



ALCESTER TOWN COUNCIL

DATA PROTECTION COMPLAINTS PROCEDURE

Made under section 164A of the Data Protection Act 2018 (as inserted by the Data (Use and Access) Act 2025)

1.0 Introduction and Policy Statement

1.1 Alcester Town Council ("the Council") is a data controller for the purposes of the UK General Data Protection Regulation ("UK GDPR") and the Data Protection Act 2018 ("DPA 2018"). The Council is committed to processing personal data lawfully, fairly and transparently.

1.2 Section 164A of the DPA 2018, inserted by the Data (Use and Access) Act 2025 ("DUAA"), gives individuals a statutory right to complain directly to the Council if they consider that the Council has infringed the UK GDPR in its handling of their personal data. This procedure explains how the Council will handle such complaints.

1.3 This procedure applies in addition to, and does not replace, the Council's general Complaints Procedure. A complaint about the standard of a Council service is dealt with under the general Complaints Procedure; a complaint about how the Council has handled someone's personal data is a data protection complaint and is dealt with under this procedure. Section 10 below explains how the two interact.

1.4 This procedure should be read alongside the Council's Data Protection Policy, which sets out how the Council collects, uses, stores and disposes of personal data, and the Council's obligations as a data controller. Terms such as Data Controller, Data Processor, Data Subject, Personal Data and Processing have the meanings given to them in that Policy. The Council is registered with the Information Commissioner's Office under Register Entry No. ZA847235.

2.0 What is a Data Protection Complaint?

2.1 A data protection complaint is any expression of dissatisfaction, however made, alleging that the Council has failed to comply with the UK GDPR or Part 3 of the DPA 2018 in the way it has collected, used, stored, shared, retained or otherwise processed an individual's personal data. Examples include (this list is not exhaustive):

- concerns about the lawful basis relied on for processing personal data;
- how a subject access request or other individual rights request was handled;
- unauthorised or excessive disclosure of personal data;
- data retained for longer than necessary;

- a lack of transparency about how personal data is used; and
- the security of personal data, including personal data breaches.

2.2 The following are not data protection complaints for the purposes of this procedure, and will instead be handled under the relevant alternative procedure:

- dissatisfaction with the standard, timeliness or cost of a Council service that does not involve an alleged breach of data protection law (see the general Complaints Procedure);
- a complaint about the conduct of a Councillor (referred to the Monitoring Officer at Stratford-on-Avon District Council under the Code of Conduct);
- a complaint by an employee about a colleague or Senior Officer (see the Grievance Procedure); and
- a complaint about an individual employee that is more properly a disciplinary matter (see the Disciplinary Procedure).

2.3 Where a single communication raises both a data protection complaint and another type of complaint or request (for example, a subject access request), the Council will handle each element under the appropriate procedure and will not delay dealing with the data protection element while the other matter is resolved.

3.0 How to Make a Data Protection Complaint

3.1 A data protection complaint may be made in any reasonable way, including by letter, email, telephone or in person. There is no requirement for a complaint to be in writing or to use any particular form of words, although providing as much detail as possible will help the Council to investigate. The Council's main channels are:

The Town Clerk
Alcester Town Council
Globe House
Priory Road
Alcester
B49 5DZ
Telephone: 01789 766084
Email: clerk@alcester-tc.gov.uk

3.2 If the complaint concerns the Town Clerk personally, or the complainant would prefer not to write to the Town Clerk, the complaint should instead be addressed, marked strictly confidential, to:

The Mayor
Alcester Town Council
Globe House
Priory Road
Alcester
B49 5DZ
Email: mayor@alcester-tc.gov.uk

3.3 Where a complaint is initially raised verbally or informally with a Councillor or member of staff, that person will make sure it is passed promptly to the Town Clerk (or, where relevant, the Mayor) to be logged and handled under this procedure. The complainant does not need to resubmit the complaint in writing for it to be valid, though they may be asked for further detail to help the investigation.

3.4 A complaint may be made by a third party on behalf of a data subject (for example, a family member, friend, or advocate). Before investigating, the Council will take reasonable steps to verify that the third party is authorised to act on the data subject's behalf.

4.0 What Happens When We Receive a Complaint

4.1 Acknowledgement: The Council will acknowledge receipt of a data protection complaint within 30 days. This period runs from the day after the complaint is received, regardless of whether that day is a weekend or public holiday; if the 30th day falls on a weekend or public holiday, acknowledgement will be provided by the next working day. Where the Council is able to investigate and provide a full response within the 30-day period, a separate acknowledgement is not required.

