SOUTH LANARKSHIRE
Leisure & Culture

Data Protection Complaints Procedure

Effective Date: June 2026 **Review Date:** June 2027 **Owner:** [Data Protection Officer / Compliance Lead]

Purpose

This procedure outlines how South Lanarkshire Leisure and Culture (SLLC) handles complaints relating to the processing of personal data, in accordance with the Data Protection Act 2018 (as amended by the Data (Use and Access) Act 2025) and the UK General Data Protection Regulation (UK GDPR).

Scope

This procedure applies to all individuals whose personal data is processed by SLLC, including customers, employees, contractors, and service users. Collectively, these individuals are referred to as Data Subjects throughout this procedure.

In this procedure, references to 'we', 'us', or 'our' refers to SLLC.

What Is a Data Protection Complaint

A data protection complaint is any expression of dissatisfaction relating to how we collect, use, store, share, or otherwise process personal data. This includes concerns about:

- Lawful basis for processing
- Data accuracy or retention
- Responses to subject access or other rights requests
- Data breaches (even if not reportable)
- Data sharing or security practices
- Automated decision making and profiling
- Cookie and tracking technology
- Children's data and online services

Appendix 1 provides a checklist of data protection complaints.

What Is <u>NOT</u> a Data Protection Complaint

Some Data Subjects may raise a concern they believe is a data protection complaint, but they do not fall under the scope as defined by Data Protection Act 2018 and UK GDPR (as amended).

These issues may be valid concerns, but are not data protection complaints:

- General Customer Service issues
- Freedom of Information (FOI) requests
- Employment grievances
- Website Functionality complaints
- Complaints about policies or decisions

Appendix 2 provides a checklist of complaints that are **NOT** data protection complaints.

Handling anonymous complaints

We value all complaints including anonymous complaints and will consider these if there is enough information to enable us to make further enquiries. However, it may not be possible to verify facts, limiting any investigation. Any decision not to pursue an anonymous complaint must be authorised by a Senior Manager.

But there is limitation to anonymous complaints, and we cannot process Subject Access Requests without sufficient information to verify identity.

If we pursue an anonymous complaint further, we will record the issue as an anonymous complaint and record the outcome internally.

What if the Data Subject does not want to complain

If a Data Subject expresses dissatisfaction in line with our definition of a data protection complaint but does not want to complain, we shall inform them complaints offer us the opportunity to improve services where things have gone wrong. We will explain the benefits of submitting a complaint allowing us to deal with it through the data protection complaints procedure. This will ensure that they are updated on the action taken and receive a response to their complaint. If, however, they insist they do not wish to complain, we shall record the issue as an anonymous complaint. This will ensure that their details are not recorded and that they receive no further contact about the matter. It will also help to ensure the completeness of the complaints data recorded and will still allow us to fully consider the matter and take corrective action where appropriate.

Who can make a complaint

Any individual whose personal data is processed by SLLC. This includes:

- Customers
- Employees
- Service users
- Website visitors
- Job applicants
- Any individual whose data SLLC process.

Sometimes a Data Subject may be unable or reluctant to make a complaint on their own. We will accept complaints brought by third parties if the Data Subject has given their personal consent (usually in the form of a written mandate) or have legal responsibility.

Who CANNOT make a complaint

- **Organisations** cannot make a data protection complaint (only an individual can)
- **Third parties** without authorisation from the Data Subject

How to Make a Complaint

A Data Subject can submit a complaint through any of the following channels:

Method	Details
Online Form	Comments, Compliments and Complaints Form (Page 1 of 12)
Email	SLLCDPO@southlanarkshireleisure.co.uk
Telephone	01698 476262
In Person	Please visit any of our facilities, found here.

If emailing or telephoning they must include:

- Name and contact details
- A description of what the complaint is about, providing as much detail as possible
- Any relevant supporting documents

The online form is the most efficient method; however, you may use any of the options above.

Proof of Identity

To protect personal data, we may request proof of identity before investigating any complaint.

If a Data Subject has contacted us previously and submits a complaint without providing identification, we may be able to proceed without further verification.

However, in most cases, we will require proof of identity before taking further action. We may request appropriate identification to verify identity. This will usually include photographic ID and, where necessary, additional supporting documentation. We may also request a second form of identification to confirm identity—this could be a utility bill, bank statement, or a witnessed copy of your signature.

