

Dear Chief Executive,

The Information Commissioner's Office (ICO) has received a complaint about the way your organisation processes personal data.

I have attached the relevant details for your reference.

The ICO's role

Our role is to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals.

One way that we do that is to consider complaints from individuals who believe there has been an infringement of the data protection law. Section 165 of the Data Protection Act 2018 requires us to take steps to respond to the complaint including investigating it to the extent that we feel is appropriate and informing the complainant of the outcome.

The outcome of this complaint

Your customer has complained to the ICO about your handling of their data protection complaint. They believe that you have not complied with your obligations under data protection legislation.

It is our decision that there is more work for you to do and now expect you to take steps to address any outstanding issues with your customer.

What you need to do now

One of the ICO's strategic goals is to increase the public's trust and confidence in how their personal data is used and made available and this relies on data controllers being accountable for their actions in relation to handling data and responding to information rights requests.

Accountability is one of the data protection principles and makes you responsible for complying with the General Data Protection Regulation (GDPR).

You must be able to demonstrate your compliance to your customer and work hard to promote trust and resolve their concerns without the need for the individual to come to us. The attached document provides more detail about this.

As a regulator we look to organisations to effectively manage and resolve the data protection complaints they receive. When your customer comes to us to complain, they are in effect telling the regulator that they believe you are breaking the law. Reports of this kind are something that we will treat seriously and robustly.

We do not expect to receive complaints when there is still further work that you can do to better explain the processing in question to your customer, or to put things right when they have gone wrong.

We therefore require you to revisit the way you have handled this matter and consider what further action you can now take to resolve this complaint. We expect organisations to deal with the data protection complaints they receive and to proactively work with their customers to provide an appropriate resolution.

If you believe that you have complied with the data protection law, you need to explain this in detail to your customer. You also need to be confident that you have done all you can to find an appropriate resolution. If your organisation could have done more to resolve the concern then we expect you to take steps now to resolve the issue with your customer.

I have included a checklist in the attached document to help you with this, you should be able to tick off all the points on this non exhaustive list.

We expect you to contact your customer within the next **28 days** with this further detail. If you are unable to meet this timeframe we expect you to contact your customer to let them know and to advise them when to expect it. You do not need to provide a response to us at this stage.

However, if we receive a further complaint about this processing, we will carefully review and assess the response you have provided to your customer. If we consider that you are infringing data protection law then we will consider using our formal powers and any sanctions available.

Although individuals do have the right to raise complaints with the ICO, we should not be viewed as a routine second stage in a resolution process. As indicated above, we expect organisations to take their personal data obligations seriously and this should reduce the need for individuals to approach the regulator directly.

Advice and assistance

Our website contains advice and guidance about the processing of personal data and an organisation's obligations under the Data Protection law. I recommend that you review the information on our website to fully understand your obligations and in particular our [accountability framework](#). We also have specific information about [how you should respond to data protection complaints](#).

Yours sincerely,

Kelsey Gill
Case Officer
Information Commissioner's Office
0330 414 6656

Please consider the environment before printing this email.
For information about what we do with personal data see our [privacy notice](#).

ICO Statement

You should be aware that the Information Commissioner often receives request for copies of the letters we send and receive when dealing with casework. Not only are we obliged to deal with these in accordance with the access provisions of the data protection framework and the Freedom of Information Act 2000, it is in the public interest that we are open and transparent and accountable for the work that we do.