

The James Hutton Institute	Version
Document ID: HP328 - DATA PROTECTION COMPLAINTS PROCEDURE	1.0

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1. Purpose and scope

1.1 Purpose

Individuals have the right to complain about how the James Hutton Institute (“Hutton”, “we”, “us”, “our”), including Biomathematics & Statistics Scotland (“BioSS”) and James Hutton Limited (together, the “Hutton Group”), has used their personal data (or the personal information of someone they're acting on behalf of) if they are concerned that Hutton has infringed the Data Protection legislation.

The purpose of this procedure is to define the arrangements and framework for managing and responding to **data protection complaints** relating to the processing of personal data by Hutton.

1.2 Scope

- This procedure addresses complaints made by data subjects (e.g. employees, research participants, collaborators, members of the public) regarding the use of their personal data.
- Data subjects may make a complaint in relation to any aspect of our processing of personal data including (but not limited to):
 - how the Institute has responded to a subject access request (SAR) or other data subject rights request
 - the security measures used to protect personal data (for example, where an individual has been affected by a data breach, regardless of whether it is reportable to the ICO)
 - how personal data has been collected, used, stored, including concerns about its accuracy.

2. Definitions and glossary

Term / acronym	Definition
Complaint	Expression of dissatisfaction about how a data subject’s personal data has been handled. This can also include dissatisfaction with how Hutton has responded to a previous data request.
Complainant	Individual raising the concern
UK Data Protection law	All applicable data protection and privacy legislation in force from time to time in the United Kingdom, including: (a) the UK General Data Protection Regulation (UK GDPR); (b) the Data Protection Act 2018; (c) the Privacy and Electronic Communications Regulations 2003 (SI 2003/2426) (PECR); the Data Use and Access Act 2025 (DUAA); and any other applicable laws and regulations relating to the processing of Personal Data and privacy.
DPO	Data Protection Officer
Data Subject	Any living, identified or identifiable natural person whose personal data is collected, held, or processed by an organization. It includes individuals like customers, employees, students, research participants, stakeholders.
Data Subject Request (DSR)	A formal request allowing individuals to access, rectify, delete or stop processing the personal data an organisation holds about them.
Data Subject Rights	Legal rights individuals have under UK GDPR in relation to their personal data (e.g. access, rectification, erasure, etc.)

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Term / acronym	Definition
DPIA	Data Protection Impact Assessment
ICO	Information Commissioner's Office
IGO	Information Governance Officer
Personal data	Any information relating to an identified or identifiable natural person. This includes direct identifiers (like names and addresses), digital identifiers (like IP addresses and cookie IDs), and indirect information that can be combined to identify someone.
Personal data breach	A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data.
UK GDPR	UK General Data Protection Regulation

3. Arrangements

- A dedicated route for submitting data protection complaints will be maintained.
- Complaints will be logged centrally by the Information Governance Officer/Data Protection Officer to ensure appropriate oversight, consistency and record-keeping.
- Complaints will be acknowledged within defined timeframes (normally within one month of receipt) and will be investigated and responded to without undue delay.
- Complainants will be kept informed of progress where appropriate, including where additional time is required to investigate the matter.
- All complaints will be handled in a fair, proportionate, and consistent manner, taking into account the nature and complexity of the issues raised.
- Records of complaints and their outcomes will be maintained for the purposes of monitoring, reporting, and continuous improvement.

4. Procedure

Hutton is committed to providing a clear, simple and accessible process for individuals to raise data protection complaints. We will take appropriate steps to respond to any complaint including making enquiries into the subject matter of the complaint, to the extent appropriate, and to inform the complainant of the progress and outcome of the complaint, without undue delay and in line with our legal obligations.

We will seek to resolve concerns at the earliest opportunity and, where appropriate, may do so informally in the first instance. This may include providing clarification or addressing issues promptly without the need for a formal investigation. Where a concern cannot be resolved informally, or where the individual prefers to proceed, the matter will be progressed under this formal complaint procedure. The use of informal resolution does not prevent or delay access to the formal process. Individuals retain the right to submit a formal complaint at any stage and to pursue the matter through the appropriate procedures.

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4.1 Making a complaint

Any complaints should be sent directly to the Data Protection Officer at DPO@hutton.ac.uk.

When submitting a complaint, the complainant should:

- Provide their contact details, and if applicable, relationship to Hutton
- If applicable, provide the related Data Subject Rights request reference number
- Provide specific details of when and how they believe any data protection infringement occurred, how this relates the complainant's own personal data and how this infringement has affected the complainant
- Advise whether this issue has been raised with Hutton already; or another complaint, disciplinary, grievance procedure is currently in progress that relate to the data protection complaint
- If applicable, provide any supporting evidence (such as correspondence) or documentation, and
- State the outcome they are requesting or what resolve this matter for them.

Complaints received by other departments or members of staff within the organisation should be forwarded to the Data Protection Officer as soon as possible to avoid delay.

While complainants are encouraged to use the contact details above, we will accept data protection complaints submitted through any communication channel, including general email, post, telephone, contact forms or via social media platforms.

