Ileostomy & Internal Pouch Association

Registered Charity

Data Protection Complaints Policy

Date agreed by Board of Trustees	Signature of Chair of Trustees	Date of next review:
Pending approval (June 2026)		June 2027

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1. Introduction

The Ileostomy & Internal Pouch Association (IA) is committed to providing a quality service for its members and working in an open and accountable way that builds the trust and respect of all our stakeholders. This includes how we process complaints relating to the collection, usage, sharing, storage, security or otherwise handling personal data.as a data controller. Where an individual considers that, in connection with personal data relating to them, there has been an infringement of their rights in accordance with UK legislation.

The term 'use' has been used interchangeably within this document but may additionally refer to how an organisation has collected, used, shared, retained, secured or otherwise handled personal data.

2. Aim

The aim of this policy is to ensure that the data protection complaints process is clear, easy to follow and aligns with section 164A of the Data Protection Act 2018.

3. Associated policies

This policy should be read alongside the following policies, all of which are available on IA's website and in hard copy format from National Office:

- Complaints Policy
- Privacy Policy

4. Scope

This policy covers data protection complaints only and should be read in conjunction with IA's Complaints Policy. This relates more generally to complaints about all other products and services that IA offers. Where the complaint is mixed, the data protection element should be identified and handled under the data protection complaints process, even if the wider complaint continues under the separate complaints policy.

If a complainant commences legal action against IA in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

Data not classified as personal data falls outside of the scope of this policy.

5. Who can make a complaint?

Any person, including members of the public (whether a member or not), staff, volunteers, healthcare professionals and other third parties, may make a data protection complaint to IA relating to an infringement in how their personal data has been used within IA, whether by IA national office, a member of the staffing team, or a third party acting on behalf of IA as data controller or volunteer. This includes representatives authorised on an individual's behalf.

6. The difference between a concern and a complaint

A concern may be defined as 'an expression of worry or doubt over how personal data has been considered to be important for which reassurances are sought'.

A data protection complaint does not need to quote the UK GDPR, refer to the Data Protection Act 2018 or use formal legal language. In practice, it may be a complaint about how IA has collected, used, shared, retained, secured or otherwise handled personal data.

Complaints may include complaints about:

- how personal data was collected or obtained;
- how personal data has been used, shared or disclosed;
- inaccurate, incomplete or out-of-date personal data;
- personal data being kept for too long;
- a data breach or suspected security incident;
- a delayed, incomplete or disputed subject access response;
- a refusal or failure to deal with a request for erasure, rectification, restriction, portability or objection;
- direct marketing, cookies or tracking technologies;
- automated decision-making or profiling;
- failure to provide clear privacy information.

7. How to raise a concern or make a complaint

Complaints can be made in any form using any of the following routes:

Method	Details
Email	dp_complaints@iasupport.org
Online form	https://iasupport.org/about/contact/
Post	Danehurst Court, 35-37 West Street, Rochford, SS4 1BE
Telephone	0800 0184 724 or 01702 549859
In person	To any member of staff or volunteer representing IA, who must escalate the matter internally. Please indicate that you are making a data protection complaint.
Other channels	Via direct message on our social media channels

As part of the complaint, you should include the following to enable us to investigate the complaint.

- name
- contact details (including either email and/or postal address and telephone)
- if the complaint relates to your personal details or if you represent someone else and your connection with that person. We will validate you have authority to act with the individual to whom the personal data relates
- details of the complaint
- the personal data concerned
- relevant dates
- copies of relevant correspondence
- the outcome you are seeking

For ease of use, a template data protection complaint form is attached to this document under Appendix 1, although you do not need to use this form to raise a complaint. If you require help in completing the form, you can contact IA national office for assistance (contact details at end of document) or a third-party organisation (such as the Citizens Advice Bureau) to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this data protection complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

8. Complaints made on behalf of another person

A complaint may be made by someone acting on behalf of an individual, such as a family member, solicitor, advocate, representative, person with power of attorney, parent or guardian.

Before disclosing personal data to a representative, IA must be satisfied that the representative has authority to act. Suitable evidence may include written authority from the individual, a signed consent form, power of attorney documentation, evidence of parental responsibility or evidence that the representative is otherwise legally entitled to act.

We will not delay acknowledging or investigating your complaint with any authority checks being completed in parallel. Where it is found that you do not have the authority to act, we will address the issue with the individual directly to whom the personal data relates to understand if they would like to raise a complaint and confirm to you that we are not progressing your complaint any further. Any subsequent complaint will be pursued with the new complainant.

9. Receiving and identifying complaints

Any representative of IA who receives a complaint that may involve personal data will forward it to the Data Protection Lead as soon as possible.

IA's representatives are unable to determine if a complaint should be raised, whether the complaint should be investigated or the outcome of the complaint before a full investigation has been completed. For this reason, all complaints received relating to data protection will be forwarded to the Data Protection Lead.

10. Logging the complaint

All data protection complaints will be recorded in the Data Protection Complaints Log. The log will be maintained by the Data Protection Lead or nominated complaints team.

11. Acknowledging the complaint

IA will acknowledge receipt of a data protection complaint within 30 days of receiving it. The 30-day period starts on the day after the complaint is received. If the final day falls on a weekend or public holiday, acknowledgement can be sent on the next working day.

The acknowledgement will confirm that the complaint has been received, explain that it is being handled as a data protection complaint, provide the complaint reference number, identify the person or team handling the complaint, explain whether any further information is needed, explain the next steps, and provide an indicative timescale for a response where possible.

12. Investigation

The investigation will begin without delay once IA has received all required information to investigate. Where any information is missing that delays our investigation, we will advise you and the reason for any delay.

