Danescourt Primary School

Data Protection Complaint Procedure

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Document Control

School	Danescourt Primary School
Title	Data Protection Complaint Procedure
Data Controller	Danescourt Primary School (the governing body / proprietor)
Author	Data Protection Officer
Owner	Headteacher on behalf of the Governing Body
Approved by	Full Governing Body
Date approved	20/10/2026
Review date	Annually, or sooner if legislation or ICO guidance changes

Revision History

Revision Date	Revision	Previous Version	Description of Revision
10/2026	V 1.0	N/A	Adopted by the Governing Body

1. Purpose

Danescourt Primary School ("the school") is the data controller for the personal information it holds about pupils, parents and carers, staff, governors, volunteers, visitors and others. This procedure sets out how the school manages data protection complaints, to ensure compliance with the Data (Use and Access) Act 2025 (DUAA), UK GDPR and the Data Protection Act 2018.

Under the DUAA, data controllers must have a formal data protection complaints procedure, so that individuals can raise concerns with the school before escalating matters to the Information Commissioner's Office (ICO).

This procedure ensures complaints are handled in a fair, transparent, proportionate and timely manner, with clear accountability and learning outcomes.

This procedure is separate from the school's general Complaints Policy. Complaints that are not about the handling of personal data will be dealt with under that policy.

2. Scope

This procedure applies to complaints relating to:

- The collection, use, storage, sharing or security of personal data by the school (including pupil records, safeguarding information, assessment data, CCTV, photographs and the school's use of apps and online systems)
- The handling of Individual Rights Requests (e.g. subject access, rectification, erasure, restriction, objection)
- Requests made by parents to access their child's educational record
- Alleged personal data breaches
- Any perceived infringement of data protection legislation by the school

It applies to complaints from any individual, including pupils, parents and carers, staff, governors, volunteers, job applicants and members of the public.

3. Key Principles

All complaints will be managed in line with the following principles:

- **Accessibility –** the complaints process will be available through multiple channels and accessible to all individuals, including pupils and those with additional needs
- **Fairness and proportionality –** investigations will be appropriate to the nature, complexity and potential impact of the complaint
- **Transparency –** clear and accessible communication will be provided throughout
- **Accountability –** decisions will be evidence-based and appropriately documented
- **Timeliness –** complaints will be progressed without undue delay
- **Continuous improvement –** learning will be embedded into school practice

4. Submitting a Complaint

Complaints can be submitted via:

- Email to the school's Data Protection Officer: dataprotectionschools@cardiff.gov.uk
- Email to the school office: danescourtprm@cardiff.gov.uk
- Written correspondence to:
    - Danescourt Primary School
      Danescourt Way
      Llandaff Cardiff CF5 2SN
- Any other published contact route, including in person at the school office

Where complaints are received through insecure or informal channels (e.g. social media, class messaging apps or verbally to a member of staff), the individual will be directed to submit their complaint via a secure route. Staff receiving a verbal complaint should pass the details to the Headteacher or school office promptly.

Complainants are expected to provide sufficient detail to enable a thorough and effective investigation of their concerns. This should include, where possible, relevant dates, a description of the issue, the nature of the personal data involved, and any correspondence or evidence supporting the complaint. Providing comprehensive and accurate information at the outset will help the school assess the complaint promptly, investigate proportionately and respond within the timescales below. Where insufficient information is provided, the school may need to seek clarification, which could affect the overall handling time.

5. Acknowledgement and Timescales

- Complaints will be acknowledged within 5 school days of receipt
- Complaints will be progressed without undue delay
- A full response will be provided within three calendar months, unless exceptional circumstances apply
- School holiday periods may affect the time taken to complete enquiries; the school will still acknowledge complaints and keep complainants informed
- Where delays are necessary, the complainant will be informed of:
    - The reason for the delay
    - A revised response timeframe

6. Handling and Investigation

All complaints will be:

- Logged and assessed on receipt to determine scope and complexity
- Investigated through reasonable and proportionate enquiries
- Managed in a way that keeps the complainant appropriately informed of progress

The complaint will normally be investigated by the Headteacher (or a senior leader they nominate) with advice from the Data Protection Officer. Where the complaint concerns the Headteacher, it will be investigated by the Chair of Governors with advice from the Data Protection Officer.

