

Data Protection Complaints Policy

General

1. The University of Reading (“the University”) is required under the General Data Protection Regulation (“the UK GDPR”) and the Data Protection Act (“the DPA”) to ensure that it has an appropriate policy and processes in place for the receipt, handling and responding to complaints relating to data protection.
2. The University is committed to providing a clear, simple, and accessible means for individuals to raise concerns and complaints. The University will take appropriate steps to respond to any complaint and to inform the complainant of the outcome of the complaint without undue delay, and in line with our legal obligations.
3. The University recognises that from time to time problems do arise and that individuals may occasionally wish to express concern or dissatisfaction with the steps that the University has taken (or not taken) in relation to the protection of personal data and the handling of requests made under Data Subject Rights. If any individual is dissatisfied and wishes to explore a formal means of resolving their issue, the University operates this policy.
4. For the purposes of this policy, data protection law is defined as the GDPR, the DPA, the Privacy of Electronic Communications Regulations (“the PECR”) and all applicable personal data protection laws that apply to the University.
5. The University has in place a framework of policies, processes and training to ensure that it meets its data protection obligations. The University also has a dedicated team with responsibility for the management of data protection complaints.
6. Any individual can make a complaint under this policy where they believe their personal data has been handled in a way that infringes data protection law.
7. The University will take appropriate steps to respond to the complaint including making enquiries into the subject matter of the complaint, to the extent appropriate, and informing the complainant about progress on the complaint.
8. Examples of complaints that will be handled under this policy include, but are not limited to:
 - 8.1 Dissatisfaction with the University’s response to requests made under Data Subject Rights
 - 8.2 Concerns regarding the way the University has handled your personal data
 - 8.3 Concerns regarding the security of your personal data
 - 8.4 Any alleged infringement of our data protection obligations affecting your personal data

9. The University will be accountable and will apologise if mistakes have been made or the University has fallen short of its obligations. Where necessary, action will be taken to ensure such mistakes do not happen again. Complaints will be logged and reviewed and where problems are identified, changes to practice will be made.
10. Where a breach of data protection law is identified, the University will take any necessary actions under its Information Security Incident Response Policy.
11. Complaints will be handled sensitively and, where possible, confidentially. More information about this is set out at Appendix A to this policy.
12. Where any complaint involves a specific person, it may be necessary to inform the individuals named in a complaint of who made the complaint in order to investigate and to ensure that they have a proper opportunity to respond.
13. All complaints which are made in good faith (which are not vexatious, frivolous or unmeritorious) will be taken seriously and investigated. Individuals who raise complaints in good faith will never be disadvantaged or treated less favourably, regardless of the outcome.
14. The University will make appropriate adjustments to ensure that complainants with protected characteristics under the Equality Act 2010 are not treated less favourably. More information about this is set out at Appendix B of this policy.
15. If the University decides that a complaint is vexatious, frivolous or unmeritorious, it may terminate consideration of the complaint at any point. The University regards complaints to be vexatious, frivolous or unmeritorious where in its reasonable view:
 - 15.1 The complaint does not have any serious purpose or value; and/or
 - 15.2 The complaint is designed to cause disruption or annoyance or gives rise to disproportionate inconvenience or expense, including where an individual makes persistent, repeated or serial complaints; and/or
 - 15.3 The complaint has the effect of harassing any of the University's staff or students, or can be fairly characterised as being obsessive or unreasonable; and/or
 - 15.4 It is reasonable to assume that there is no intention for the complaint to be seen as serious or sensible but not to the extent that it can be considered vexatious or malicious.
16. Where the behaviour of the complainant becomes unreasonable and adversely affects the ability of the University or its staff to carry out their duties, the University reserves the right to restrict contact with the complainant and, if a member of the University, invoke its Disciplinary Procedures for Staff or Students. Wherever possible, the University strives to allow the complaint to progress to completion. Examples of unacceptable behaviour might include:

