

	GDPR & IT	Data Protection Complaint Policy
	Providence Row Housing Association	VERSION: 1

DATA PROTECTION COMPLAINT POLICY

1. Background

The Data Use and Access Act (DUAA) 2025 creates a right for individuals to complain directly to a Data Controller where they have concerns about how their Personal Data is being processed or believe that the Data Controller is infringing the UK's Data Protection legislation.

The Act requires that Data Controllers provide a mechanism for the individuals whose personal data they process to make such complaints, and that they have a procedure in place for investigating and responding to their concerns.

The Act requires that all Data Protection Complaints are acknowledged by the Data Controller within 30 days of receipt, following which they must investigate and issue a response "without undue delay".

2. What is a Data Protection Complaint?

A Data Protection Complaint is an expression of dissatisfaction, however made, about an actual or perceived infringement of the right's granted to a Data Subject under the UK's Data Protection Legislation.

In the context of this Policy, a Data Subject is any individual whose Personal Data is held and processed by Providence Row Housing Association (PRHA), including residents, staff members, volunteers or other individuals.

If you consider that PRHA has infringed the UK's Data Protection Legislation in relation to the processing of your Personal Data, or has infringed any of your rights under the Legislation, you can raise a Data Protection Complaint with us.

For example, you may wish to submit a complaint because of:

- the way we have responded to your request to see or to receive a copy of your Personal Data (a Data Subject Access Request or DSAR);
- how we have responded to a request made under any of the other rights granted to you by under the UK's Data Protection Legislation (for example the Right to Rectification);
- concerns that you have about how we have collected or are handling your Personal Data, including the security measures that we have in place to protect your Personal Data;
- concerns you have about what we are using your Personal Data for and how long we keep it for, or the accuracy of the information that we hold on you;

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- where you have concerns that you have been impacted by a data breach caused by the actions of PRHA, regardless of whether it meets the threshold for being reportable to the Information Commissioner;
- where you have any other concerns relating to our storage and processing of your personal data as a Data Controller.

This policy only applies to complaints relating to Personal Data for which PRHA is the Data Controller. Should a complaint be received that relates to the processing of your Personal Data by another organisation (for instance a third-party organisation involved in your support, or the Local Authority Commissioning Team that contracts PRHA to provide you with support) we will direct you to the relevant organisation to contact in order to raise your Complaint.

Complaints relating to how PRHA shares your Personal Data with another organisation in order to provide you with services or support will fall under this Policy, as it involves PRHA as a Data Controller with single or joint responsibility for the data sharing.

Complaints raised about organisations that are processing your Personal Data on our behalf (known as Data Processors) would also fall under this Policy. It will be our responsibility as the Data Controller to investigate and respond to your concerns about the processing. For instance, where we use contractors used to undertake repairs in your home and we share your contact details with them, so that they can arrange appointments with you directly.

3. How to raise a Data Protection Complaint with PRHA

You do not have to provide your complaint in a specific way, or to a specific individual or team. You do not need to use any specific terms in order for us to accept your Data Protection Complaint.

We will accept a Data Protection Complaint raised with us in any way (in person, by phone, by email or letter etc.) where the issues that you are raising fall within the definition of a Data Protection Complaint, and where we are responsible for the processing of that Personal Data.

You may for instance choose to raise such complaints directly with the Performance & Compliance Team (via feedback@prha.net); by calling our head office main number; or by speaking with your support worker, service manager, or housing officer (for PRHA residents and tenants) or your line management structure (for PRHA staff and volunteers).

All PRHA staff are required to pass on such complaints to the Performance and Compliance Team without delay.

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4. Proof of identity

Sometimes it will be necessary to verify your identity when you are making a Data Protection Complaint. This is to ensure that in providing our response to a Complaint we are not sharing any Personal Data with individuals who are not entitled to see it.

How we do this and what proof of ID we ask for will depend on the individual circumstances in which the complaint was received.

For instance:

- if the Complaint has been raised by speaking with a PRHA staff member who knows you (e.g. a member of your support team or your Housing Officer) we would not ask for additional verification;
- if you are complaining about how we have handled an earlier DSAR or data protection request and we have already verified your identity in relation to your earlier request, it is unlikely that we will ask you to verify your identity again in relation to your Complaint;
- if the Complaint is raised via email or letter it is more likely that we will seek to verify your identity, and that the email address used to raise the Complaint is one which belongs to you before proceeding with the Complaint;

The request for verification may be made at the same time as we acknowledge your complaint, or we may seek to verify your identity prior to acknowledging your complaint.

Again, this will depend on the individual circumstances of the complaint and on our pre-existing relationship with you.

For Complaints raised by a third-party on your behalf (see below) we will additionally seek to verify the identity of your representative and request formal documentation confirming that they are acting on your behalf and that you have consented to them receiving communications and updates concerning your Complaint, or attending meetings with you to provide support.

