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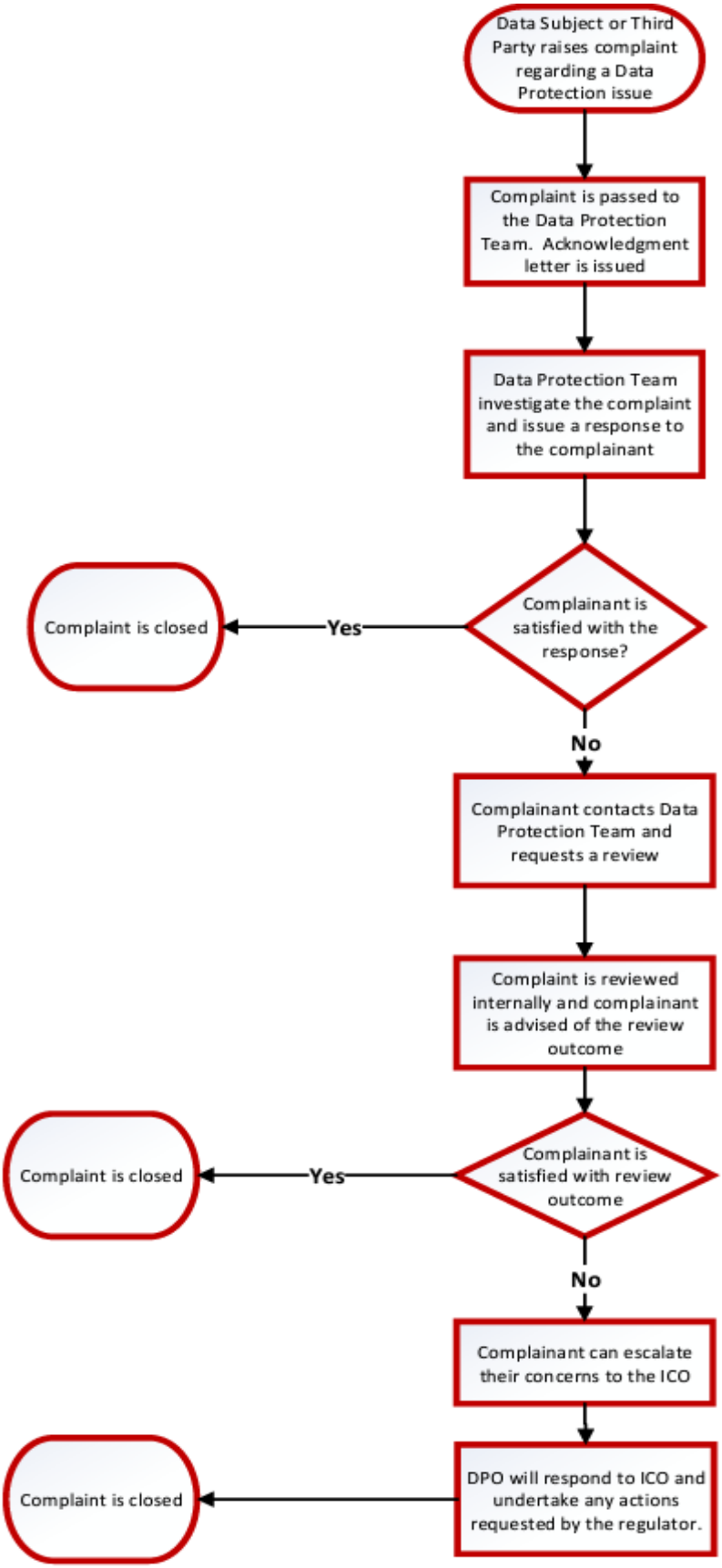
Data Protection Complaints procedure

Version History

DATE	VERSION NUMBER	NAME	CHANGE DESCRIPTION
11/06/2025	0.1	BulletProof	Initial Document Creation
11/07/2025	0.2	Fakenham Town Council	Document Reviewed
21/07/2026	0.3	Fakenham Town Council	Annual Document Review