- 16.1 Aggressive or abusive behaviour. This could include the threat or use of physical violence, verbal abuse, or harassment. This is likely to result in the ending of all direct contact with the complainant and could result in a report being submitted to the police.
 - 16.2 Unreasonable demands. This includes instances where a complainant: continues to demand responses being provided within an unreasonable timescale; insists on seeing or speaking to a particular member of staff or individual; makes continual contact; contacts multiple members of staff not involved in dealing with the complaint; or repeatedly changes the substance of the complaint.
 - 16.3 Unreasonable persistence. This could include a persistent refusal to accept a decision made in relation to a complaint; persistent refusal to accept explanations relating to what can or cannot be done about the complaint and continuing to pursue a complaint without presenting any new information.
17. Overall responsibility for this policy sits with the Data Protection Officer.

Complaints regarding a previous response to a Data Subject Rights request

18. The Data Subject Rights under the UK GDPR are the right to be informed; to access; erasure; to object; to rectify; to restrict; to data portability, and those related to automated decision making. Requests made under Data Subject Rights are ordinarily assigned a reference number with the format IMPS#01234_d.
19. Where a complaint relates to a response to a request made under Data Subject Rights this will be handled as a request for an Internal Review of the initial response.
20. The University encourages those that are unhappy with the initial response to a Data Subject Right request to raise their complaint as soon as possible and within 90 calendar days. Significant delay in raising a complaint may hinder the ability to investigate the matter fully.
21. The complainant should email imps@reading.ac.uk in the first instance and quote the relevant reference number.
22. If the complaint cannot be resolved by a member of the Information Management and Policy Services team, or where it is deemed appropriate, the matter will be referred to a secondary internal reviewer within the Legal Services department.

Group complaints

23. If a number of complainants wish to submit a group complaint, they will be required to nominate one member to act as a spokesperson and to lead any communication with the University under this policy. The email must be sent by that nominated member and a document attached containing the names, details and signatures of the other members who wish to be parties to that complaint.

24. The University will not accept an individual complaint about any linked matter where the complainant is already a party to the group complaint.
25. The University will only accept a complaint as a group complaint where the individuals are affected by the same issue (s) and where there are common characteristics or similarities in the subject matter of the complaints.
26. In circumstances where the University receives multiple complaints from individuals affected by the same issue(s) and where there are common characteristics or similarities in the subject matter of the complaints, the University may, at its discretion, combine these complaints and deal with them as a group complaint.

Timeline

27. As required under The DPA, the University will acknowledge receipt of complaint within 30 calendar days of the complaint being received. The University will respond to complaints without undue delay and in any event, will aim to respond within 30 calendar days. If this is not possible, for example, where the complaint is deemed very complex, the University will notify the complainant within 30 calendar days, and a revised timescale will be provided.

Complaints process

28. The complainant should contact the University Information Management and Policy Services team in the first instance. We would encourage complainants to submit complaints in writing via email to imps@reading.ac.uk. Complaints can also be received verbally or via post. Further information on alternative means of contact can be found at: <https://www.reading.ac.uk/imps/contact-us>
29. When submitting a complaint, the complainant should:
 - 29.1 Provide their contact details and, if applicable, relationship to the University;
 - 29.2 If applicable, provide the related Data Subject Rights request reference number;
 - 29.3 Provide specific details of when and how they believe any data protection infringement occurred;
 - 29.4 State clearly how the complaint relates to the complainants own personal data;
 - 29.5 If known, identify any named individuals they believe are involved in the matter;
 - 29.6 If applicable, advise of the existence of any University complaints, disciplinary, grievance, or other matters currently in progress that relate to the data protection complaint;
 - 29.7 If applicable and appropriate, provide any supporting evidence or documentation; and
 - 29.8 State the outcome the complainant is requesting, being clear and realistic.
30. The University will only respond to complaints that pertain to matters directly affecting the personal data of the complainant and will not be in a position to respond to anonymous complaints.
31. General concerns regarding information security or data protection breaches can be submitted via the [Information Security Incident Response](#) procedure and will be handled outside of this policy.

