PENDLE COMMUNITY HIGH SCHOOL & COLLEGE
DATA PROTECTION COMPLAINTS POLICY

INTRODUCTION

1. This is the Data Protection Complaints Policy of Pendle Community High School & College ("the school & college" / "PCHS&C" / "we" / "us").

2. We are committed to processing Personal Information fairly and lawfully in accordance with the UK General Data Protection Regulation ("UK GDPR"), the Data Protection Act 2018 ("DPA") and other applicable data protection legislation.

3. We recognise that individuals have the right to raise concerns about how their Personal Information is handled. This Policy explains how complaints relating to data protection matters can be made and how they will be managed by PCHS&C as Data Controller.

4. This Policy applies to all individuals whose Personal Information is processed by PCHS&C, including pupils, parents and carers, staff, governors, volunteers, contractors and other individuals.

5. This Policy applies to complaints relating to the processing of Personal Information by PCHS&C and does not replace PCHS&C's general complaints procedure.

6. This Policy should be read alongside PCHS&C's Data Protection Policy and Privacy Notices.

7. The Policy will be reviewed and updated in accordance with documented review dates, although PCHS&C reserves the right to amend this Policy at any time where necessary due to legislative changes, regulatory guidance or operational requirements.

DEFINITIONS

8. In this Policy:

    8.1. **Data Subject**: Means an identified or identifiable individual whose Personal Information is processed by PCHS&C.
    8.2. **Personal Information**: Means any information relating to an identified or identifiable individual.
    8.3. **Data Controller**: Means the organisation that determines the purposes and means of processing Personal Information. The School is the Data Controller.
    8.4. **Data Protection Officer ("DPO")**: Means the individual or organisation appointed by PCHS&C to provide independent advice and support regarding data protection compliance.

MAKING A COMPLAINT

9. Under section 164A of the Data Protection Act 2018, individuals have the right to make a complaint if they believe that PCHS&C has not complied with data protection legislation when processing their Personal Information.

10. Complaints may relate to matters including:

    10.1. inaccurate or incomplete Personal Information;
    10.2. inappropriate disclosure or sharing of Personal Information;

10.3. failure to respond appropriately to a data protection rights request;
10.4. excessive retention of Personal Information;
10.5. concerns regarding the security of Personal Information; or
10.6. any other alleged breach of data protection legislation.

11. PCHS&C will take reasonable steps to make it easy for individuals to raise concerns. Complaints may be submitted:

    11.1. using PCHS&C Data Protection Complaint Form;
    11.2. by email;
    11.3. by post;
    11.4. by telephone; or
    11.5. in person.

12. PCHS&C will make a Data Protection Complaint Form available via this policy (*Appendix A*). Alternative formats of the complaint form will be made available upon request where reasonably required.

13. Individuals should provide sufficient information to enable PCHS&C to understand and investigate the complaint. Where necessary, further information may be requested.

14. Where a complaint is submitted on behalf of another individual, PCHS&C may request evidence of authority to act on that person's behalf.

ACKNOWLEDGING COMPLAINTS

15. PCHS&C will acknowledge receipt of a complaint within 30 days beginning on the day after the complaint is received. Where the final day of the acknowledgement period falls on a weekend or public holiday, the acknowledgement may be provided on the next working day.

16. The acknowledgement will normally:

    16.1. confirm receipt of the complaint;
    16.2. explain the next steps in the process; and
    16.3. provide details of who is managing the complaint.

INVESTIGATING COMPLAINTS

17. PCHS&C is responsible for investigating complaints made under this Policy.

18. Complaints will be investigated by an appropriate member of staff. Advice will be sought from the DPO where necessary.

19. PCHS&C will make appropriate enquiries into the subject matter of the complaint and take reasonable steps to investigate the concerns raised. This may include:

    19.1. reviewing relevant records and documentation;
    19.2. speaking with relevant members of staff;
    19.3. considering any information provided by the complainant; and
    19.4. obtaining advice from the Data Protection Officer.

20. Where necessary, PCHS&C may request proof of identity before progressing a complaint.

21. If a complaint concerns the Personal Information of a child, PCHS&C will take account of the child's age, understanding and any relevant safeguarding considerations.

22. PCHS&C will keep the complainant informed about the progress of their complaint where appropriate, particularly where an investigation is likely to take an extended period of time.

OUTCOME OF COMPLAINTS

23. PCHS&C will respond to complaints and inform the complainant of the outcome without undue delay.

24. Once the investigation has been completed, the complainant will be informed of the outcome.

25. The outcome will normally include:

    25.1. a summary of the complaint;
    25.2. the findings of the investigation;
    25.3. any action taken or proposed by PCHS&C; and
    25.4. information about further options available to the complainant.

26. Where PCHS&C identifies improvements that can be made to its processes, procedures or practices, appropriate action will be taken.

THE ROLE OF THE DATA PROTECTION OFFICER ("DPO")

27. PCHS&C has appointed a Data Protection Officer ("DPO") in accordance with the requirements of the UK GDPR.

28. The DPO provides independent advice and support regarding data protection compliance.

29. The DPO may assist PCHS&C in the handling of complaints but does not replace PCHS&C's responsibilities as Data Controller in responding to a complaint.

30. PCHS&C's appointed DPO is HY Education. The DPO can be contacted by telephone on 0161 543 8884 or by email at DPO@wearehy.com.

COMPLAINTS TO THE INFORMATION COMMISSIONER'S OFFICE

31. Individuals are encouraged to raise concerns with PCHS&C in the first instance so that they can be investigated and resolved where possible.

32. Individuals also have the right to complain to the Information Commissioner's Office ("ICO") if they believe their Personal Information has been handled unlawfully or if they are dissatisfied with the outcome of their complaint.

33. Information about the ICO's complaints process can be found at: www.ico.org.uk

RECORD KEEPING

34. PCHS&C will maintain appropriate records of complaints received, investigations undertaken and outcomes reached.

35. Records will be retained in accordance with PCHS&C's records retention arrangements.

REVIEW OF THIS POLICY

36. This Policy will be reviewed annually or sooner where required by changes in legislation, regulatory guidance or operational requirements.

37. PCHS&C reserves the right to amend this Policy at any time and notification of any changes will be communicated accordingly.

Policy owner:	School Business Manager
Approved by:	Senior Leadership Team / Governors
Review frequency:	Annually
Next Review Date:	October 2027

PENDLE COMMUNITY HIGH SCHOOL & COLLEGE
DATA PROTECTION COMPLAINTS POLICY – APPENDIX A
DATA PROTECTION COMPLAINTS FORM

Full name	
Address	
Telephone number	
Email address	
Preferred method of contact	
Who is the complaint about?	☐ My own personal information ☐ My child's personal information ☐ Someone else's personal information
	Name of individual: Relationship to individual:
Details of your complaint: Please tell us what has happened and why you are concerned	
When approximately did the issue occur?	
What would you like us to look into?	☐ Accuracy of personal information ☐ Sharing or disclosure of personal information ☐ Failure to respond to a rights request ☐ Security or confidentiality of personal information ☐ Use of personal information ☐ Retention of personal information ☐ Other ☐ Unsure
Supporting information Please list any documents you have attached	
Declaration I confirm that the information provided in this form is accurate to the best of my knowledge.	Name: Signature:
Date	

WHAT HAPPENS NEXT?

- The School / Trust will acknowledge receipt of your complaint within 30 days;
- Investigate the matters raised;
- Keep you informed about progress where appropriate; and
- Inform you of the outcome without undue delay.