The investigator will consider:

- what personal data is involved;
- what processing activity is being complained about;
- whether the complaint relates to a rights request;
- whether a personal data breach may have occurred;
- whether a processor, supplier or joint controller is involved;
- whether IA complied with the UK GDPR, Data Protection Act 2018 and internal policies;
- whether remedial action is required;
- whether the complaint raises wider organisational risks.

Investigation steps may include reviewing correspondence, checking systems and records, speaking to relevant staff, reviewing access logs or audit trails, checking privacy notices and policies, reviewing contracts or processor arrangements, checking whether a Data Protection

Impact Assessment (DPIA) or legitimate interests assessment is relevant and obtaining legal or specialist advice where appropriate.

13. Updates and Outcome

Where a complaint cannot be resolved quickly, IA will keep the complainant informed about progress. Updates will be provided via the contact details provided where the complaint is complex, further information is needed, the investigation is taking longer than expected, third-party input is required, or the organisation needs more time to reach a fair outcome.

Once the investigation is complete, IA will provide the complainant with an outcome without undue delay.

The outcome response will include:

- a summary of the complaint;
- the issues investigated and IA's findings;
- whether the complaint is upheld, partially upheld or not upheld;
- reasons for the decision;
- any action already taken;
- any further action the organisation will take;
- any apology, where appropriate;
- details of the complainant's right to complain to the ICO.

The outcome will be one of the following:

Outcome	Meaning
Upheld	The organisation accepts that the complaint is justified in full.
Partially upheld	The organisation accepts some elements of the complaint but not all.
Not upheld	The organisation does not accept that there has been a failure, and explains why.
Corrective action	This may include correction, erasure, restriction, process change, training, supplier review, security improvement or further response to an individual rights request.
No further action	Where no further action is required, the organisation should still explain the reasons clearly.

14. Escalation

The Data Protection Lead will escalate a complaint to IA's Senior Management Team and/or DPO where:

- the complaint involves a serious or repeated data protection issue;
- there is a risk of significant harm to an individual;
- the complaint relates to special category data or criminal offence data;
- the complaint relates to a vulnerable individual;
- the complaint concerns a senior employee or high-risk processing activity;
- the complaint may result in litigation;
- the complaint may be reported to the ICO;
- the complaint may create reputational risk;
- a personal data breach may have occurred.

Where the complaint suggests that a personal data breach may have occurred, IA's personal data breach procedure will also be followed.

15. Complaints involving processors, suppliers or joint controllers

Where a complaint involves a processor, supplier or joint controller, the Data Protection Lead will identify the relevant contract, data processing agreement or data sharing arrangement.

The organisation will consider whether the third party needs to assist with the investigation, whether it has complied with contractual obligations, whether personal data has been processed outside agreed instructions, whether breach notification obligations have been triggered and whether remedial action is required.

Processors will be required to escalate data protection complaints to IA promptly where the complaint relates to personal data processed on behalf of IA.

16. Complaints involving individual rights requests

Where a complaint concerns a subject access request or other individual rights request, the Data Protection Lead must review the original request, the response provided, the timeframe for response, any exemptions relied upon, searches carried out, redactions applied, information withheld, and correspondence with the individual.

If the complaint identifies an error or omission, the organisation shall correct it promptly.

17. Interaction with the ICO

Individuals have the right to complain to the Information Commissioner's Office if they are dissatisfied with how their personal data has been handled or the outcome of the complaint.

The ICO's contact details:

ICO contact	Detail
Website	www.ico.org.uk
Telephone	0303 123 1113

18. Record keeping

IA will retain appropriate records of data protection complaints and how they were handled. Records will include the complaint received, acknowledgement sent, internal investigation notes, evidence reviewed, internal decisions, correspondence with the complainant, outcome response, remedial actions and closure date.

Complaint records will be retained for six years from closure unless a longer period is required due to litigation, regulatory investigation, safeguarding, insurance or other legal reasons. If a longer period is required, this will be noted on the register along with the reasons why.

19. Confidentiality

Data protection complaints will be handled confidentially. Information about a complaint will only be shared with staff or third parties who need access in order to investigate, respond, take advice or implement remedial action.

IA will not disclose personal data about other individuals unless it is lawful and necessary to do so.

20. Monitoring and reporting

The Data Protection Lead will review the Data Protection Complaints Log at least quarterly. The review should consider the number of complaints received, categories, response times, overdue complaints, repeat issues, business areas involved, upheld or partially upheld complaints, ICO escalations, remedial actions, training needs and process improvements.

A summary report will be provided to IA’s Senior Management Team at least annually.

21. Staff training

All staff will receive appropriate training so that they can recognise and escalate data protection complaints. Training will cover what a data protection complaint is, how complaints may be received, why legal terminology is not required, who complaints should be escalated to, the importance of prompt escalation, confidentiality, the 30-day acknowledgement requirement and the need to avoid deleting or altering relevant records.

22. Review of this procedure

This procedure will be reviewed annually, following changes to data protection law or ICO guidance, following a serious complaint, following an ICO complaint or investigation or where monitoring identifies recurring issues.

23. APPENDIX 1 – Complaint Form

The following form can be used to log a data protection complaint or alternatively any other means identified within section 7.

The form should be sent to IA national office either by the postal address (IA National Office, Danehurst Court, 35-37 West Street, Rochford SS4 1BE) or email to dp_complaints@iasupport.org

Complainant Name			**Form Date**	
Complainant Address				
Complainant Email and Phone				
Representative of subject? (delete as app)	**NO / YES**	**If YES, name, contact details & relationship to subject**		
Complaint Details including relevant dates				
Personal Data Concerned				
Additional Correspondence Provided	**NO / YES**	**If YES, give details**		
Outcome Being Sought				