etc. More information about what constitutes personal data can be found on the ICO website - [What is personal data? | ICO](#)
- **Information Commissioner's Office** - (ICO) is the independent regulatory office governing data protection in the UK.
- **Data (Use and Access) Act 2025** – (DUUA 2025) this act builds upon the UK GDPR and introduces adjustments to modernise data governance.
- **Data Protection Act 2018 (DPA 2018)** – sets out rules for how personal data must be processed, including individuals' rights and organisations' obligations
- **Data Protection Complaint** - A concern raised by an individual about how the Council has processed, shared, retained or secured their personal data, or how a data subject rights request was handled.
- **UK General Data Protection Regulation (UK GDPR)** – data protection legislation that governs how personal information is used by organisations.

5. Data Protection Complaint Handling Procedure

Purpose:

To provide a clear, step-by-step operational workflow for staff managing data protection complaints.

Applies to:

Data Protection Team and any service area required to assist with an investigation following a complaint

1. How Complaints Are Received

Complaints may be submitted via:

- **Email:** dpoteam@coventry.gov.uk
- **Post:** Data Protection Officer, Coventry City Council, PO Box 7097, Coventry, CV6 9SL
- **Online:** Council complaints form
- **Assisted routes:** [Customer Service Centre](#) support or reasonable adjustments on request

A complaint must include:

- description of events,
- relevant dates,
- personal data involved,
- any supporting evidence,
- reference numbers (if known),
- any outcome requested by the complainant.

2. Complaint Handling Steps

Step 1 — Receipt and Logging

- Complaint received by Data Protection Team.
- Logged and assigned a unique reference number.

Step 2 — Acknowledgement

- Acknowledgement shall be issued within 5 working days.
- Request further information if clarification is needed.

Step 3 — Triage and Risk Assessment

- Confirm whether the complaint is in scope.
- Assess potential harm, sensitivity and risk.
- Determine whether safeguarding or data breach procedures must run in parallel.
- Identify responsible services/teams.

Step 4 — Enquiries and Investigation

- Gather evidence from relevant services and other sources.
- Review evidence.
- Assess compliance with UK GDPR, DPA 2018 and DUAA 2025.
- Document findings clearly and objectively.

Step 5 — Progress Updates (where complex)

- Provide updates at reasonable intervals for investigations which cannot be concluded swiftly.

Step 6 — Outcome

Issue a written outcome including:

- decision and reasons,
- findings of fact,
- any corrective or preventative actions taken or planned,
- whether the complaint is upheld, partially upheld, or not upheld,
- information about escalation to the ICO.

Step 7 — Closure and Learning

- Case formally closed.
- Review for lessons learned.
- Escalate themes or risks to Information Management Security Group (IMSG) as appropriate.

2. Complaints Outside of Scope

If the complaint relates to:

- service dissatisfaction
- FOI/EIR issues
- issues not involving personal data

A redirection will be made to the relevant Council process, where appropriate, explaining why it falls outside the data protection complaints procedure

Decisions made in relation to out of scope complaints shall be final.

3. Third-Party Representatives

Before processing a complaint made on behalf of another person we shall:

- verify valid, written authority or legal power,
- record evidence of authority.

4. Time Limits

- Complaints should normally be submitted within 12 months.
- Late complaints may be considered where reasonable.

5. Record Keeping

The Data Protection Team must maintain records of:

- all complaints received,
- assessment, investigation and decision-making,
- correspondence and outcomes,
- learning actions.

Retention follows the [Retention and Disposal](#) schedule.

6.Relevant Legislation

[UK General Data Protection Regulation](#)

[\(UKGDPR\) Data Protection Act 2018 \(DPA 2018\)](#)

[Data \(Use And Access\) Act 2025](#)

7.Further Information

[ICO – Data Protection Framework](#)

[Data Protection Policy](#)

[Subject Access Request](#)

[Compliments, Comments and Complaints](#)

[Unreasonable or vexatious](#)

[Complainants Policy](#)

[Privacy Notice](#)

For further information please email dpoteam@coventry.gov.uk

8.Version Awareness:

Please note that documents printed or downloaded are uncontrolled documents and therefore may not be the latest version.

Title:	Data Protection Complaints Procedure
Description:	Outlines how individuals can raise concerns or complaints about the Councils handling of personal data, and sets out the process for managing, responding to, and resolving such complaints.
Author:	Gemma Harris
Scope:	Applies to all staff, contractors, and services responsible for processing personal data on behalf of the organisation. Covers all data protection related complaints received from data subjects or their representatives.
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Document History			
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1	18/05/2026	Gemma Harris	Creation of the Data Protection Complaints Procedure pursuant to DUAA 2025/ S164a DPA 2018 requirements