

# Consultation on the ICO's approach to data protection complaint handling

## Introduction

The Information Commissioner's Office (ICO) exists to empower people through information. We are dedicated to upholding information rights, promoting transparency by public bodies and ensuring data privacy for people. We're responsible for handling complaints about infringements of the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018 (DPA).

Data protection is a cornerstone of modern society, ensuring that personal information is managed with care and respect. We play a crucial role in handling people's data protection complaints, supporting the public and providing organisations with clarity on how the law applies.

The UK GDPR gives everyone the right to complain to the ICO about the processing of their personal information. As people become more aware of their data protection rights, we are receiving more complaints about organisations. In 2023/24, we received 39,721 complaints. In 2024/25, this rose to 42,315 complaints. Our current forecasts indicate that in 2025/26 we will receive somewhere between 45,000 and 55,000 complaints – a significant increase over just two years.

We recognise our pivotal role in helping people uphold data protection rights. As the volume of complaints continues to grow, we are strategically evolving our approach by maintaining our core responsibilities while focusing our efforts on the most impactful and significant concerns to maximise public value. At the same time, we want to empower organisations to resolve complaints effectively themselves. If they do, people benefit from faster resolution. If they don't, and the issue raises wider concerns or presents a meaningful opportunity for regulatory action, we can intervene.

However, our current model of case handling is increasingly stretched by the volume of complaints. We are taking longer to address people's concerns and are finding it more difficult to consistently deliver impactful outcomes.

By transforming our process, we aim to better support people who have experienced harm and focus our resources on those cases where we can have the biggest impact. Organisations will also benefit from reduced routine engagement on lower-risk cases, enabling them to focus on the most significant concerns. Our goal is not just to manage demand, but to raise standards around customer experience and regulatory effectiveness.

We are also confident that the changes in the Data (Use and Access) Act, particularly the new obligations on organisations around complaint handling, will lead to more complaints being resolved without our involvement.

## What this consultation covers

The ICO is responsible for handling data protection complaints about infringements of the UK General Data Protection Regulation (UK GDPR), and Part 3 or Part 4 of the Data Protection Act 2018 (DPA). The department within the ICO responsible for discharging this function is the Public Advice and Data Protection Complaints Service.

Our strategic plan, [ICO25](#), made clear that we will safeguard and empower people. It also set out how we will do more to understand the views and concerns of the diverse UK public and use these to guide our priorities. We will be transparent in the decisions we take. While we are required to consider every complaint about infringements of UK data protection law, we have broad discretion whether to investigate further and to what extent, based on the circumstances of each case.

This consultation sets out and seeks views on how we propose to assess and determine the appropriate level of investigation. This will allow us to focus on cases where we can have the most impact and improve data protection compliance.

# The current ICO approach to complaint handling

UK data protection law provides data subjects with the right to complain to us if they think there has been an infringement of their data protection rights. This includes potential infringements of their rights under the UK GDPR, or under Part 3 or Part 4 of the Data Protection Act 2018 (DPA).

We are required to investigate data protection complaints to the appropriate extent. In 2023, [the Court of Appeal](#) confirmed that we have broad discretion in deciding the appropriate extent of an investigation, including the form of the outcome. This can range from reviewing the facts and supporting information submitted with a complaint, to more extensive correspondence with the organisation and the complainant to understand what happened.

We consider complaints fairly and impartially before deciding whether we need further information. For example, we may ask the complainant to clarify aspects of their concern or provide missing details. We may also request the organisation's account of events, including any steps taken to address the issue. In some cases, we may need to examine additional supporting information, such as unredacted documents or internal policies.

Once assessed, we provide an outcome. These can include:

- determining that there is no further action to take;
- telling the organisation to do further work to help resolve the complaint;
- making recommendations to the organisation about how they can improve their information rights practices;
- referring the complaint to our Investigations teams; or
- using the complaint to inform other regulatory activity.

We do not currently have a formal process for prioritising high-profile cases. We generally assign cases in chronological order and, while some are flagged due to their subject matter – such as those involving a high risk of serious harm or attracting significant media attention – this is done informally and on an ad-hoc basis.

There is no dedicated triage team or consistent set of criteria for identifying and escalating such cases. As a result, complaints that involve serious issues or that affect a large number of people may not be

recognised early and can experience delays, simply because they are not easily distinguishable within our current allocation system.

In 2024/25 we received 42,315 data protection complaints – an average of 3,526 per month. In the same year, we handled 35,901 cases, resulting in a shortfall of 6,450. This shortfall, together with rising demand, has led to a growing backlog of data protection complaints.

Our oldest unallocated cases are currently around 24 weeks old and it is then taking an average of about 26 weeks to provide an outcome. As a result, we have seen a significant rise in requests to expedite cases and complaints about timeliness. In turn this takes further resource away from complaint handling and responding to requests for advice from our live services.

A framework that outlines the appropriate level of investigation will allow us to allocate our resources effectively and consistently, ensuring that we focus on the most significant issues and provide timely outcomes.

## Our proposed approach to complaint handling

### The framework

We have developed a [framework](#) that we propose to use to determine the extent to which it is appropriate to investigate each complaint.

The framework sets out the criteria we would consider when deciding whether to conduct a further investigation and to what extent – for example, the impact of the data protection issue on the people affected, or whether the complaint would help us to meet our strategic priorities.