In most cases photocopies or a clear digital image (e.g. screenshots) will be sufficient. In exceptional circumstances, we may request to see the original documents.

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Acknowledgement and Response Times

We will acknowledge receipt of your complaint without undue delay, typically within five working days of receipt.

We aim to provide a full response within one calendar month. Where a complaint is complex, this timeframe may be extended by up to a further two months. In such cases, we will inform you of the extension, explain the reasons for the delay, and keep you updated on progress.

If your complaint is submitted via our online form, you will receive an automated acknowledgement email outlining the next steps, including expected timelines and any identity verification requirements.

Complaints received via telephone, email, or in person will be recorded and processed through our internal system.

We will investigate and respond to all complaints without undue delay. If we are unable to provide a full response within the standard timeframe, we will notify you before the deadline, explaining the reason for the delay and confirming when you can expect a response.

Investigating the complaint

The DPO or designated Officer will begin the investigation into the complaint without undue delay.

If additional information is required to support the investigation, the DPO will contact the data subject directly. They may also ask what outcome the individual is seeking, as this can help focus the scope of the investigation and support timely resolution.

We will keep the data subject informed of progress throughout the investigation and, where possible, provide an estimated completion date. Maintaining open communication helps build trust and provides reassurance that the complaint is being actively addressed.

The DPO will start by gathering as much information as they need, including:

- look at all the relevant facts thoroughly, fairly and accurately
- speak to relevant members of staff
- compare the information from the complaint with the information SLLC hold
- check we have upheld our own terms, policies, procedures and standards.

Can a child make the complaint

Children have the same rights as adults in relation to their personal information. However, they may be less aware of the associated risks, consequences, and safeguards.

A child may exercise their data protection rights on their own behalf, provided they are competent to do so. In Scotland, a child aged 12 or over is presumed to have sufficient age and maturity to exercise their rights, unless there is evidence to the contrary.

Where we receive a complaint from a child, we will assess their capacity to understand and exercise their rights. (*For further guidance, see When may a child exercise their rights? in our children and the UK GDPR guidance.*)

If a child is under the age of 12, we may receive a complaint on their behalf from a parent, another adult, or a representative such as an advocacy service, charity, or solicitor. Where we are satisfied that the child is not competent to act on their own behalf, and that the individual making the complaint holds parental responsibility, it will usually be appropriate for that person to exercise the child's rights on their behalf. (*For further guidance, see When may a child exercise their rights? in our children and the UK GDPR guidance.)*

When communicating with a child, whether directly or through a representative, SLLC will ensure that all information is provided in clear, plain, and age-appropriate language.

As SLLC falls within the scope of the Age Appropriate Design Code, we will:

- Provide accessible mechanisms to help children exercise their rights and submit complaints
- Enable children to indicate when they believe their request or complaint is urgent, and explain why
- Actively consider any urgency indicated and prioritise the matter where appropriate
- Have procedures in place to take **swift action** where information suggests an ongoing safeguarding concern

Closing the complaint

At the conclusion of the investigation, the data subject will be informed of the outcome using their preferred method of contact. The response will be recorded in the LC Customer Complaints database.

The final response will address all relevant matters within our remit and clearly explain the reasons for the decision. It will include:

- The outcome of the investigation
- Any actions taken or proposed
- Information on the right to escalate the matter to the Information Commissioner's Office (ICO)

Where appropriate, we will also explain any lessons learned or improvements made.

Escalation to the Information Commissioner's Office (ICO)

If the Data Subject is dissatisfied with the outcome of the investigation, they have the right to raise their concerns with the Information Commissioner's Office (ICO), the UK's independent authority for upholding information rights.

They can be contacted by:

Information Commissioner's Office Scotland

6th Floor, Quartermile One,

15 Lauriston Place,

Edinburgh,

EH3 9EP

📧 Scotland@ico.org.uk

📞 0303 123 1115

🌐 www.ico.org.uk

Record-Keeping and Reporting

We maintain a log of all data protection complaints, including:

- Date received
- Nature of complaint
- Outcome and resolution time
- Any escalations

This helps us monitor trends, improve practices, and comply with potential future reporting obligations under Section 164B of the DPA 2018.

In line with the Company Retention Schedule, records will be held for current year plus three years (Cfy+3).

Records will be stored securely and access restricted to authorised personnel.

