Data Protection Complaints Procedure

Version 1.0

2026-27

1. About this procedure

This procedure sets out how Pele Trust handles complaints about the use, handling or protection of personal data. It gives effect to section 164A of the Data Protection Act 2018, inserted by the Data (Use and Access) Act 2025 and in force since 19 June 2026, which requires the Trust to facilitate data protection complaints, to acknowledge them within 30 days, and to respond without undue delay..

This procedure sits alongside the Trust's general Complaints Procedure and applies where the concern is about personal data or data protection rights. Where a complaint raises both data protection and wider issues, the data protection elements are handled under this procedure and the remainder under the general procedure. Complaints from staff about their own employment data may instead be handled through HR procedures where more appropriate.

2. Who can complain, and about what?

Parents and carers, pupils, staff, and any other individual whose personal data the Trust processes may complain about matters including: how personal data has been collected, used, stored or shared; accuracy or retention; the handling of a subject access or other rights request; a suspected data breach; or a failure to meet data protection law or Trust policy.

3. How to complain

Complaints can be made by any of the following routes, and the Trust will never insist on a particular format: via the Contact page on the Pele Trust website; email to the Data Protection Officer at c.leightley@peletrust.org.uk; letter to the DPO at the Trust office; verbally to any school office, via any general contact address at Pele Trust schools or school websites. Schools will record the complaint and pass it to the DPO. The electronic contact form at www.Peletrust.org.uk is provided to meet the express requirement of section 164A(2).

It helps to include: your name and contact details, what happened and when, the school or team involved, any relevant correspondence, and the outcome you are seeking.

4. Principles

The Trust takes every data protection concern seriously, resolves issues at the earliest possible stage, explains decisions clearly, handles complaints objectively and confidentially, and uses outcomes to improve practice. No complainant will be treated less favourably for having raised a concern.

5. The procedure

Stage 1: Investigation

You may raise a data protection complaint as set out above, in writing or in person. Your complaint will be recorded and passed to the DPO.

We will acknowledge your complaint within 5 working days during term time. During period of school closure, we may take up to 30 days. The acknowledgement will confirm what we are investigating, who is investigating it, and when you can expect a response.

The investigator will review the relevant records and systems, speak to the staff involved, and take advice from the DPO. Where your complaint can be put right immediately, for example by correcting inaccurate data, we will make the correction and confirm it to you without waiting for the full investigation to conclude.

We will endeavour to provide a final response at the earliest opportunity, during term time that will usually be within 20 working days of receiving your complaint. It will set out what we found, whether your complaint is upheld in whole or in part, and what action we have taken. If we need more time, we will write to you with the reasons and a revised date, and we will update you at least every 10 working days until your complaint is closed. During periods of school closure it may take us longer to conclude our investigations and provide a full response.

Stage 2: Review

If you are dissatisfied with the Stage 1 outcome, you may ask for a review within 10 working days of receiving our final response. A senior leader or Director who has had no previous involvement will consider whether the procedure was followed and whether the outcome was reasonable. You will receive the Trust's final response within 15 working days of your request. The review does not reinvestigate the complaint.

7. Escalation to the ICO

If the complainant remains dissatisfied after Stage 2 they may complain to the ICO. Under the Data (Use and Access) Act 2025 the ICO expects complainants to have raised the matter with the organisation first.

ICO’s contact details: Information Commissioner’s Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF; www.ico.org.uk; 0303 123 1113.

8. Outcomes, records and oversight

Where a complaint is upheld the Trust will act proportionately: correcting data, changing a process or control, providing training, or apologising and explaining. Financial compensation is

not provided through this procedure. A confidential log of all data protection complaints is maintained by the DPO, retained in line with the Retention Guidelines, and reported to the Board each term with themes and actions. The Trust may decline to engage further with complaints that are repetitive without new evidence, unreasonably persistent or abusive, and will explain any such decision in writing.

Document control

Version	1.0
Status	Issued September 2026
Next review	September 2027
Policy owner	Chief Operating Officer (DPO)
Approved by	Board of Directors

Version	Date	Details
1.0	September 2026	New procedure giving effect to section 164A of the Data Protection Act 2018 (Data (Use and Access) Act 2025): complaint facilitation including electronic form, 30 day acknowledgement backstop, response without undue delay, termly Board reporting.