

# Data Protection Complaints Policy

Responsibility for Review: Data Protection Officer  
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## Data protection complaints policy: document provenance

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| <b>Approver</b>                          | Robyn Ellis (prior to trust board approval)                            |
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| <b>Policy owner</b>                      | Claire Chidzey-Carn  |
| <b>Policy authors</b>                    | Claire Chidzey-Carn  |
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| <b>Date of next review</b>               | June 2027  |
| <b>Summary of changes in this review</b> | <ul style="list-style-type: none"><li>• New policy</li></ul>           |
| <b>Related policies and documents</b>    | <ul style="list-style-type: none"><li>• GDPR policy and WTDs</li></ul> |

Unless there are legislative or regulatory changes in the interim, the policy will be reviewed as per the review cycle. Should no substantive change be required at this point, the policy will move to the next review cycle.

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### 1.0 Policy Statement

- 1.1 Dixons Academies Trust and academies are committed to protecting the privacy and personal data of students, staff, parents/carers, trustees, ambassadors, third-party partners and wider communities.



1.2 This policy is separate to the trust's main complaints policy and reflects the requirement for a clear procedure for handling data protection complaints.

## 2.0 Scope

2.1 This policy applies to all individuals who have dealings with Dixons Academies Trust and its academies 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.

2.2 This includes but is not limited to:

- current and former students
- parents/carers
- staff
- trustees, members, committee members and ambassadors
- volunteers
- contractors and suppliers

## 3.0 Legislation

3.1 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 and trust policies, as set out on the Dixons website, provide an overview of how personal data is managed across our settings.

## 4.0 Principles: fairness and transparency

4.1 All complaints will be handled in a fair, impartial, and transparent manner.

### 4.2 Confidentiality

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

### 4.3 Timeliness

Complaints will be acknowledged and investigated in line with requirements under the DUAA. All complaints will be acknowledged within 30 days of receiving them, and without undue delay, we will take appropriate steps to respond to complaints and keep people informed.

### 4.4 Compliance

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

## 5.0 What counts (and doesn't count) as a data protection complaint

### What counts as a data protection complaint?

5.1 The ICO guidance makes it clear that any allegation by a data subject (or someone on their behalf) that a business has infringed data protection legislation because of the way their personal data has been handled will constitute a complaint.

### What doesn't count as a complaint?

5.2 The ICO guidance distinguishes complaints relating to infringement of data protection laws and complaints about other business areas that also involve the exercise of data protection rights. For example,

- a data subject acknowledging a subject access request (SAR) was responded to on time but expressing dissatisfaction that the process was not expedited;
- an employee raising a grievance issue and simultaneously raising a SAR; or
- a general parental complaint, which includes a request to delete their information.

5.3 Any complaint linked to other matters, whether raised as a formal or informal complaint, will be dealt with under the standard Dixons Academies Trust complaint process, as outlined within the main complaint policy.

## 6.0 Unreasonable, manifestly unfounded, and vexatious complaints

6.1 Most people with complaints or concerns behave reasonably in pursuing their complaint. This means that they:

- treat all staff and property with courtesy and respect



- engage with staff to resolve concerns
- respect the needs of students and staff
- do not use intimidating/aggressive behaviour or inappropriate language towards staff
- recognise the time constraints under which members of staff work and allow a reasonable time for staff to respond to a complaint
- recognise that resolving a specific problem can sometimes take some time
- follow the trust's complaints procedures

6.2 **Unreasonable behaviour** may be seen in a single incident or through a persistent approach that interferes with the consideration of the complaint and/or ability of staff to undertake legitimate trust business, including:

- Malicious, aggressive, intimidating, threatening, offensive language or actions which appear to be targeted and/or cause ongoing distress to staff.
- Complaints where the complainant has no view about what would constitute a satisfactory outcome and/or no intention to resolve the complaint.
- Seeking an unrealistic outcome.
- Making excessive demands on time and resources by frequent, lengthy and complicated contact whilst a complaint is being dealt with and/or expecting immediate responses.
- Changing the basis of the complaints as it proceeds, or changing statements made at an earlier stage, and the use of falsified information.
- Making unjustified personal comments or complaints about staff who are trying to assist and/or seeking to have them replaced.
- Refusing to accept that certain issues are not within the remit of the complaints procedure.
- Refusing to cooperate with the investigation process to resolve a complaint or insisting that a complaint is dealt with in ways which are incompatible with the policy.
- Submitting repeat complaints with minor amendments to make them new complaints
- Use of Subject Access Request (SAR) and Freedom of Information Act (FOIA) requests excessively and unreasonably.
- Publishing unacceptable information in a variety of media such as on social media websites and in newspapers

6.4 The Data Protection Officer (DPO), or nominee, may assess a data protection complainant's behaviour as unreasonable and will ensure that there is sufficient evidence to justify the decision. Wherever possible, the DPO will discuss concerns with the complainant before applying any further sanctions.

6.5 If the behaviour continues or is more serious, the DPO will put in writing their decision and the way that future complaints will be dealt with. Any restrictions imposed will be appropriate and proportionate. A serious incident or threat of violence or aggression will normally constitute a ban from trust premises and may involve the police. This will be put in writing immediately.

