

Data Protection Complaints Policy

Introduction

UK data protection law, including the UK GDPR, the Data Protection Act 2018 and related legislation, gives individuals rights in relation to their personal data. This policy explains how you can complain to us if you believe we have infringed your data protection rights and how we will handle your complaint.

In some cases, we are responsible for deciding why and how personal data is processed. In other cases, we process personal data on behalf of our customers. How we handle your complaint may depend on our role in relation to the personal data concerned.

Types of Complaint

Examples of a data protection complaint include, but are not limited to:

- the way we have responded to a subject access request (SAR) or other data rights request
- the security measures we have used to store your information, for example where you have been impacted by a data breach
- how we have collected or used your personal information, for example where we have stored it, how long we have kept it for, or its accuracy

This list is not exhaustive. You have the right to complain to us at any time if you consider that there has been an infringement of any of your rights in relation to your personal data. Information on how we handle your personal data is set out in our privacy notice available here: <https://equin.co.uk/privacy>

If your correspondence includes both a data rights request and a complaint about how we have handled your personal data, we may handle those matters under separate procedures while ensuring they are considered together where appropriate.

Where a complaint relates to an actual or suspected personal data breach or security incident, we will coordinate our response with our incident response and breach notification procedures.

Complaints about other matters that do not relate to data protection, such as customer service issues, will not be treated as data protection complaints.

If we are not sure whether you are making a data protection complaint, we will contact you to clarify the nature of your complaint.

How to Make a Data Protection Complaint to Us

You can submit a complaint directly to us using any of the following methods:

- Email: complaints@equin.co.uk
- Post: Unit 6482, PO Box 6945, London, W1A 6US

This is not an exhaustive list. We will take appropriate steps to respond to data protection complaints received through other channels, including social media. However, because social media is not usually a secure way to discuss personal data, we may ask you to use another contact method so that we can respond safely and effectively.

We will make reasonable adjustments to our complaints process where required under the Equality Act 2010. Please tell us when making your complaint if you need any adjustments.

When you make a data protection complaint, please provide as much detail as possible so that the issue can be understood and investigated thoroughly. This may include:

- your name and contact details
- the service, account, organisation or customer involved
- what happened and when
- what personal data or rights are affected
- any relevant previous correspondence
- the outcome or remedy sought

Complaints Where We Act as Controller, Processor or Involve Third Parties

When we receive a data protection complaint, we will consider the nature of the complaint and the role we play in relation to the personal data concerned.

In some circumstances, we will be the controller of the personal data. This means that we are responsible for deciding why and how the personal data is processed. This may include, for example, personal data relating to our website visitors, prospective customers, customers, account administrators, billing contacts, suppliers, job applicants, employees, marketing contacts, and individuals who contact us directly.

Where we are the controller of the personal data that your complaint relates to, we will handle your complaint in accordance with this policy.

In other circumstances, we may process personal data on behalf of one of our customers as their processor. This may include personal data that our customers upload to, store in, or otherwise process using our products or services. In those circumstances, our customer will usually be responsible for deciding why and how the personal data is processed, and we will process it only in accordance with our customer's instructions and our contractual obligations.

If we receive a complaint that relates to personal data for which one of our customers is the controller, we will take reasonable steps to identify the relevant customer and the nature of the complaint. Depending on the circumstances, and subject to our contractual obligations and applicable law, we may:

- ask you to contact the relevant customer directly
- provide you with reasonable information to help identify the relevant customer, where appropriate
- forward the complaint to the relevant customer, where we are permitted to do so
- notify the relevant customer that we have received the complaint, or
- support the customer in responding to the complaint

Where a complaint involves our suppliers, sub-processors, integration partners or other third parties, we may need to ask them to provide information, assist with our investigation, preserve relevant records, take remedial action, or work with us to understand the issue.

Where we act as a processor, or where a complaint involves a third party, we may not be able to respond substantively without the involvement or instructions of the relevant customer or third party. Our ability to investigate or resolve a complaint may depend on our role, the information available to us, and the cooperation of the relevant customer or third party.