Where a complaint is received through informal channels (such as social media), we will take reasonable steps to identify and log the complaint and will normally request that the individual provides further details via a more contact secure method before progressing the matter. This ensures that complaints are handled appropriately while protecting personal data.

4.2 Verification of Identity or Authority

We will not be in a position to respond to anonymous complaints.

If there is any doubt about the identity of the complainant we may ask for proof of ID (such as copy of passport or driving licence) before we respond. Once identification is confirmed, the form of identification should be erased unless there is a reason for retention and this has been explained to the complainant.

Where a data protection complaint is submitted by a third party on behalf of another person (e.g. a family member, solicitor, child advocacy service, or other relevant not-for-profit organisation), we will take reasonable steps to verify that the third party has authority to act on the other person's behalf.

The form of evidence we may need depends on the circumstances, but some examples are:

- an appropriate power of attorney; or

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- a signed letter of authority from the person the third party are acting on behalf of.

Where sufficient evidence of authority is not provided, we may decline to proceed with the complaint and will inform the complainant accordingly.

4.3 Timeframes

We will normally investigate complaints regardless of when they are received; however, where a complaint relates to events that occurred a significant time ago, we may determine that it is not possible to carry out a fair or effective investigation unless there is a valid reason for the delay. This is because the passage of time may affect the availability and reliability of evidence—for example, relevant staff may no longer be employed by the organisation, records may have been securely disposed of in accordance with retention schedules, and recollections of events may have diminished. In such cases, we will assess the circumstances and inform the complainant of this decision, including the reasons where a full investigation cannot be undertaken.

Once a complaint is received, we will acknowledge receipt promptly and **no later than 30 calendar days**. We will keep the complainant informed of progress and will take appropriate steps to investigate and respond without undue delay.

We will aim to provide a substantive response within one month of receipt; however, the time required to reach an outcome will depend on the complexity and scale of the subject matter of the complaint. Where additional time is necessary, we will inform the complainant of the delay, explain the reasons and provide an updated timeframe. All complaints will be handled as quickly as reasonably possible, ensuring there is no unjustifiable or excessive delay.

4.4 Complaints relating to Data Subject Rights requests (including SARs)

Under data protection legislation, individuals have rights in relation to their personal data, including the right to access, rectify, erase, restrict processing, object to processing and request data portability.

Where a complaint relates to the handling of a Data Subject Rights request, including a Subject Access Request (SAR), the complainant should clearly set out the nature of their concerns. This may include:

- details of why they believe the response provided was incomplete, including what information they consider is missing;
- reasons for disagreeing with a decision not to erase or rectify personal data, including any supporting explanation or evidence;
- any other concerns regarding how their request was handled.

Generally, we will not consider complaints about a Data Subject Rights request until the request has been fully processed and a formal response has been issued.

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Where a concern is raised before completion of the request, it will normally be managed as part of the ongoing request handling process rather than through the formal complaint procedure.

4.5 Complaints relating to data breaches

Where a complaint indicates that a personal data breach may have occurred (e.g. personal data sent to the wrong recipient, loss or unauthorised access to data, or failure to appropriately redact information), this will be assessed and managed in accordance with the Hutton's Personal Data Breach Procedure.

Individuals are encouraged to report suspected data breaches separately, in addition to submitting a complaint, using Hutton's designated breach reporting process. This supports timely assessment, mitigation and compliance with regulatory reporting obligations.

4.6 Investigation and response to complaints

All data protection complaints will be assessed, investigated, and responded to by the Institute's Data Protection Officer (DPO).

Upon receipt, the DPO will:

- review the complaint to confirm that it relates to data protection matters falling within the scope of this Procedure
- gather relevant information and make appropriate enquiries, including consulting relevant teams and reviewing systems and records
- assess whether any data protection legislation or internal policies have been breached

Investigations will be conducted in a proportionate and risk-based manner, taking into account the nature and complexity of the complaint. We will aim to handle complaints fairly, consistently and with appropriate confidentiality, and will keep the complainant informed of progress where appropriate.

Following the investigation, the IGO/DPO will provide a clear and reasoned response, setting out the findings and outcome. Outcomes may include:

- providing an **explanation or clarification** of how personal data has been processed
- **acknowledging an error** and, where appropriate, issuing an **apology**
- taking **remedial action**, such as rectifying, restricting, or deleting personal data
- implementing process **improvements or corrective actions** to prevent recurrence
- determining that **no further action** is required, where processing is found to be compliant

4.7 Circumstances where a complaint may be declined or no further action taken

Following assessment or investigation, we may decide to decline a complaint or take no further action where appropriate. This may include (but is not limited to) the following circumstances:

- The events complained about occurred too long ago to allow a fair or effective investigation

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- The complaint is clearly unfounded, excessive, repetitive, or constitutes an abuse of process
- There is a more appropriate alternative process available, or the matter is already being considered under another procedure
- The complaint relates to issues that have already been reviewed and addressed by Hutton
- A related Data Subject Rights request (e.g. SAR) has not yet been completed
- There is no evidence of a breach of data protection legislation, or the complaint lacks sufficient detail to enable investigation
- The identity of the complainant cannot be verified, or there is insufficient evidence that a representative is authorised to act on their behalf
- Based on the available evidence, no further action is considered necessary or proportionate
- The nature and scale of any impact or harm identified does not warrant further action

Where a complaint is declined or no further action is taken, we will inform the complainant of the decision and the reasons for it.

