

Key Housing Association

Data Protection Complaints Procedure

Introduction

The Data (Use and Access) Act 2025 provides individuals with the right to complain directly to data controllers, such as ourselves, if they consider that, in connection with the personal data relating to an individual, a data controller has infringed UK data protection law.

This Procedure should be read in conjunction with the Data Protection Policy and our Data Subjects' Rights Procedure.

Details regarding how individuals can raise such complaints will be contained within our Privacy Notice/s.

Purpose

The purpose of this Procedure is to explain how to deal with a data protection related complaint. Data protection complaints include any matters which infringe UK data protection law, and include, but are not limited to:

- Data breaches
- General data processing
- Subject access request handling, such as redactions and missing information
- Other data subjects' rights, such as erasure and rectification

Scope

This Procedure applies to all officers, employees and volunteers (whether temporary or permanent) of Key Housing Association and Community Lifestyles, collectively referred to throughout this Procedure as 'Key'). This procedure is an internal document and not intended for members of the public, except if requested under a FOISA request. Members of the public should be referred to the Privacy Notice.

Responsibilities

All Key personnel are responsible for adhering to this Procedure.

The Data Protection Lead is responsible for maintaining a register of all requests and co-ordinating the investigation relating to the complaint and providing any required responses.

Receiving a Valid Complaint

A data subject can make a request via any method and personnel should always be aware of requests via the following methods:

- Verbal (face to face or by phone)
- Email
- Written letters
- Social media
- Website Contact Forms
- Fax

Verifying the Identity of the Data Subject

Where there are any reasonable doubts concerning the identity of the data subject, additional information will be requested to confirm the identity of the data subject.

Once Key is satisfied as to the identity of the requester, a note will be made that this requirement has been met, and any copies of identification documents will be destroyed (there is no requirement to retain copies of any identity verification). Any originals will be sent back via recorded delivery.

If Key can demonstrate that it is not able to identify the data subject, even after additional information is provided, a refusal notice to act upon the request will be issued.

Requests from parties other than the data subject

There are occasions where a data subject may agree to a third party making a request on their behalf, such as a solicitor or family member.

To protect a data subject's personal data, Key will make all the necessary checks to be satisfied that the individual making the request on behalf of the data subject is entitled to do so. This may include requesting a written authority to make the request (e.g. evidence of consent from the individual) or a more general power of attorney. This may also include the requirement of verifying the identity from the data subject being requested.

No information will be released until Key is satisfied. Key may feel it appropriate to contact an individual directly to discuss the request, for example, if asked to release special category data.

Process

1. Upon receipt of a complaint, and acknowledgement will be sent to the person making the complaint, or the person acting on their behalf, if applicable. Acknowledgement must be sent within 30 calendar days,
2. The complaint will be referred to our Data Protection Lead. The Data Protection Lead will refer the matter to our Data Protection Officer if they wish to do so and / or if escalation relating to a complaint is required.

3. The complaint will be investigated, and a response issued without undue delay, setting out the outcome of the complaint, and advising them that they can refer the matter to the Information Commission and / or that they can seek alternative judicial remedy if they are dissatisfied with the response.
4. Complaints should be logged on the subject rights log or data breach log, as applicable, and clearly marked as a complaint.
5. If the complaint relates to either the Data Protection Lead and / or the Data Protection Officer, the complaint should in the first instance be referred to a member of the Senior Management Team to decide who will process the complaint.

Monitoring and Reporting

Regular monitoring and audits will be undertaken by the Data Protection Lead and/or DPO to check compliance with the law, this procedure and associated policies and procedures.

Trends over complaints will be assessed and reported to the relevant governing body of the organisation, as part of the standard data protection compliance reporting.

Any concerns requiring urgent attention will be escalated by the DPO to a member of the senior management team.

Procedure Review

This Procedure will be reviewed every three years or when required, by the Data Protection Officer, to address any weakness in the Procedure or changes in legislation or best practice.

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