We will not disclose personal data, customer confidential information, security-sensitive information, legally privileged information, or information about other individuals unless it is appropriate and lawful to do so.

Where a complaint involves both processing for which we are controller and processing for which we act as processor, we will separate the issues where reasonably practicable and handle each part according to our role and responsibilities.

If we are unsure whether we are acting as controller or processor in relation to the personal data concerned, we will assess the position before responding substantively. We may need to ask you for further information to help us identify the relevant account, customer, product, service, or processing activity.

Complaints About Children's Personal Data

Our products and services are not intended to be used directly by children. However, our customers may use our products and services to process information about children.

If we receive a complaint from a parent, carer, child or other individual about a child's personal data, we will consider our role in relation to the personal data concerned. Where the relevant school, trust or education provider is the controller, we may need to refer the complaint to them or support them in responding, in accordance with our contractual obligations and applicable law.

Responding to Your Complaint

We aim to acknowledge data protection complaints within five working days and will always acknowledge them within 30 days of receipt.

If we have any doubts about your identity, we may need to ask you for proof of ID before we respond to your complaint.

Complaints made on your behalf by a third party must be accompanied by evidence that the third party is authorised to act on your behalf. If this is not provided, we will contact the third party to ask that such evidence is provided before we respond to your complaint. If we are unsure whether a letter of authority is valid, we will contact you about this before we respond to your complaint.

In some cases, we may be limited in the information we can provide, for example where it would reveal another person's personal data, confidential customer information, security-sensitive information, or legally privileged information.

We will take appropriate steps to respond to your complaint without undue delay, including making enquiries into the complaint and keeping you informed about the progress of our investigation and timescales for the next update or outcome.

We may need to contact you to request further information to assist with our investigation. It may take us longer to investigate and resolve complaints which are complex, serious or which relate to multiple data protection issues.

Following our investigation, we will inform you of the outcome of your complaint. Depending on the circumstances, this may include correcting or deleting personal data, changing how we handle a request, providing further explanation, improving our processes, taking remedial action, or confirming why no further action is required.

Escalation and Review

If you are dissatisfied with the outcome, you may ask us to review our decision by replying to our outcome response or contacting the DPO.

Where reasonably practicable, the review will be carried out by someone who was not primarily responsible for the original response.

Complaints to the Information Commissioner's Office

You have the right to make a data protection complaint to the Information Commissioner's Office, the UK supervisory authority for data protection.

The ICO will usually expect you to raise your complaint with us first so that we have the opportunity to respond. You can find more information about making a complaint to the ICO at: <https://ico.org.uk/make-a-complaint/>

Roles and Responsibilities

Our Data Protection Officer (DPO) is responsible for overseeing the handling of data protection complaints within our organisation. The DPO will work alongside other members of our organisation who have been identified as relevant to the investigation of each complaint.

All staff are responsible for recognising data protection complaints.

Staff who receive or identify a data protection complaint, whether in person, via social media or through any other channel, must inform our DPO as soon as possible.

We are committed to handling data protection complaints in line with our legal obligations and in an accessible, fair, transparent and timely manner. We will handle complaints confidentially and only share information where appropriate to investigate and resolve the complaint, as required or authorised by law or otherwise in accordance with our privacy notices.

Training

We provide training for staff on recognising a data protection complaint and what to do if they receive one, including where to direct a complaint within our organisation.

Record Keeping

We will keep a record of:

- the date we receive the data protection complaint
- our acknowledgement
- any relevant conversations and documents
- affected product, account, customer or system
- any actions we take because of our investigation

- root cause and remedial actions
- the outcome of the complaint
- review or escalation outcome, where applicable

We will use these records to demonstrate compliance, for audit and monitoring purposes, training, to support consistent handling, and to identify recurring issues, trends or areas for organisational improvement or remediation.

We will not retain personal data relating to complaints for longer than is necessary. More information on our retention periods is set out in our privacy notice available here: <https://equin.co.uk/privacy>