

Warwickshire County Council

Data Protection Complaints Procedure

1. Purpose and Scope

This Procedure sets out how Warwickshire County Council (the Council) receives, investigates and responds to Data Protection complaints.

This includes complaints about how the Council processes personal data (e.g. collection, use, sharing, storage, retention, security) and the handling of information rights requests or data breaches.

This procedure applies to all personal data processed by the Council and should be followed by elected members and staff (including employees, agency staff, contractors and volunteers). It applies to complaints made by individuals or their authorised representatives. It operates alongside, but does not replace, the Council's Complaints Policy. Complaints about anything other than data protection should be directed towards the relevant complaints procedure: [Customer feedback and complaints - Warwickshire County Council](#).

This procedure integrates new statutory requirements introduced by the Data (Use and Access) Act 2025 (DUAA), which inserts section 164A into the Data Protection Act 2018 (DPA 2018), and implements the Information Commissioner's Office (ICO) guidance on handling data-protection complaints.

2. Legal Framework and Key Definitions

2.1 Legal Framework

- Data (Use and Access) Act 2025 (DUAA).
- Data Protection Act 2018 (as amended by DUAA), including new s.164A.
- UK GDPR.
- ICO guidance: How to deal with data protection complaints (2026).
- Existing statutory complaints frameworks (Adult Social Care, Children's Services) and the Local Government & Social Care Ombudsman (LGSCO) route for service complaints.

2.2 Definitions

A Data Protection complaint: Any expression of dissatisfaction by an individual about how the Council processes their personal data, including the handling of information-rights requests or data breaches.

3. Roles and Responsibilities

All staff: Recognise data protection complaints and direct them to the Data Protection Officer so that they can be sent to the appropriate team within the Council; provide information and cooperate with investigations; communicate clearly with complainants including where appropriate acknowledging the complaint and explaining how it is being processed.

Data Protection Officer (DPO) / Information Rights Team: Receive data protection complaints; deal with complaints about data protection rights (other than Subject Access Requests); refer complaints about Subject Access Requests and alleged data breaches to Legal Services.

Service Managers: Ensure timely responses to enquiries from those teams dealing with complaints; provide records and subject-matter input; implement corrective actions; may decide on any restrictions that might be imposed on complainants displaying unreasonable behaviour (with legal advice where appropriate) in accordance with the Council's Complaints Policy.

Legal Services: Leads investigations and provides responses in respect of complaints about data breaches and complaints about Subject Access Requests (via the Internal Review process); requests evidence from services; issues outcomes, maintains the data protection complaints register and lessons learned; advises on complex or technical points (e.g., whether the complaint route is appropriate, legal risks, remedies).

4. Channels and Accessibility

The Council will ensure the complaints process is simple, transparent and easy to use.

Individuals can submit complaints through any of the following channels:

- Email to the Data Protection Officer – dataprotectionofficer@warwickshire.gov.uk
- Letter/post - Information Governance team, Warwickshire County Council, Shire Hall, Warwick, CV34 4RL

Accessibility: On request, the Council may provide easy-read formats and non-digital alternatives to ensure the process is accessible to all. The route will be clearly publicised on the Council website.

5. Acknowledgement deadlines

- Data-protection complaints: must be acknowledged within 30 days of receipt.

6. Data-Protection Complaints Procedure

This procedure fulfils the Council's statutory duty to provide and operate a Data Protection complaints process.

6.1 Statutory timings and duties

- Investigate without undue delay, including making appropriate enquiries and keeping the complainant informed of progress.
- Provide the outcome without undue delay:
 - In relation to complaints about Subject Access Requests (known as Internal Reviews) the Council will aim to respond within 20 working days and at the most, 40 working days if the case is complex.
 - In all other cases the Council will aim to respond without undue delay, unless exceptional circumstances mean a longer response time is required. The expectation will be that a response will be sent sooner where possible, with complainants being kept updated.

6.2 Communication and closure

- Outcome letters must explain findings, remedies, and how to escalate to the ICO if dissatisfied.

7. Record Keeping

For data-protection complaints, the Council records: the number of complaints received, response times; outcomes; any themes and trends if applicable; and any remedial actions.

8. Learning, Governance and Assurance

Systemic issues are referred to the Council's executive leadership team via routine reports to Corporate Board. Lessons inform policy and training updates.

10. Unreasonable or Vexatious Behaviour

The Council may apply proportionate restrictions in line with the Council's existing Complaints Policy where behaviour is unreasonable, persistent or vexatious. Restrictions must not prevent an individual from exercising statutory rights to raise a data-protection complaint or to escalate to the ICO.

12. Interaction Between Service and Data Protection Complaints

Where a complaint includes both service and data-protection issues, the case is split and progressed under the appropriate routes in parallel. The complainant is informed of each route and its timescales. Outcomes may be issued together or separately depending on complexity.

13. Publication and Transparency

The Council will: (i) publish how complaints about Data Protection can be made prominently on its website; (ii) include a “How to make a data-protection complaint” section in Privacy Notices; and (iii) publish annual summary statistics where appropriate.

14. Staff Training and Awareness

Induction and regular refresher training will cover recognising Data Protection complaints, how to direct them to the appropriate process and any statutory timescales.

15. Review and Effective Date

This procedure should be reviewed every two years or sooner in response to legal or guidance changes. It takes effect for data-protection complaints from 19 June 2026, in line with DUAA commencement. Appendix 1 of the Council’s 2024 Complaints Policy will be updated to reflect this new procedure for Data Protection complaints.

Approved by	Date
Sarah Duxbury – Director of Strategy, Planning and Governance	23 June 2026
Review due:	June 2028