

Data Protection Complaints Procedure

1. Introduction

1.1 Rushmoor Borough Council (the Council) is a data controller as defined by the UK General Data Protection Regulation (UK GDPR). The Data Use and Access Act (2025) (DUAA) introduces a requirement for data controllers to put in place a complaint handling process ensuring that data subjects are able to lodge complaints directly with the controller.

For info: a 'data controller' is the organisation (usually) which determines the purposes and means of the 'processing' (use) of personal data.

1.2 This procedure sets out the actions that the Council will take to meet its obligations under the DUAA when responding to complaints relating to personal data subject rights or how the Council is processing personal data.

1.3 Data protection complaints are not handled under the corporate complaints process [Making a complaint - Rushmoor Borough Council](#).

2. Complaints covered by this procedure

If someone considers that the Council has infringed data protection legislation because of the way the Council has handled their personal information (or the personal information of someone they're acting on behalf of), they can submit a complaint to us about the following areas listed under points 2.1, 2.2 and 2.3 below.

As the ICO (the data protection regulator) makes clear in its guidance about the complainants - in order to complain, they don't have to use legal terms or quote sections of the legislation.

2.1 Failure to comply with data subject rights requests under UK GDPR:

- Article 13 and 14 – the right to be informed
- Article 15 – the right of access
- Article 16 – the right to rectification
- Article 17 – the right to erasure - 'the right to be forgotten'
- Article 18 – the right to restriction of processing
- Article 19 – notification obligations regarding Article 17 and Article 18 requests
- Article 20 – the right to data portability
- Article 21 – the right to object
- Article 22 – rights in relation to automated decision making and profiling

For info - a brief description of each of the above rights (other than the 'Article 19' one referenced) is provided on www.ico.org.uk under the heading of '*A guide to individual rights*'.

2.2 Complaints about non-compliance of the data protection principles set out in the UK GDPR:

- Lawfulness, fairness and transparency
- Purpose limitation
- Data minimisation
- Accuracy
- Storage limitation
- Integrity and confidentiality (security)
- Accountability

2.3 Complaints relating to the adequacy of the Council's information security measures, including where an individual has been affected by a personal data breach, irrespective of whether the breach meets the threshold for reporting to the ICO.

2.4 However, the ICO in its guidance has clarified that *“sometimes people may complain about your service or other matters, whilst also exercising their data protection rights. This doesn't count as a data protection complaint. For example:*

- *An employee may raise a grievance issue, and also request copies of their personal information; or*
- *A person may complain about a customer service issue, and also request that you delete their information”.*

3. Making a complaint

3.1 Complaints should be addressed to the Data Protection Officer and made in writing via email at data.protection@rushmoor.gov.uk or by sending to:

Legal Services
Council Offices
Farnborough Road, Farnborough
GU14 7JU

3.2 Complaints made in person or via telephone should be transcribed by the officer. In cases where a complaint is made verbally, the Council may contact the complainant to discuss and confirm the issues being raised, to ensure the scope of the complaint is clearly understood before the investigation begins.

3.3 Any - council officer receiving a complaint about data protection matters covered by this procedure should pass this to data.protection@rushmoor.gov.uk without delay.

4. Handling complaints

4.1 The Data Protection Team will log and acknowledge complaints, seeking ID and confirmation of authority to act where appropriate.

4.2 Complaints will be acknowledged within 30 days of receipt in accordance with the requirements of the legislation. The 30 days start the day after the Council receives the complaint. It doesn't matter if this day falls on a weekend or a public holiday. The

30 days still start on this day. If the last day to acknowledge the complaint falls on a weekend or public holiday, the Council has until the next working day to provide an acknowledgement.

4.3 If the Council is able to investigate the complaint and provide an outcome within 30 days, the Council is not required to provide an acknowledgement and outcome separately.

4.4 The Council will aim to provide a response to a complaint without undue delay and, in any event, within one calendar month of acknowledging the complaint, subject to the exception set out in section 4.5.

4.5 The Council will consider the specific circumstances of each complaint and will not apply the one-calendar-month timeframe as a rigid or blanket approach. The time required to investigate a complaint may be affected by factors including, but not limited to:

- the complexity of the issues raised;
- the scope and scale of the complaint (for example, whether it relates to a single recent issue or multiple issues occurring over a longer period);
- the level of harm or detriment the complainant is experiencing as a result of the unresolved issue; and
- any other factors that may reasonably affect the duration of the Council's investigation.

Where an investigation is expected to take longer than one calendar month, the Council will keep the complainant informed of the progress of the investigation without undue delay and will provide updates on the anticipated timescale for completion.

4.6 The Council's obligation to investigate begins when a complaint is received, not after the 30-day acknowledgement period.

4.7 The Data Protection Officer will investigate the complaint by making appropriate enquiries into the subject matter of the complaint. The Council's services are required to provide appropriate information and support where requested.

5. Response

5.1 When the investigation is completed, a response will be provided to the individual. The ICO advises here *"You should clearly explain what you've done to resolve their data protection complaint and, where appropriate, any actions you've taken as a result. If you think that you've complied with data protection law, explain this in detail to the complainant. Provide enough information to help the complainant understand how you've reached your conclusion. It can be useful to itemise the complaint areas in a bullet point list, responding to each point and providing appropriate evidence, where possible"*.

The response will include information about any further actions open to them if they remain dissatisfied such as escalating a complaint to the Information Commissioner via the Information Commissioner's Office website at: <https://ico.org.uk/make-a-complaint/>.

Alternatively, the Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

5.2 A log of complaints will be maintained by the Data Protection Team which will include records of the date the Council received the data protection complaint; the Council's acknowledgement; the outcome of the complaint; and any actions the Council takes as a result of the investigation.

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