

Proposed data protection complaint handling framework

How we handle data protection complaints

Data protection law requires us to investigate a data protection complaint to the extent we consider appropriate and to inform the complainant of the outcome. We assess each complaint individually and decide how far we'll investigate it using the criteria below. Handling cases proportionately allows us to allocate our resources effectively, ensuring that we focus on the most significant issues and provide timely outcomes.

We ask complainants for the information we need to do this on our complaint form, including any details they may wish to share of any harm they may experience because of the data protection issue.

Checking whether we can handle a complaint

We check whether we can handle a complaint. As we are the independent regulator for data protection law, we don't handle complaints which:

- aren't about data protection issues;
- are solely about an organisation's customer service; or
- should have gone to another organisation or regulator for them to deal with.

We let the complainant know promptly if we can't handle their complaint.

Determining the extent to which we will investigate a complaint

We look into each complaint carefully and use the criteria below to decide whether we can provide an outcome at this stage. If we need to investigate further before providing an outcome, we will allocate the complaint to a case officer.

Criteria

Criteria which may increase the need to investigate further

- Has the data protection issue caused, or is it likely to cause, a high level of [harm](#) to anyone?
- Has the data protection issue significantly affected, or is it likely to affect, people, including those who are currently in a vulnerable situation?
- Has the data protection issue significantly affected a substantial number of people or is it likely to?
- Will investigating the data protection complaint further help us to significantly improve the way the organisation uses personal information or enhance data protection rights?
- Does the data protection issue relate to our [strategic priorities](#)?
- Is it in the public interest for us to make enquiries? For example, does it raise a new or high-profile data protection issue?

Criteria which may reduce the need to investigate further

- Are we already aware of the data protection issue?
- Is the organisation currently taking steps to respond to the complaint? Do those steps seem adequate?
- Do we think the organisation has complied with data protection law?
- Has the organisation already addressed the data protection issue and taken appropriate action?

This list is not exhaustive. We will keep the criteria under review.

What happens if we don't need to investigate a complaint further

We may conclude we don't need to make further enquiries or contact the organisation when we assess a complaint. We may instead record the complaint for information purposes. Some examples of where we're likely to record complaints for information purposes are:

- we're already aware of the issue and there isn't a significant adverse impact on the complainant or others;
- the organisation is currently taking steps to respond to the complaint and hasn't yet told the complainant of the outcome;
- we think the organisation has complied with data protection law; and
- the organisation has already addressed the data protection issue and taken appropriate action.

We will monitor complaints which are recorded for information purposes to identify trends. We will use this information to help us assist organisations with the way they use personal information or to help determine our strategic priorities.