

Data Protection Complaints Policy and Procedure

1. Introduction

Leicestershire County Council is committed to handling personal information lawfully, fairly, securely and transparently. Where an individual has concerns about how their personal data has been used, shared, retained or otherwise processed, they have the right to raise a complaint through a clear and accessible process. We have separate complaint processes for Adult Social Care, Children and Family Services and Corporate Complaints. Where possible, we will adhere to the same timescales and process as our [Corporate Complaints Policy](#). This document will cover any differences.

This policy reflects current legal requirements, including changes introduced by the Data (Use and Access) Act 2025 (DUAA), and the Data Protection Act 2018, which places greater emphasis on accountability, transparency, and effective internal complaint handling processes.

2. Policy Details

2.1 Purpose

The purpose of this policy is to set out Leicestershire County Council's arrangements for receiving, assessing, investigating, managing and responding to data protection complaints. This will ensure complaints are handled in a manner that is accessible, impartial, timely, and compliant with data protection legislation.

2.2 Scope

This policy applies to complaints made by any person who believes the Council has mishandled personal information relating to them or someone they are authorised to act for.

2.3 What individuals can complain about

Data protection complaints can be made about:

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

2.4 Out of scope

Complaints that fall outside this policy include:

- general service complaints unrelated to personal data, although where a data protection complaint is included with other areas of complaint, we will deal with it in line with this policy.
- general service complaints containing an information rights request,
- Freedom of Information Act 2000 and Environmental Information Regulations 2004 issues.

2.5 Verifying Identity

Where necessary, the Council may require reasonable evidence of identity before progressing a complaint.

This may include:

- photographic identification (passport or driving licence);
- proof of address dated within the last three months; or
- other reasonable evidence appropriate to the circumstances.

2.6 Data protection complaints made on behalf of another person

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

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

2.7 Data protection complaints from children

Children may make complaints where they are considered competent to understand the nature of the complaint and the use of their personal data.

Where a child lacks competence, an individual with parental responsibility or legal authority may act on their behalf.

The Council will always consider the child's best interests and applicable safeguarding duties.

3. Complaint Process

3.1 How complaints are raised

Complaints can be submitted via:

- Online complaints form: leicestershire.gov.uk/compliments-and-complaints
- By letter
- By email
- By telephone
- On the Council's complaints leaflet (available on request)

A complainant does not need to cite legislation or use legal terminology.

3.2 Stage 1

The relevant service area responsible will usually investigate factual matters initially in line with our Corporate Complaint Procedure. The Information Governance Team will have oversight or may respond directly depending on the nature of the complaint and if it is not linked to a particular service area. Each response will follow the format of the template letter included by the Complaints team.

3.3 Stage 2 – Review

Where the complainant remains dissatisfied, the complainant may request a review.

The review will be undertaken by the Data Protection Officer or their designate from the Information Governance team. The response at each stage will be sent via the Complaints team and closed by them.

3.4 ICO escalation

Where a complainant remains dissatisfied with a data protection complaint's outcome, they may raise the matter with the Information Commissioner's Office (ICO).

4. Review

This policy will be reviewed annually, or sooner, where legislative, regulatory, or operational changes require.

5. Relevant legislation

This policy can be read alongside:

- UK General Data Protection Regulation (UK GDPR)
- Data Protection Act 2018
- Data (Use and Access) Act 2025
- Corporate Complaints Procedure