

Cotmanhay
Infant and
Nursery School

GDPR and DPA Complaints Procedure

- Complete Revision
 Partial Revision
 New
 No changes

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5

Author of the policy:

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	Name:	Details: John Walker DPO

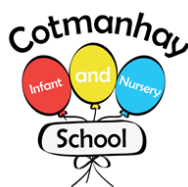
If Derbyshire County Council / DfE, which issue number: N/A

Issue 1	Issue 2	Issue 3	Issue 4	Issue 5	Issue 6	Issue 7	Issue 8	Issue 9	Issue 10

REVISION RECORD:

Review date	Revised by	Comments
14.05.21	KD	Contact info for ICO added and minor changes.
17.12.21	KD	Amended to include Vexatious RFI and to be used in conjunction with School Complaint procedure.
21.05.2024	SW	Amended to include contact details
17.03.2026	SW	Amended to include Data Use and Access Complaint process (DUAA)- changes in yellow

We are committed to safeguarding and promoting the welfare of children and young people and expect all staff and volunteers to share this commitment.



GDPR and DPA Complaints Procedure

Data will be processed to be in line with our requirements and protections set out in the UK General Data Protection Regulation, Data Protection Act as amended by the Data (Use and Access) Act 2025.

GDPR and DPA Complaints

Complaints concerning Data Protection and Freedom of Information should be directed in the first instance to the Data Protection Compliance Manager c/o the School Office or the Data Protection Officer, J A Walker, The Brutus Centre, Station Road, Totnes, Devon, TQ9 5RW, thereafter the most appropriate course of action will be advised depending on the nature of the complaint.

All Staff must be aware of the school's complaints process, and they should direct the person to the school website and the School Complaints Policy.

The School Complaints Policy sets out the complaints process. This will be the basis for dealing with Data Protection Complaints and appeals. A written outcome will be provided.

Vexatious requests for information

If a complainant persists to the point that the school considers it **may** constitute harassment or a risk to the safety of staff, school should consider contacting the police and obtain legal advice as the next steps. Different procedures apply to Freedom of Information (FOI) and Data Protection (DP) correspondence. The school should consult their FOI or DP advisor about these. Regardless of any communication strategy, school must provide parents and carers with the information that are entitled to under The Education (Pupil Information) (England) regulations 2005 within the statutory time frame. Different procedures apply to FOI and DP correspondence. Schools should seek further advice from their FOI and DP advisor about any request.

More information about dealing with vexatious requests for information is available on the Information Commissioner's Office (ICO) website and the office can be approached for advice.

The Data Protection Compliance Manager/Data Protection Officer is responsible for dealing with all complaints in line with this procedure.

The school complaints policy sets out the complaints process. This will be the basis for dealing with Data Protection Complaints and appeals. A written outcome will be provided.

If the school does not comply with a Subject Access Request within 1 month (subject to any extension), or refuses all or part of the request, written reasons will be provided, setting out the principles for the refusal. The data subject(s) will be notified of the right to complain directly to the Information

Commissioner, whose details will be in the response.

Data Usage Access Act 2025 - Complaint Process Appendix

Introduction

Cotmanhay Infant and Nursery School is committed to protecting the privacy and personal data of its students, staff, parents/carers, governors and the wider school community. This policy outlines the procedure for handling complaints related to data usage and access, in accordance with the Data Usage Access Act (DUAA) and other relevant UK data protection legislation, including the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018 (DPA 2018).

The UK GDPR documents as set out on our website provide an overview of how personal data is managed across our setting.

This is an appendix to the main complaint policy and reflects the requirement for standalone data usage complaints to be handled using a separate procedure. Any complaint that is linked to other matters whether raised as a formal or informal complaint are to be dealt with under the standard complaint process as outlined within the main complaint policy.