It is at the discretion of PRHA as to the type and amount of proof that is required to verify your identity or the identity of a third-party representing you.

Where we reject the proof provided as insufficient, we will detail why we have done this with you and provide you with the opportunity to provide alternative means of identity verification.

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5. Third party requests

A third party may raise a Data Protection Complaint on your behalf.

We will request appropriate evidence of authority to confirm that they are acting on your behalf and with your consent.

This may be via formal Power of Attorney, or by the provision of a signed document expressing your wishes for them to act on your behalf, in conjunction with verification for their identity.

If evidence of authority is not provided, or if we do not consider the evidence of authority to be sufficient, we reserve the right to pause or discontinue the Complaint process until such time as appropriate evidence is provided.

6. Time limits

Complaints relating to a specific event such as a data breach, or to the receipt of our response to an individual Data Protection Rights request (for example our response to a request for a copy of your personal data; or a request for us to correct information we hold which you consider to be inaccurate) should be made **within two months** of the event or response. This will assist us in our investigation and response as it will relate to a recent issue.

Complaints relating to a specific event may be accepted and investigated beyond this point where PRHA feels that there are good reasons to do so.

For all other issues, a Complaint should be made no more than **12 months** after the issue has occurred, or after the point at which you became aware of the issue. We may accept and investigate Complaints received outside of this timescale where we feel there are good reasons to do so.

7. What we will do when we receive a Data Protection Complaint

When we receive a Data Protection Complaint:

- We will assess your complaint or the concerns that you have raised with us to determine whether any aspect falls within the definition of a Data Protection Complaint.
- We will seek to clarify with you the details of your Complaint where we feel this is necessary. The more information that you provide us with about your concerns, the more informed we will be about those concerns and the actions you are seeking from us to address them.

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- We will acknowledge your Data Protection Complaint **no later than 30 calendar days after receipt**, in line with the period allowed by the Legislation.
- Under normal circumstances we will acknowledge your Complaint in advance of this deadline, as we will also seek to investigate and respond to your Complaint **within 30 calendar days of receipt**.
- The timescale for our response is extendable by another **30 or 60 calendar days (to a maximum of 90 calendar days from the date of receipt of your Complaint)** where we feel that the Complaint is a complex one or that additional time is required for us to fully investigate and provide you with an appropriate response.
- We will inform you **within 30 calendar days** of receiving your complaint if we have chosen to apply an extension. We will state the reasons for the extension, and we will provide the contact details for the Information Commission should you wish to challenge the decision to extend the deadline for your Complaint.
- In all circumstances, if the 30, 60 or 90 calendar days deadline falls on a non-working day (Bank Holiday or weekend) our response will be due on the next working day.

We will usually acknowledge your complaint in the same manner as it was received, unless you have specifically requested that we communicate our acknowledgement and response in a particular manner.

Where you have raised your Complaint verbally, we may acknowledge verbally but we will usually follow this up with an email or letter detailing. This will allow us to confirm our understanding of the issues that you are raising and the actions you are seeking, so that there is an opportunity for you to further clarify your concerns where you feel we have not fully understood them.

8. How we will deal with Data Protection Complaints where these include non-data protection related issues

- Sometimes we may determine that you are requesting to invoke a data protection right (such as a request to be provided with a copy of your personal data). Such requests are not Complaints and will be handled under our Data Subject Rights & Requests Policy and Procedure. We will clearly inform you where this is the case, and we will then follow the

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relevant timescales and processes of our Data Subject Rights & Requests Policy.

- Sometimes a complaint may involve additional aspects that are unrelated to how we handle your Personal Data. Where this is the case, the aspects unrelated to Data Protection will be handled as service-related complaints under our general Complaints Policy.
- Where necessary the two complaint processes will be run in parallel to ensure that all of the concerns you have raised are appropriately addressed. Each process will adhere to the timescales allowed under the respective Policies.
- For example, if you are complaining about a delayed repair due to missed appointments and part of your request is that we provide you with a copy of all the correspondence you have had with us since you reported the repair issue: this would be treated
 - a) as a service-related complaint (for the delayed repair / missed appointments) under our General Complaints Policy; and
 - b) as a Data Subject Access request under our Data Subject Rights & Requests Policy. You would be clearly informed about this.
- However, if you are complaining about how we previously handled a Data Protection Rights Request (for example if you were dissatisfied with the way in which we handled your request to receive a copy of the Personal Data that we hold on you), this aspect will be treated as a Data Protection Complaint.
- **In all circumstances, if we are not sure whether you are making a Data Protection Complaint, we will ask you to clarify.**

9. Our Data Protection Complaints process (how we will investigate)

Once we are clear about your concerns and how you wish for those concerns to be addressed, we will begin our investigation so that we can provide you with a response “without undue delay”.