4.8 Other processes that may be more appropriate

This procedure applies to complaints specifically relating to the handling of personal data.

Where a concern raised does not primarily relate to data protection, it may be more appropriately addressed through another Hutton process.

Examples may include:

- Staff-related matters, which may be handled through HR procedures (e.g. grievance or disciplinary processes)
- Research-related concerns, which may be addressed through the Procedure for Investigation of Research
- General service or operational complaints, which may fall under Hutton's general Complaints Policy

Where we determine that a complaint falls outwith the scope of this procedure, the complainant will be informed of this decision and the reasons for it. Where appropriate, we may:

- direct the complainant to the relevant procedure or contact point; or
- with the complainant's consent, refer the matter to the appropriate team for consideration.

4.9 Escalation

Hutton does not operate a formal appeal process for data protection complaints. However, where a complainant remains dissatisfied, they may request that the outcome is reviewed. Any

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such request should be made within 90 days of our response and will be considered on a case-by-case basis.

Where undertaken, the review will normally be conducted by a senior member of staff not previously involved in the matter, to ensure an independent and objective assessment.

If a complainant remains dissatisfied with the outcome of their complaint, they may escalate their concerns to the **Information Commissioner's Office (ICO)**. Information on how to make a complaint is available at: www.ico.org.uk. The ICO will determine whether to investigate further and may contact us if additional information is required.

Complainants have the right to raise concerns with the ICO at any stage of the process. There is no requirement to wait until Hutton has completed its handling of the complaint or any internal review before contacting the ICO.

5. Use of complaints data and confidentiality

Personal data provided as part of a complaint will be processed in accordance with Hutton's Privacy Notices, including the relevant general website, employee and PhD student Privacy Notices.

Hutton processes this information for the purposes of:

- receiving, assessing, investigating, and responding to complaints
- maintaining records of complaints and correspondence
- demonstrating compliance with data protection legislation and organisational accountability
- monitoring trends, reporting, and identifying opportunities for improvement

Personal data may include contact details, details of the complaint, correspondence and any supporting information provided. Where necessary, additional information may be collected during the investigation.

Complaints will be handled sensitively and, where appropriate, confidentially. Information will only be shared on a need-to-know basis, including:

- internally with staff involved in investigating or resolving the complaint
- with individuals named in the complaint where necessary to ensure a fair and thorough investigation
- externally with regulators (such as the Information Commissioner's Office) or other bodies where required or appropriate.

Complete confidentiality cannot always be guaranteed, as it may be necessary to disclose relevant information to investigate the complaint or implement outcomes.

Where complaints data is used for reporting, evaluation, or improvement purposes, it will be aggregated and/or anonymised where possible.

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Personal data will not be shared with third parties unless there is a valid lawful basis under data protection legislation, such as compliance with a legal obligation or where disclosure is necessary to handle the complaint.

All complaint records will be retained for six years following the conclusion of the complaint. Where a complaint is escalated to the ICO or other regulator, records will be retained for six years following the final outcome of that process.

6. Contact

For queries or further information regarding this procedure, please contact the Data Protection Officer at DPO@hutton.ac.uk

7. Records

Records relating to the implementation of this procedure must be created and maintained in line with Hutton's Records Management Policy, ensuring a clear and auditable trail of decisions, actions and outcomes.

The Information Governance Office (IGO) will maintain a centralised complaint register, recording key details such as the nature of complaints, dates, actions taken and outcomes.

All records, including the complaint register, must be accurate, up to date and securely stored within approved systems, with access restricted to authorised personnel. Retention and disposal must follow approved retention schedules and comply with data protection and information governance requirements.

8. Appendices

8.1 Appendix 1: Amendment and review

Version	Amendment and review details
1	Initial publication

8.2 Appendix 2: Associated documents

Document ID	Document Title
HP298	Data Protection Policy
HP295	Data Subject Rights Procedure
HP082	Personal Data Breach Procedure
HP149	Complaints Policy

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8.3 Appendix 3: Roles and responsibilities

Role	Responsibility
Exec/Board	Provide oversight for the implementation of this procedure and hold overall responsibility for ensuring organisational compliance with data protection requirements.
IGO/DPO	Oversee the operation of this procedure and monitor compliance; receive, investigate and respond to complaints; maintain the complaint register;
Dept. Heads/ Line Managers	Ensure staff are aware of and understand this procedure; support its consistent application within teams; escalate issues or risks where necessary.
Staff	Familiarise themselves with and follow this procedure; raise issues or complaints in line with the process.

8.4 Appendix 4: References

Document title
UK GDPR
Data Protection Act 2018
Data Use and Access Act (DUAA) 2025
ICO Guidance on Data Protection complaints