6.6 The following actions may be taken singularly or in combination, depending on the circumstances of the case:

- Insisting that no member of staff should meet the complainant on his / her own or notes will be taken and agreed in the meeting in the interest of all parties.
- Restricting telephone calls from the complainant to specified days and times, possibly to a nominated contact.
- Requiring that all future contact with the academy is in writing, except in emergencies.
- Banning the complainant from the academy premises where the complainant's behaviour constitutes a nuisance or disturbance, with any appointments to be agreed in writing via the principal.
- Consideration of legal action.

6.7 New and substantive issues from people who have been deemed unreasonably persistent complainants will be treated on their merits and a reply will be sent to the complainant.

## 7.0 Identity verification and third-party authority

7.1 If we have any doubts about the complainant's identity, we may need to ask you for proof of ID before we respond.

[ICO guidance on requesting ID.](#)



## Verifying the authority of people making complaints on behalf of others

- 7.2 If you are making a complaint on behalf of another person (e.g. a family member, solicitor, child advocacy service, or other relevant not-for-profit organisation). We must check that you are authorised to act on the other person's behalf. This includes parents acting on behalf of a child deemed to be competent in exercising their data protection rights (usually assessed as being aged 12 and older).
- 7.3 The form of evidence we may need depends on the circumstances, but some examples are:
- an appropriate power of attorney; or
  - a signed letter of authority from the person they are acting on behalf of
  - In the case of a student aged 12 and over, a signed statement made in the presence of a trusted member of staff.
- 7.4 We may apply the same checks as when we handle data protection complaints submitted on behalf of others.
- 7.5 If we are unsure whether a letter of authority is valid, we will consider contacting the complainant about our concerns.
- 7.6 If we have no evidence that a third party is authorised to act on someone's behalf, we will not investigate the complaint until you provide the appropriate authority.

## 8.0 Complaint procedure

### Stage 1 - Informal resolution

- 8.2 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 that dealt with your original request or a member of the data protection team at [dpo@dixonsat.com](mailto:dpo@dixonsat.com).
- 8.3 In many cases, issues can be resolved quickly and informally at this stage. The relevant member of staff will review your concerns and provide a response in writing.

### Stage 2 - Formal complaint submission

- 8.4 If the informal approach is unsuccessful or deemed by the relevant member of staff to be inappropriate, a formal complaint should be submitted in writing for the attention of the data protection officer of the trust.
- 8.5 The written complaint should be submitted to [dpo@dixonsat.com](mailto:dpo@dixonsat.com) addressed to the data protection officer and should include the following information:
- Your full name and contact details.
  - A clear and concise\* description of the complaint, including a description of the data involved and how you believe it was used or accessed inappropriately.
  - Any relevant dates, times, or evidence.
  - Details of any informal steps you have already taken to resolve the issue.
  - The desired outcome of the complaint.
- 8.6 \*Complaints that are unreasonably lengthy, complex or vague will be returned to the complainant requesting revised wording so that the above information can be easily ascertained to address the complaint.
- 8.7 Stage 2 is the final stage in the trust's data protection complaints process.

## 9.0 Acknowledgement and investigation

- 9.1 Written informal and formal complaints will receive an acknowledgement in writing within 30 days.
- 9.2 The 30day acknowledgement period will start the day after a complaint is received, regardless of whether this day falls on a weekend or public holiday. The trust will have until the next working day to provide acknowledgement if the 30th day falls on a weekend or public holiday.
- 9.3 Informal complaints will be reviewed by the relevant member of staff, and a written response will address the concerns raised. For example, by clarifying why an exemption has been applied to a personal data request and which legislation this was applied under. This response will be provided without undue delay after the informal complaint has been acknowledged.
- 9.4 For formal complaints, a thorough and impartial investigation will be conducted by the DPO or their nominee.
- 9.5 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

9.6 A full response will be provided without undue delay, typically within 60 days, unless complexity requires more time.

## 10.0 Response

10.1 A written response will be provided to the complainant for both informal and formal complaints.

10.2 For informal complaints, this will address the concerns raised and provide any further information requested.

10.3 For formal complaints, the response will address the concerns raised and may 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 action/s to prevent a recurrence of the issue.
- The outcome of the complaint, including whether it has been upheld, partially upheld, or not upheld.
- Escalation options if the complainant is not satisfied with the trust's final response.

## 11.0 Escalation to the ICO

11.1 If you are unhappy with our response, you can [make a complaint to the Information Commissioner's Office \(ICO\)](#) or get advice from the ICO.

ICO

Telephone: 0303 123 1113

Textphone: 18001 0303 123 1113

Monday to Friday, 9am to 5pm

[Find out about call charges](#)

Information Commissioner's Office

Wycliffe House Water Lane

Wilmslow

Cheshire

SK9 5AF

You can also [chat online with an advisor](#).

You can also visit their website for information on [how to make a data protection complaint](#).

11.2 The ICO can investigate your claim and have authority to take action against anyone who has misused personal data.

