Data Protection Complaints Handling

Introduction

This document sets out the formal process adopted by the Firm for the handling of complaints relating to the processing of personal data. It has been developed to ensure compliance with the UK General Data Protection Regulation, the Data Protection Act 2018, and the statutory requirement introduced by the Data (Use and Access) Act 2025 requiring all data controllers to maintain and operate a data protection complaints handling process.

The Firm recognises that individuals have a statutory right to raise concerns directly where they believe their personal data has been handled in a way that infringes data protection law. The Firm is committed to addressing such complaints promptly, fairly, transparently, and free of charge, and to resolving concerns at the earliest possible stage.

Scope and Definition

This process applies to all personal data processed by the Firm and to all directors, employees and consultants. It applies to complaints raised by any individual whose personal data is held or processed by the Firm, including clients, former clients, employees, and third parties.

A data protection complaint is any expression of dissatisfaction, whether verbal or in writing, concerning the Firm's collection, use, storage, disclosure, retention, accuracy, or security of personal data, or its handling of data subject rights.

Accessibility and Right to Complain

The Firm ensures that individuals are able to exercise their right to make a data protection complaint easily and without unnecessary barriers. The complaints process is accessible and can be used by any individual, regardless of their relationship with the firm.

Information on how to make a data protection complaint is clearly set out in the Firm's privacy notice and is made available on the Firm's website https://www.cjhhsolicitors.com/privacy/. The Firm ensures that the complaints process is easy to locate and understand, in line with regulatory expectations.

Complaints may be made through any communication channel, including email, post, telephone, or in person, and may be made to any member of staff. All staff are required to recognise when a concern constitutes a data protection complaint and to escalate it promptly.

Governance and Responsibility

Responsibility for oversight of data protection complaints rests with the firm's Data Protection Manager.

Complaints will be handled independently and objectively. Staff involved in the subject matter of a complaint will not be solely responsible for determining its outcome. All staff must cooperate fully with investigations and must maintain confidentiality at all times, including preservation of legal professional privilege where applicable.

Complaints Handling Procedure

Upon receipt of a data protection complaint, the Firm will record the complaint in a central register and commence handling without undue delay. The Firm will acknowledge receipt of the complaint within a maximum period of thirty days, in accordance with statutory requirements under the Data (Use and Access) Act 2025. https://ico.org.uk/about-the-ico/media-centre/news-and-blogs/2026/02/new-guidance-on-data-protection-complaints-procedures/

The Firm will ordinarily aim to acknowledge complaints more promptly as a matter of good practice, but the thirty-day period represents the maximum statutory timeframe.

Following acknowledgement, the complaint will be assessed to determine its nature, scope, and potential risk. The Firm will then take appropriate steps to investigate the complaint without undue delay. This may include reviewing systems, files, and communications, and consulting relevant staff members.

During the investigation, the Firm will keep the complainant informed of the progress of their complaint and any significant developments.

Upon completion of the investigation, the Firm will provide a written response explaining the outcome of the complaint, the reasons for the decision reached, and any action taken. This response will be provided without undue delay following completion of the investigation, in accordance with ICO requirements.

Where appropriate, and in recognition of good practice within the legal sector, the Firm will aim to conclude complaints within eight weeks, although this is not a statutory requirement for data protection complaints.

Outcomes and Remedial Action

Where a complaint is upheld, the Firm will take appropriate remedial action. This may include correcting or erasing personal data, restricting or ceasing processing activities, strengthening security measures, or implementing changes to internal processes. Training or disciplinary action may also be taken where appropriate.

Where a complaint is not upheld, the Firm will clearly explain the reasons for its decision, including the legal and factual basis on which it relies.

Data Breach Considerations

Where a complaint indicates that a personal data breach may have occurred, the Firm will assess the matter in accordance with its data breach response procedures.

This includes determining whether notification to the Information Commissioner's Office or to affected individuals is required.

Escalation Rights

If a complainant is dissatisfied with the Firm's response, they have the right to raise the matter with the Information Commissioner's Office. The Firm will provide details of how to contact the ICO and will cooperate fully with any regulatory enquiries.

The Firm recognises that, under the Data (Use and Access) Act 2025, individuals are generally expected to raise their concerns with the organisation before escalating the matter to the ICO.

Record Keeping and Accountability

The Firm will maintain a central record of all data protection complaints, including details of the complaint, the investigation undertaken, and the outcome. Records will be retained for a minimum of six years to demonstrate compliance and accountability.

Training and Awareness

All staff will receive training on data protection and on recognising and escalating data protection complaints. Training will be provided at induction and refreshed regularly to ensure continued compliance.