32. Upon submission of the complaint, the Information Management and Policy Services team will acknowledge receipt of the complaint within 30 days.
33. For the avoidance of doubt the Information Management and Policy Services team will process all complaints received under this policy, whether they relate to staff, students, University members or members of the public.
34. The Information Management and Policy Services team will then consider the complaint and determine whether it falls within the scope of this procedure:
 - 34.1 If the complaint falls within the scope of this policy, they will acknowledge the request and provide the complainant with a reference number. Complaints that relate to a prior response to a Data Subject Rights request will retain the initial reference number assigned.
 - 34.2 If the complaint does not relate to data protection concerns and falls entirely within the scope of another University process, the complainant will be informed and asked whether they want their complaint handed over to the correct team:
 - 34.2.1 If they confirm that they do, the Information Management and Policy Services Team will facilitate this.
 - 34.2.2 If the complainant confirms that they do not, the complaint will be closed and not progressed. If the complainant wishes to subsequently resubmit their complaint under the correct process, the complainant will have to do this themselves.
 - 34.3 If the complaint is broad in nature and includes wider issues than alleged infringement of data protection obligations alone, and it reasonably falls into the scope of another University process, the complaint will normally be referred to the process more able to consider the broader issues as well as those relating to data protection. If this decision is made, the complainant will be informed.
35. If the complaint falls within the scope of this policy, the complaint and any supporting evidence/documentation will be considered by the Information Management and Policy Services Team.
36. The Information Management Policy Services team may seek advice from any other relevant part of the University in relation to the complaint.
37. The Information Management and Policy Services team may seek additional clarification/evidence/documentation from the complainant.
38. Where required, the Information Management and Policy Services team may also seek verification of the complainant's identity.

39. If a complaint relates to a legal matter, including threatened legal action, it may notify, or refer for advice to, the University Legal Services Team, and/or its insurers.
40. Following their investigation, the Information Management and Policy Services team will make a decision about the complaint and will then write to the complainant to inform them:
 - 40.1 whether the complaint has been upheld, partially upheld, or not upheld;
 - 40.2 the reasoning behind this decision;
 - 40.3 the action that will be taken because of the decision; and
 - 40.4 the appropriate steps the complainant may take if they are dissatisfied with the decision.

If you are dissatisfied with the outcome of your complaint

41. If the complainant remains dissatisfied with the decision of an Internal Review relating to a Data Subject Rights request, or the response to a data protection complaint, the complainant can then refer their complaint to the Information Commissioner’s Office, the independent body who oversees the access to information regimes via <https://ico.org.uk/make-a-complaint/>

Version control

Version	Section	Keeper	Reviewed	Approving Authority	Approval Date	Start Date	Last Reviewed
1.0		IMPS	After 1 year Every 3 years thereafter	Legal Services	April 26	April 26	April 26

Appendix A

Is the complaints procedure confidential?

1. The University will process all personal information in accordance with its Data Protection Policy.
2. Any complaint raised under this policy and any response will be treated with appropriate confidentiality by all parties at all stages of this policy. This includes those involved in any alleged infringement as well as the individual raising the complaint, those the complaint is about, and the individuals considering the complaint. However, it may be necessary to discuss a complaint with staff, students or other individuals to properly investigate that complaint or implement the outcomes of this policy.
3. Where a complaint relates to the actions of any specific individual (s) there should be no normal expectation that the identity of complainant will be kept confidential and those that are required to provide information or evidence as part of any investigations should understand that evidence provided by them may be provided to the complainant and/or the individual to whom the complaint is about. Exceptionally, the investigator considering the complaint may keep the identity of any party confidential where it is reasonable and necessary to do so.

Appendix B

What support is available to complainants when bringing a complaint?

1. Where a complainant has protected characteristics under the Equality Act 2010, the University can make appropriate adjustments in order to prevent the complainant being treated less favourably. This may include holding meetings by Microsoft Teams, video conference, telephone conferencing, or other appropriate means. Any complainant who may require assistance in making their complaint should discuss their needs with the University and it will then seek to refer the complainant to appropriate support.
2. Any requests for support will be treated sensitively and confidentially by the University.