Our proposed approach is designed to deliver faster and more impactful outcomes, particularly for people whose complaints raise the most serious concerns. It reflects our ambition to be a strategic regulator – one that considers every complaint, responds proportionately and uses the insight gained to identify patterns or systemic risks and drive improvements in data protection practices.

The proposed framework would enable us to:

- assess complaints consistently and proportionately across the tens of thousands we receive;
- allocate our resources effectively, focusing on the most significant issues and providing timely outcomes; and

- clarify the criteria we consider when deciding how to handle a complaint, including the extent of any investigation.

## How we would apply the framework

We propose to triage each complaint we receive. Case officers would consider the facts of the complaint and assess it against the framework criteria. This would help determine the appropriate level of investigation.

At this stage, the case officer may decide that they would:

- record the complaint for information only; or
- write to the organisation with guidance.

In these cases, the case officer would then provide this outcome and the reasons for it to the complainant.

If the complaint is assessed as requiring further investigation, it would be allocated to the appropriate team. The time taken to assign a case would depend on the nature of the complaint, our initial assessment of the case and current volumes of cases waiting to be assigned. We would then provide an outcome once this further investigation was complete.

We would monitor how we were applying the framework and implement a quality assurance process to ensure it was used consistently.

## Case reviews

We recognise that not everyone will agree with the outcome of their complaint. As is currently the case, people could [ask us for a case review](#), which we would consider under our existing process.

We also understand that new information may become available after we provide an outcome. We would continue to review any additional information submitted by complainants that could affect the outcome.

## What we would do with the information we collect from complaints

Our proposed new model builds on our current ways of working and existing use of our discretion to investigate complaints to the extent appropriate. It formalises how we identify areas where we can have the greatest impact. To support this, we're proposing to introduce a

threshold-based approach to complaint handling and build a new process around it.

We will continue to consider and record all complaints for information purposes, regardless of their outcome. However, our new model would enable us to actively monitor complaint volumes across specific organisations and sectors.

We propose to use a new reporting mechanism to identify:

- when a defined number of complaints is received about an organisation – for example, six complaints within two months; or
- when the number of complaints received about an organisation increases by a defined percentage amount – for example, an increase of 50% compared to the previous month.

This number or increase is called the 'threshold'. When complaints about an organisation reach this threshold, it may trigger a deeper review of that organisation's practices. This may include identifying trends or themes in the complaints or consulting other ICO teams to understand any previous engagement.

The threshold is not fixed and we can adjust it over time to reflect emerging risks or sector-specific trends. This flexibility allows us to respond proportionately and focus our regulatory efforts where they are most needed. In order to identify which organisations meet the threshold, we propose to review reports periodically.

Once we flag an organisation, we may carry out an initial analysis to understand the reason for the volume or increase. We'll document this analysis to inform our next steps, which may include:

- deciding that no further engagement is needed – for example where the organisation has already informed us of the issue and the steps they are taking;
- contacting the organisation to highlight a potential compliance pattern and provide guidance;
- setting up regular meetings to monitor a specific issue over time;
- appointing a single point of contact within our complaints team to act as a liaison for complaints work; or
- conducting further investigation or referring the matter to another ICO team.

This approach ensures that every complaint contributes towards our understanding of an organisation's information rights practices, while allowing us to focus our resources on the most significant risks.

It also strengthens our ability to identify systemic issues earlier, including those of low or moderate harm. By monitoring complaint trends and sharing insights internally, we can take more timely and targeted regulatory action. This ensures that our focus on high-impact individual cases does not come at the expense of addressing broader compliance risk.

We would not ordinarily contact organisations that don't meet the threshold or criteria for further enquiries. However, we would still deal with individual complaints about those organisations according to the standard procedure.

In addition, we would use the insights from this reporting to inform other areas of our work – for example, if we identify an issue that aligns with our strategic priorities, we may refer it to the Intelligence department. It could also help identify areas where there is a need for further public or organisational guidance.

## How will we know we've been successful

We are proposing to introduce this new approach to ensure that our complaint handling is more timely, proportionate and focused on the areas where we can have the greatest impact. To measure the success of this model we will assess both operational performance and the wider outcomes it delivers for people, organisations and the ICO.

Success will mean the following:

- An improved customer experience – complainants will receive clearer, faster outcomes and we will be better able to support those who have experienced harm.
- More effective use of our resources – by focusing our efforts on the most significant complaints, we will free up capacity to deliver more meaningful outcomes.
- Reduced burden on organisations – fewer complaints will be referred to organisations unnecessarily. When we do contact organisations, it will relate to issues that are more likely to require regulatory attention.
- Better insight and intelligence – our threshold model will help us identify patterns and trends, enabling us to take more strategic action and improve compliance across sectors.

- Higher satisfaction levels – we aim to see improvements in our customer service satisfaction scores because of more consistent and timely engagement.

We will also continue to monitor our performance against our existing service standards, which are:

- 80% of data protection complaints will be assessed and responded to within 90 days;
- 90% of complaints will be assessed and responded to within six months;
- less than 1% of our data protection complaint caseload will be over 12 months old; and
- no complaints to the Parliamentary and Health Service Ombudsman (PHSO) will be upheld.

These targets reflect our commitment to improving the experience for those who raise concerns with us and to ensuring that our regulatory response is timely and proportionate. We will continue to monitor and evaluate the impact of this new approach, using both quantitative data and qualitative feedback to ensure it is delivering the outcomes we intend.