

# Data protection complaints procedure

Demonstrating Good Information Governance

June 2026



## Data Protection Complaints Procedure

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Owner: Data Protection Officer

### 1. Purpose

This procedure sets out how the Council manages complaints relating to the handling of personal data. It ensures individuals understand how to raise concerns, how their complaint will be investigated, and what rights they have under data protection legislation.

### 2. Scope

This procedure applies to:

- All complaints about the Council's processing of personal data
- Concerns about compliance with the UK GDPR and Data Protection Act 2018
- Complaints about the Council's responses to data subject rights requests

It does **not** cover:

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

Other reasons a complaint may not be accepted

- the complaint is manifestly unfounded or excessive,
- duplication of an existing complaint,
- the matter occurred 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).

The organisations accept complaints at any time. However, individuals are encouraged to raise their complaint within 12 months of becoming aware of the issues. Complaints submitted after 12 months may still be considered where it is reasonable to do so. This reflects that evidence and records may be harder to obtain over time. The Data

Protection team has discretion to investigate complaints relating to events older than 12 months where appropriate. Older matters may be considered where from 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

### 3. What is a Data Protection Complaint?

A data protection complaint is any expression of dissatisfaction about how the Council has collected, used, shared, stored, or otherwise processed personal data. Examples include:

- Belief that data has been used unfairly or unlawfully
- Concerns about accuracy or security of personal data
- Dissatisfaction with how a subject access request or other rights request was handled
- Concerns about data sharing or disclosure
- Data security concerns or personal data breaches.

### 4. 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,
- Signed consent or written authority to act.

### 5. How to Make a Complaint

Individuals can submit a complaint by:

**Email:** [Complaints@folkestone-hythe.gov.uk](mailto:Complaints@folkestone-hythe.gov.uk)

**Post:**

complaint Team  
Folkestone & Hythe District Council  
Civic Centre

Castle Hill Avenue  
Folkestone  
Kent  
CT20 2QY

***Complainants should provide:***

- ***Their name and contact details***
- ***Details of the issue, including dates and services involved***
- ***Any evidence or correspondence relevant to the complaint***
- ***The outcome they are seeking***

## **6. How the Council Handles Complaints**

### **6.1 Acknowledgement**

The Council will acknowledge receipt of the complaint within **5 working days**.

### **6.2 Investigation**

The complaint will be investigated by the Information Governance Team, with support from the relevant service area where required. The investigation may include:

- Reviewing records and correspondence
- Speaking with staff involved
- Assessing compliance with data protection legislation

### **6.3 Response**

The Council aims to provide a full written response within **one calendar month**. If the complaint is complex or requires more time, the Council may extend this by a further **two months**, and will inform the complainant before the original deadline.

### **6.4 Outcomes**

Possible outcomes include:

- Explanation or clarification
- Correction or deletion of personal data
- Apology
- Changes to processes or staff training
- Confirmation that the Council acted appropriately

## 7. Escalation

If the complainant is dissatisfied with the Council's response, they may request an internal review. This will be carried out by a senior officer not previously involved.

If they remain dissatisfied after the internal review, they may raise the matter with the **Information Commissioner's Office (ICO)**. The Council will provide details of how to contact the ICO in its response.

## 8. Record-Keeping

The Council will maintain a log of all data protection complaints, including:

- Nature of the complaint
- Actions taken
- Outcome
- Lessons learned

Records will be retained in accordance with the Council's retention schedule.

## 9. Confidentiality

All complaints will be handled confidentially. Information will only be shared with staff who need it to investigate and respond to the complaint.

## 10. Monitoring and Review

The Information Governance Team will monitor complaint trends and report findings to senior management, and in the council's Annual Information Governance Report.

This procedure will be reviewed **every two years**, or sooner if required by changes in legislation or ICO guidance.