



UNIVERSITY OF
PLYMOUTH

GDPR Data Complaints Policy

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Date: 08/10/2018

Document Security Level: PUBLIC
Document Version: 1.0
Review Date: Q1 2020

GDPR Data Complaints Policy

Document Control

| Version | Author | Position | Details | Date/Time | Approved by | Position | Date/Time |
|------------|--------------|--------------------|----------------------|------------|--|----------|------------|
| 0.1 | Mike Godfrey | GDPR Consultant | Final Draft | 23/08/2018 | | | |
| 1.0 | Mike Godfrey | GDPR Consultant | Published version | 05/09/2018 | Information Governance Committee | | 13/09/2018 |

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GDPR Data Complaints Policy

Purpose

The purpose of this policy is to define how the University of Plymouth will undertake the compliance responsibilities to GDPR in dealing with a data complaint from a data subject.

Generally, data complaints can be grouped into one of four possible reasons:

- How their personal data has been processed
- How their 'Subject Access Request' has been handled
- How their complaint has been handled
- Appeal against a decision made following a complaint

This policy is separate from the [Student Complaints Procedure](#) and Staff Grievance Procedure. However, it should be noted that an overall complaint may be submitted via the Students Complaints Procedure which contains an element of complaint about the use of their personal data. In this circumstance the GDPR Complaints Policy will still be adhered to, but the output from this passed to the area managing the overall student complaint to form part of the overall complaint response.

How to make a complaint

If you wish to complain to University of Plymouth about how your personal information has been processed, or your (GDPR) complaint has been handled, or appeal against any decision made following a complaint, you can do so using a GDPR complaint form (see Annex 1) and send it directly to the University's Data Protection Officer via post or dpo@plymouth.ac.uk.

The complaints procedure for handling and escalation of these complaints is as follows:

1. Complaints should be submitted on the appropriate form and submitted to:

Data Protection Officer
Drake Circus
Plymouth
Devon
PL4 8AA
Or dpo@plymouth.ac.uk

The DPO will acknowledge receipt within 3 working days.

2. The Data Protection Officer will review and respond in writing, to your complaint within 28 working days of receipt of the complaint. If an extension is required, this will be with the agreement of both parties and up to a maximum of a further 10 working days.

3. If you are dissatisfied with the way in which your complaint has been handled or the outcome from your complaint then you may write outlining your concerns to the DPO where an Independent member will review your concerns and respond within 28 working days.

4. If you remain dissatisfied you may forward your complaint to:

Information Commissioner's Office
Wycliffe House
Water Lane

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Wilmslow
Cheshire
SK9 5AF

Further information can be found at <https://ico.org.uk/make-a-complaint/>

Special Category Personal Data

If the complaint involves Special category data, this is personal data which the GDPR says is more sensitive, and so needs more protection, the University of Plymouth will need to ensure beyond reasonable doubt that the complainant is the data subject of the data in question.

Abusive, persistent or vexatious correspondence and complaints

It is important to note that for this complaints purpose, it is the complaint which must be vexatious and not the individual making the complaint. It is important to distinguish between people who make a number of complaints because they really think things have gone wrong, and people who are simply being difficult. It must be recognised that complainants may sometimes act out of character at times of anxiety or distress and reasonable allowances should be made for this.

Imposing restrictions

The University of Plymouth will firstly ensure that correspondence and/or complaints are being, or have been, investigated properly according to the appropriate procedure. The University of Plymouth recognises that failing to deal with an issue promptly or properly can lead people to behave in ways we might otherwise characterise as vexatious. If a decision has been taken to record the complaint formally, the University of Plymouth then has to decide on the next steps. This is the point at which the University of Plymouth may consider whether a complaint is vexatious, persistent, repetitive or otherwise an abuse of process. Prior to any decision to treat a complaint or correspondent as vexatious etc. the relevant member of staff will issue a warning to the complainant. The complainant will be contacted either by phone, in writing or by email to explain why this behaviour is causing concern, and ask them to change this behaviour. They will also be warned of the actions that may be taken if the behaviour does not change. If the behaviour continues, the DPO will decide whether to limit contact from the individual and to what extent. Any restriction that is imposed on contact with University of Plymouth will be appropriate and proportionate and may be subject to review.

The kinds of restriction which may be imposed are:

- Limiting contact to a specific mailbox or one named member of staff.
- Refusing to accept telephone calls.
- Only accepting telephone contact through a third party for example via a solicitor acting on their behalf.
- Indicating that correspondence will not be responded to unless substantially new matters are raised (this implies that all incoming correspondence will be read).
- Blocking the individual's email address so that it is not received by University of Plymouth (this should only be done in extreme cases after all other avenues have been tried).

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When the decision has been taken to apply any restriction, the individual will be written to with reasons for the decision and what action the University of Plymouth is taking. That decision may be amended if the individual continues to behave in a way which is unacceptable. Where the behaviour is so extreme or it threatens the immediate safety and welfare of staff, the University of Plymouth may consider other options, for example reporting the matter to the police or taking legal action.

Record keeping

Adequate records will be retained by the DPO of the details of the case and the action that has been taken:

- The name and address of each individual who is (or whose complaint has been) treated as abusive, vexatious or persistent;
- When the restriction came into force and ends;
- What the restrictions are;
- When the individual and members of staff were advised.

Annex 1 - DATA COMPLAINT FORM

| Your details | |
|---------------------|--|
| Name | |
| Address | |
| Telephone/Mobile | |
| Email | |
| Date | |

| What does this complaint relate to | |
|---|--|
| <input type="checkbox"/> | No response to a data subject access request (SAR) |
| <input type="checkbox"/> | Inaccurate information held by the organisation |
| <input type="checkbox"/> | Disclosure of your personal information to a third party (please provide details of Third Party) |
| <input type="checkbox"/> | Use of email/SMS/phone for direct marketing without permission |
| <input type="checkbox"/> | Use of photograph for direct marketing without permission |
| <input type="checkbox"/> | Other – Please complete below |

Please provide full details of the complaint in the space provided below continuing on an additional sheet if necessary.

Please also provide copies of any correspondence / emails, etc. relating to this matter.

Send To: DPO, University of Plymouth, Drake Circus, Plymouth, Devon, PL4 8AA United Kingdom