CONTENTS

1 Introduction 3
2 Who Are Data Subjects? 3
3 Data Subjects' Rights 3
4 What Is A Complaint 3
5 Scope 3
6 Responsibilities 4
7 Making A Complaint 4
8 Investigation And Complaints Outcome 4
9 Review 4
10 Independent External Review 5
11 Manifestly Unfounded, Abusive, Vexatious Or Excessive Correspondence And Complaints Independent External Review 5
12 Use Of Data From Complaints 6


Data Subject or Third Party raises complaint regarding a Data Protection issue
Complaint is passed to the Data Protection Team. Acknowledgment letter is issued
Data Protection Team investigate the complaint and issue a response to the complainant
Complainant is satisfied with the response?
Yes
Complaint is closed
No
Complainant contacts Data Protection Team and requests a review
Complaint is reviewed internally and complainant is advised of the review outcome
Complainant is satisfied with review outcome
Yes
Complaint is closed
No
Complainant can escalate their concerns to the ICO
DPO will respond to ICO and undertake any actions requested by the regulator.
Complaint is closed

1 INTRODUCTION

- The General Data Protection Regulation ("GDPR"), the Data Protection Act 2018 ("DPA 2018"), and the Privacy and Electronic Communications Regulations ("PECR") (together, the "Data Protection legislation"), give data subjects and applicable third parties rights in relation to personal data. This procedure details how Fakenham Town Council (FTC) will respond to complaints from data subjects and third parties relating to the use of personal data.

2 WHO ARE DATA SUBJECTS?

- Data subjects are any natural living individuals whose personal data Fakenham Town Council processes (collects, obtains, stores, retains, disposes of etc.). Data subjects can include Employees, members, contractors, members of public etc.

3 DATA SUBJECTS' RIGHTS

- Under Data Protection legislation, data subjects have the right to the following and these rights can be exercised at any time:
    a. information about the processing of their data (GDPR Articles 12-14, and Recitals 58-62),
    b. access their own personal data (GDPR Articles 12 and 15, and Recital 63),
    c. correct personal data (GDPR Article 16),
    d. erase personal data, also known as the right to be forgotten (GDPR Article 17, and Recitals 65 and 66),
    e. restrict data processing (GDPR Article 18),
    f. object to data processing, including direct marketing (GDPR Article 21, and Recitals 69 and 70),
    g. receive a copy of their personal data or transfer their personal data to another data controller (data portability, GDPR Article 20, and Recital 68),
    h. not be subject to automated decision-making and rights in relation to profiling (GDPR Article 22, and Recital 71), and i. be notified of a data security breach (GDPR Article 34, and Recital 86).

4 WHAT IS A COMPLAINT

- A complaint is an expression of dissatisfaction about Fakenham Town Council's handling of a data subject's personal data or the data of the individual they represent. This can also include dissatisfaction with how Fakenham Town Council has responded to a previous data request, such as those detailed under 1.3.

5 SCOPE

- This procedure addresses complaints made by data subjects regarding the use of their personal data. Complaints may be made in relation to any aspect of Fakenham Town Council's processing of personal data including individual rights requests.

- This procedure also addresses complaints made by third parties in relation to the Council's use of personal data. These may be for example in relation to the Council's response to a data related request from a third party, such as the Police or Local Government Agencies.

- This procedure should also be followed for complaints in relation to use of personal data for direct marketing and/or profiling activity.

6 RESPONSIBILITIES

- The Clerk has overall responsibility for this procedure and all relevant members of staff have been made aware of the procedure and have received appropriate training.

- All Employees/Staff are responsible for ensuring that any complaints that are made in relation to this procedure are reported to the (Info@Fakenhamtowncouncil.gov.uk, and for cooperating with in reviewing these complaints.

- Fakenham Town Council will review this procedure from time to time (and at least on an annual basis) to ensure that its provisions continue to meet our legal obligations and reflect best practice.

7 MAKING A COMPLAINT

- Data subjects and third parties may make a complaint relating to the Council's use of personal data. Complaints should be sent directly to the team via email to Info@Fakenhamtowncouncil.gov.uk or by post to Fakenham Town Council, Fakenham Connect, Oak Street, Fakenham, Norfolk, NR21 9DY. A member of the team will normally acknowledge the complaint within 5 working days. Fakenham Town Council reserves the right to extend the period we need for response if deemed a necessity.