Investigations may include:

- Review of records, systems and correspondence
- Discussions with relevant staff
- Consideration of legislative and procedural compliance
- Liaison with third parties who process data on the school's behalf (e.g. the local authority, IT or software providers), where relevant

7. Internal Review – Individual Rights Requests

Where a complaint relates to an Individual Rights Request (including a subject access request), an internal review will be undertaken.

Approach

- The review will be conducted by a member of staff or governor independent of the original handling, where practicable, with advice from the Data Protection Officer
- It will assess whether the request was handled:
    - In accordance with the DUAA, UK GDPR and the Data Protection Act 2018
    - In line with the school's Data Protection Policy and procedures
    - Fairly and proportionately

Outcome

The review will determine whether:

- The original decision is upheld
- Amendments are required
- Further action is necessary (e.g. additional disclosure or corrective measures)

8. Outcome Communication

Once the investigation is complete, a written response will be issued which:

- Addresses each element of the complaint
- Provides a clear, evidence-based explanation
- Sets out any actions taken or proposed
- Is written in plain, accessible language

The complainant will also be informed of their right to escalate the matter to the Information Commissioner's Office (ICO) if they remain dissatisfied:

- Website: ico.org.uk/make-a-complaint
- Telephone: 0303 123 1113

9. Special Considerations

Pupils

- Complaints from pupils will be handled using clear, age-appropriate language
- Consideration will be given to the pupil's age, maturity and understanding of their data protection rights
- Safeguarding requirements will always take priority; any safeguarding concern arising from a complaint will be referred to the Designated Safeguarding Lead

Parents and Carers

- Where a parent or carer complains on behalf of their child, the school will consider whether the child is mature enough to exercise their own data protection rights and, where appropriate, seek the child's views
- The school will take care not to disclose personal data about another parent, pupil or third party when responding

Third-Party Representatives

- Where a complaint is submitted on behalf of another individual, appropriate authority and identity verification will be required (e.g. written consent, parental responsibility or legal authority)

10. Outcomes

Following investigation, complaints will be concluded with a clearly documented outcome based on the evidence available. Outcomes may include confirmation that no data protection breach has been identified, or the identification of procedural or compliance gaps requiring further attention.

Where appropriate, corrective actions may be implemented, such as rectifying inaccurate personal data, restricting or erasing data where processing is no longer lawful, providing access to previously withheld information where appropriate, correcting disclosure errors, or improving data handling practices within the school.

Findings may also inform wider school improvements, including updated guidance, changes to processes, or targeted staff training, to reduce the risk of recurrence and strengthen overall compliance.

Where a complaint reveals a personal data breach, it will also be handled under the school's Data Breach Procedure, including reporting to the ICO within 72 hours where required.

11. Recording, Monitoring and Governance

All complaints will be:

- Logged and tracked in the school's data protection complaints log
- Monitored for trends and recurring issues
- Reported to the Governing Body (or relevant committee) as part of regular data protection reporting, in an anonymised form

Actions arising from data protection complaints will be monitored to ensure they are implemented effectively and within agreed timescales. Responsibility for delivery will be clearly allocated to the relevant member of staff, with progress tracked through the school's action log or data protection risk register.

The Data Protection Officer will maintain oversight of high-risk or systemic issues and provide updates to the Headteacher and Governing Body where appropriate. Completion of corrective actions may be verified through spot checks, audit activity or evidence-based assurance (e.g. updated records, staff training completion or revised procedures), so that improvements are embedded and the risk of recurrence is reduced.

Complaint records will be retained in line with the school's Records Retention Schedule.

12. Review of Procedure

This procedure will be reviewed annually by the Governing Body to ensure continued alignment with:

- The Data (Use and Access) Act 2025
- UK GDPR and the Data Protection Act 2018
- ICO guidance and best practice
- Any guidance issued by the Department for Education or local authority

Related Policies

- Data Protection Policy
- Privacy Notices (pupils, parents, staff)
- Data Breach Procedure
- General Complaints Policy
- Records Retention Schedule