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Roles and Responsibilities

Responsibility for the management of data protection lies with the Head of Strategy and Governance**.** Final decisions on complaints must be signed off by the Data Protection Officer and/or an appropriate Senior Manager, confirming that the response is definitive. This process ensures senior management ownership and accountability, while reassuring the data subject that their concerns have been taken seriously and appropriate action has been taken.

All staff are trained on this procedure and their responsibility:

- **Head of Strategy and Governance:** Responsible for overseeing the management of data protection complaints.
- **Data Protection Officer (DPO)**: Leads complaint handling and ensures regulatory compliance.
- **All SLLC Staff**: Must recognise data protection complaints and either escalate them to the DPO or signpost the Data Subject to appropriate channels.

Procedure Review

This procedure will be reviewed annually or in response to legislative changes.

Version Control

Following a review, please update the table below.

Version	Date Approved	Approved By	Summary of Changes	Next Review Date
1.0	19/06/26	Gillian Simpson (HoSG)	Initial release	June 2027

N.B This uses semantic versioning (e.g. 1.0, 1.1, 2.0) where major changes increment the first digit and minor edits increment the second.

Appendix 1

What is a Data Protection Complaint?

Use this checklist to identify whether a concern qualifies as a data protection complaint under the UK GDPR, DPA 2018, and DUAA 2025.

1. Lawfulness, Fairness & Transparency

- No clear lawful basis for processing personal data
- Privacy notice is missing, unclear, or misleading
- Data collected without informing the individual
- Use of data for purposes not originally disclosed

2. Data Accuracy & Retention

- Personal data is inaccurate or out of date
- Refusal or delay in correcting inaccurate data
- Data retained longer than necessary without justification

3. Data Security & Sharing

- Personal data shared without consent or legal basis
- Inadequate technical or organisational security measures
- Data breach not reported or communicated appropriately

4. Individual Rights Handling

- Delay or failure to respond to a Subject Access Request (SAR)
- Refusal to erase, rectify, or restrict processing of data
- Failure to comply with the right to object
- No response to a request for data portability

5. Automated Decision-Making & Profiling

- Decisions made solely by automated means without safeguards
- No option for human review or explanation of the decision

6. International Data Transfers

- Data transferred outside the UK without appropriate safeguards
- No transparency about where data is being sent

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7. Children's Data & Online Services

- Failure to comply with the Age Appropriate Design Code
- Inappropriate marketing or profiling of children

8. Cookies & Tracking Technologies

- Non-essential cookies set without valid consent
- Cookie banners or policies are misleading or non-functional

9. Complaint Handling Failures

- No accessible way to submit a data protection complaint
- Complaint not acknowledged within 30 calendar days
- No clear outcome or escalation process provided

10. Research & Secondary Use

- Data reused for research or analytics without informing individuals
- Lack of safeguards for pseudonymisation or minimisation

Appendix 2

What is *Not* a Data Protection Complaint?

These issues may be valid concerns, but they do not qualify as data protection complaints unless they involve the misuse or mishandling of personal data:

1. General Customer Service Issues

- Delays in service delivery
- Poor communication or rudeness from staff
- Product or service dissatisfaction
- Billing or payment disputes - *Unless personal data was mishandled in the process (e.g. sending an invoice to the wrong person), these are not data protection complaints.*

2. Freedom of Information (FOI) Requests

- Requests for access to organisational or public information (not personal data)
- Complaints about FOI response times - *These fall under the Freedom of Information Act 2000, not data protection law.*

3. Employment Grievances

- Disputes over promotions, pay, or workplace treatment
- Disciplinary actions or performance reviews - *Unless the complaint is about how personal data was used in these processes (e.g. inaccurate HR records), it is not a data protection issue.*

4. Marketing Preferences Without Data Breach

- Receiving marketing emails after unsubscribing *once* (if promptly resolved)
- Disliking the tone or frequency of marketing - *If marketing is sent without consent or opt-out rights are ignored repeatedly, it may become a data protection issue—but not always.*

5. Website Functionality Complaints

- Broken links or poor user experience
- Accessibility issues not related to data collection - *Unless cookies or tracking technologies are involved without consent, these are not data protection complaints.*

6. Complaints About Policies or Decisions

- Disagreeing with a policy (e.g. CCTV use, ID checks)

- Objecting to a lawful data processing activity without a rights-based reason - *Unless the policy breaches data protection law or fails to provide transparency, it's not a valid complaint.*