- Although a complaint may be brought up at any time, there may be limits as to what the Council can do in historic cases.

- Fakenham Town Council will only accept a complaint from a data subject's representative, if the representative provides the data subject's written consent authorising the representative to act on the data subject's behalf in relation to the complaint.

- If there is any doubt about the identity of the complainant, the team will first seek to verify the data subject's identity or third party's entitlement to act on behalf of the individual. The forms of identification that are acceptable from a data subject are as follows; Passport, Driving Licence, or for third parties the identification requirements will vary dependent on their relationship to the data subject. Therefore these will be assessed on a case-by-case basis.

8 INVESTIGATION AND COMPLAINTS OUTCOME

- Once all identification requirements have been met, the investigation will be carried out normally within one month. If further clarification is required from the complainant or more time is required for the response to be completed, Fakenham Town Council will inform the complainant prior to the original deadline.

- The complaint outcome will be communicated to the complainant in writing, normally.

9. REVIEW

- If the complainant does not agree with the outcome, they can request a review of the decision. This request must be made within 1 month of the original decision being communicated and should be sent to the team via email Info@Fakenhamtowncouncil.gov.uk or by post to Fakenham Town Council, Fakenham Connect, Oak Street, Fakenham, Norfolk, NR21 9DY. The decision will be internally reviewed by the team responsible or responsible person normally within one month from the receipt of the request for Review.

- Once the internal review has been completed, Fakenham Town Council will communicate the outcome in writing, normally by email.

10 **INDEPENDENT EXTERNAL REVIEW**

- If the complainant remains dissatisfied, they can escalate their complaint to the Information Commissioner's Office (the "ICO"). Information about how to make a complaint to the ICO can be found here: https://ico.uk/make-a-complaint/

- In order to respond independently to the complaint, a Data Protection Officer may be appointed and the Data Protection Officer will investigate the complaint based on the information provided by the ICO. This may necessitate access to personal data and other information held with Fakenham Town Council. The cooperation of any staff members able to assist with the investigation will be required. The reason for the investigation may need to be disclosed to the relevant staff members.

- The Data Protection Officer will draft and submit a response to the ICO in consultation with the business's key stakeholders.

11. **MANIFESTLY UNFOUNDED, ABUSIVE, VEXATIOUS OR EXCESSIVE CORRESPONDENCE AND COMPLAINTS INDEPENDENT EXTERNAL REVIEW**

- In some scenarios we can refuse to handle the complaint. This will be when a complaint is deemed to be manifestly unfounded, abusive, vexatious or excessive. Each complaint will be considered on a case-by-case basis. The following factors will be taken into consideration:
    a. the data subject has explicitly stated that they intend to cause disruption (whether in the complaint, or in other correspondence), and has threatened individuals.
    b. the data subject has made unsubstantiated accusations against individuals, and is persisting in those accusations;
    c. the data subject is targeting particular individuals, against whom they have a personal grudge.
    d. the data subject makes frequent complaints intended to cause disruption; and
    e. the data subject continues to repeat the substance of previous complaints which have already been investigated.

- Where a complaint is deemed to be manifestly unfounded, excessive, abusive or vexatious, Fakenham Town Council will contact the individual and in a reasonable timeframe explain to them:
    a. the reasons for refusing to consider the complaint;
    b. their right to make a complaint to the ICO; and
    c. their right to pursue their data subject rights through a judicial remedy.

12. **USE OF DATA FROM COMPLAINTS**

- Fakenham Town Council will collect data on complaint outcomes at each stage of this procedure and any complaints submitted by complainants to any regulators (including the ICO) and use the data: a) internally for reporting, evaluation, learning and training; and b) externally for discussion with regulators.

- Your personal data and sensitive personal data ('Personal Data') as defined by the Data Protection Act 2018 (the "DPA") may be disclosed to Fakenham Town Council's members of staff and regulators only for the purpose of dealing with your complaint, or a complaint arising out of it and/or implementing any recommendations. Personal Data will not be shared with any other third parties unless Fakenham Town Council has your express consent, has a statutory obligation to do so, or is otherwise permitted to do so under the DPA.

Reviewed at Governance & Finance 21st July 2026
To be reviewed annually