- We will issue you with a formal acknowledgement for your Complaint, outlining our understanding of your concerns and the actions that you are seeking.
- Our acknowledgement will be made within the 30 days allowed for by the legislation, but we will always look to acknowledge prior to this point and as soon as we understand the nature and context of your

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Complaint. Where we have been able to investigate the complaint immediately following receipt and are in a position to provide an outcome promptly, we may choose to provide the acknowledgement and our response together.

- We will provide you with a point of contact for any questions you may have throughout the process;
- We will start by gathering as much information as necessary, and this may involve contacting you throughout the process to ask questions and to request evidence that is relevant to the investigation if required;
- We will look at all the relevant facts objectively, thoroughly, fairly, and accurately, and will speak to relevant staff or other individuals that are involved (such as staff from contractors used by PRHA where the raised involve that contractor);
- We will compare the information you have provided in your Complaint, and from the discussions with you about your Complaint, with the information that we hold;
- We will keep you updated should there be any delays, or if we decide that we need more time to investigate your Complaint fully. Should this be the case we will explain the reasons why;
- We will check whether we have upheld our own terms, policies and standards, and have acted in accordance with the legislation;
- We will provide you with our response, clearly explaining what we have done to investigate your Complaint and, where appropriate, the actions that we have taken or will be taking as a result of your Complaint.
- If we think that we have complied with data protection law and with our internal policies we will explain why we have come to this conclusion.
- Where any concerns have been upheld, we will outline the actions that we have taken or will be taking to put things right for you and for other Data Subjects.
- We will aim to provide you with enough information to help you understand how we have reached our conclusion.
- We will aim to provide our response within 30, 60 or 90 days of the date we received your Complaint (starting from the date received, not from the date of our acknowledgement).

10. Response timescales and complexity of the issues raised

The Data Use and Access Act 2025 does not provide a deadline to respond to Data Protection Complaints, other than that Complaints raised should be acknowledged within 30 calendar days and then “considered without undue delay” by the Data Controller.

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In order to ensure that a complainant receives a timely response we will always aim to provide our response **within 30 calendar days** where this is practical and feasible. However, we reserve the right to extend the deadline by another 30 or 60 days, depending on the circumstances and the complexity of the issues involved.

The time it takes us to investigate is likely to be impacted by:

- the complexity of the issue;
- the scale of the issue (e.g. whether it's a singular complaint about a recent issue, or a complaint about a number of issues over a longer time period);
- any harm that the complainant is suffering as a result of an issue that is ongoing while the Complaint is being investigated;
- any other factor that has an influence on how quickly we are able to review and respond to the Complaint.

Where we can complete the investigation of your complaint and provide our response in a shorter amount of time than 30 days from point of receipt, we will do so.

11. Requesting a review of our response, and external escalation with the Information Commission

Our process for investigating and responding to your Data Protection Complaint is a single stage process. This is the case both for Complaints received following an event or individual Data Protection Rights request, and for any other concerns that have been raised which fall within the definition of a Data Protection Complaint.

If you are dissatisfied with our response, or feel that the actions which we have taken (or have offered to take) do not fully address your concerns, you may wish to contact us to request that we review our response. You may also request that we review additional evidence and context if you have it.

Any such review is not a formal part of the process and does not represent a formal Appeals stage, but is instead seen as an opportunity for further dialogue and for seeking to reach an outcome that is acceptable to both parties.

You are not required to ask us to review our response, but you may do so where you feel this will be helpful.

You have the right to refer our response to the Information Commission as soon as you receive it, and regardless of whether you have decided to ask us to review our response.

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The Information Commission will be able to review your case and determine whether they will take it on for investigation. This is independent of any decision on your part to contact us to request that we review our response, and you may refer your complaint to the Information Commission at any point.

If you have requested that we review our response, you do not need to wait for our response before referring the case to the Information Commission.

The Information Commission is additionally available for contacting throughout the Complaints process as a whole to provide you with advice, guidance and support.

12. Reasonable Adjustments

Under the Equality Act 2010 we have a duty to make reasonable adjustments for individuals who are raising Data Protection Complaints with us.

Where a reasonable adjustment is required of us in order that we can support you with the process for raising and progressing a Data Protection Complaint with us, we will do so.

We will record and assess any requests for reasonable adjustment made. We will log our decision and the actions that we have taken to meet the request. If we reject the request, we will notify you why and will also log the reasons for our decision.

As the reasonable adjustments required will vary depending on the circumstances and the situation of the resident making the Complaint, we will do our best to accommodate those requests, and will speak with you to clarify your requirements as necessary.

All complainants can request a copy of this Policy in a format which is accessible to them.

13. Reviewing the lessons learned

Once we have investigated the issues and provided our response, we will review the circumstances of the Complaint and any actions that we felt were necessary to resolve the issues raised. We will seek to learn from the circumstances of each Complaint and consider if there are lessons to be learned or improvements that can be made to our processes in order to prevent the recurrence of similar complaints.

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14. Policy review

This Policy shall be reviewed annually, and upon the introduction or amendment of any legislation that impacts on our legal responsibilities concerning the handling of Data Protection Complaints.

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