Roles and responsibilities

The Data Controller (DC) is responsible for ensuring compliance with this policy and the legal obligations imposed by the UK GDPR, Data Protection Act 2018, Data Usage and Access Act 2025 and other relevant legislation. The DC will delegate day to day management of this to the relevant staff member and the DC will expect that staff member to investigate any complaint unless there is a conflict of interest, in which case the DC will appoint a suitable person. The headteacher and leadership team are responsible for ensuring all staff are aware of this policy and their data protection obligations.

All staff members are responsible for handling personal data in a secure and lawful manner and for co-operating fully with any investigation into a data usage or access complaint.

Scope

This policy applies to all individuals who have dealings with Cotmanhay Infant and Nursery School and believe that their personal data has been used or accessed inappropriately, or that their rights under the DUAA and other data protection laws have been infringed.

This includes but is not limited to:

- current and former students
- parents/carers
- school staff (teaching, support, and administrative)
- governors
- volunteers
- contractors and suppliers

Principles

Fairness and transparency: All complaints will be handled in a fair, impartial, and transparent manner.

Confidentiality: Complaints and all related information will be treated with the utmost confidentiality, unless disclosure is required by law.

Timeliness: Complaints will be acknowledged and investigated in a prompt manner.

Compliance: All actions taken will comply with the DUAA, UK GDPR, DPA 2018, and other relevant legislation.

The complaint procedure

Step 1: Informal resolution

We encourage individuals to first attempt an informal resolution of their concerns. If you have a concern about data usage or access, you should, in the first instance, raise it with the relevant member of staff or senior person. Samantha Wilson, School Business Manager, info@cotmanhay-inf.derbyshire.sch.uk
In many cases, issues can be resolved quickly and informally at this stage.

Step 2: Formal complaint submission

If the informal approach is not successful or deemed inappropriate, a formal complaint should be submitted in writing using the complaint form attached.

The complaint should be addressed to Mrs Samantha Wilson, School Business Manager, info@cotmanhay-inf.derbyshire.sch.uk

The written complaint should be made on the form that can be accessed here

[Personal Data Misuse Complaint Form - Aug 2025.docx](#)

or shall include the following information:

1. your full name and contact details.
2. a clear and concise description of the complaint, including what happened, when it happened, and who was involved.
3. a description of the data involved and how you believe it was used or accessed inappropriately.
4. any relevant dates, times, or evidence.
5. details of any informal steps you have already taken to resolve the issue.
6. the desired outcome of the complaint.

Step 3: Acknowledgment and investigation

You will receive an acknowledgment of the written complaint within 5 working days of the setting receiving it. The DC will conduct a thorough and impartial investigation into the complaint.

This may involve:

- interviewing the complainant
- interviewing relevant staff members
- reviewing school records, logs, and policies
- consulting with external legal or data protection experts if necessary

The school will aim to complete the investigation and provide a substantive response within 20 working days of the complaint's acknowledgment. If the investigation is complex and requires more time, the DC will write to the complainant to explain the reason for the delay and provide a new estimated completion date.

Response

The DC will provide a formal written response to the complainant.

This response will include:

- the findings of the investigation.
- a clear and reasoned conclusion as to whether the DUAA or other data protection laws have been breached.

- details of any corrective action taken or planned to prevent a recurrence of the issue.
- the outcome of the complaint, including whether it has been upheld, partially upheld, or not upheld.
- information on the next steps available to the complainant if they remain dissatisfied.

If you feel that school have not dealt with your matter satisfactorily you can complain to the Information Commissioner

Escalation

If the complainant is not satisfied with the school's final response, they have the right to escalate their complaint to the Information Commissioner's Office (ICO).

The ICO's contact details are as follows:

Website: <https://ico.org.uk>
Telephone: 0303 123 1113
Postal Address: Information Commissioner's Office,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire,
SK9 5AF

Or by email: casework@ico.org.uk

More information is on the ICO website www.ico.org.uk/

Policy Review

This policy will be reviewed annually by the Data Protection Officer and the school leadership team to ensure it remains relevant, effective, and compliant with all current legislation.

Date of implementation: 08 August 2025

Review date: 08 August 2026