4.2 Investigation: The Council will begin making appropriate enquiries into the complaint without undue delay, and will carry out an investigation that is reasonable and proportionate to the nature and complexity of the issues raised and the impact on the individual concerned. Wherever possible, the Town Clerk (or a nominated officer) will seek to resolve the complaint directly with the complainant.

4.3 Keeping you informed: If the investigation is ongoing, the Council will keep the complainant informed of progress and of any expected delay.

4.4 Escalation: If a data protection complaint cannot be resolved by the Town Clerk directly, or raises a matter of significant concern, it may be referred to a Complaints Panel of Councillors in the same way as a complaint under the general Complaints Procedure. Any such referral will not be used to extend the timescale for responding beyond what is reasonable and proportionate, and the Council will keep the complainant informed throughout.

4.5 Confidentiality: Data protection complaints will be treated as confidential and handled in accordance with the Council's obligations to safeguard personal data. Any meeting convened to consider a complaint will exclude the public and press, save that the fact a complaint has been received and its high-level outcome may be reported to Council in accordance with the Council's standing procedures.

5.0 Outcome of Your Complaint

5.1 The Council will inform the complainant of the outcome of their data protection complaint without undue delay — meaning without unjustifiable or excessive delay, having regard to the nature and complexity of the complaint. There is no fixed statutory deadline for this stage, but the Council will aim to conclude most complaints within the timescales set out in the general Complaints Procedure unless the circumstances reasonably require longer.

5.2 When notifying the complainant of the outcome, the Council will, so far as appropriate:

- explain, in sufficient detail for the complainant to understand it, the reasoning behind the outcome;
- explain why the Council considers it has (or has not) complied with data protection law;
- set out any action the Council will take as a result of the complaint; and
- remind the complainant of their right to complain to the Information Commissioner's Office (see Section 6).

5.3 The outcome of a data protection complaint will not be withheld pending resolution of any wider or unrelated complaint raised in the same communication.

6.0 Your Right to Complain to the Information Commissioner's Office

6.1 Using this procedure does not affect, and is not a precondition of, an individual's right to complain to the Information Commissioner's Office (ICO) about the Council's handling of their personal data. An individual may complain to the ICO at any time, whether or not they have first raised the matter with the Council, and whether or not they are satisfied with the outcome of a complaint made under this procedure. This includes after any decision by a Complaints Panel; a decision of the Panel is final as an internal matter for the Council but does not remove or limit the statutory right to complain to the ICO.

6.2 The ICO can be contacted as follows:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF
Telephone: 0303 123 1113
Website: ico.org.uk

6.3 The Council notes that the ICO's functions are, under the DUAA, being transferred to a new Information Commission; where this procedure refers to the ICO, it should be read as referring to that body's successor once the transfer takes effect.

7.0 Complaints Involving Requests to Exercise Data Protection Rights

7.1 Where the Council does not action a request made by an individual to exercise a data protection right (for example, a request for rectification, erasure or restriction of their personal data), the Council will inform the individual both of their right to complain to the Council under this procedure and of their right to complain to the ICO.

8.0 Being Informed of This Right

8.1 The Council will make individuals aware of their right to complain to the Council about data protection matters, and of their right to complain to the ICO, through its privacy notice and, where relevant, in its responses to subject access requests and other rights requests.

9.0 Record Keeping

9.1 The Council will keep a record of each data protection complaint received, including: the date of receipt; the date and method of acknowledgement; the steps taken during the investigation; the outcome; and any action taken as a result. These records may be requested by the ICO in the event a complaint is escalated and will be retained only for as long as necessary, in accordance with the retention principles set out in the Council's Data Protection Policy (which provides that personal data will not be kept for longer than necessary and will be erased once the need to hold it has passed).

10.0 Relationship with the General Complaints Procedure

10.1 This procedure sits alongside the Council's general Complaints Procedure. Where it is unclear whether a complaint is a data protection complaint, a general service complaint, or both, the Town Clerk will determine how it should be categorised and will inform the complainant accordingly. A complainant who disagrees with that categorisation may say so, and the matter will be reviewed.

10.2 Complaints about the conduct of a Councillor remain subject to the Stratford-on-Avon District Council Code of Conduct and should be referred to the Monitoring Officer at the address given in the Council's general Complaints Procedure. Complaints by employees about a colleague or Senior Officer remain subject to the Council's Grievance Procedure, and matters properly relating to the conduct of an individual employee remain subject to the Council's Disciplinary Procedure.

11.0 Review

11.1 This procedure will be reviewed periodically, and in any event if there is a material change in data protection law or ICO guidance affecting its content.

Adopted by Full Council on

Review due: