

Dear Chief Executive,

The Information Commissioner's Office (ICO) has received a complaint about the way your organisation processes personal data. We received the complaint on 23 August 2020 and I have attached the relevant details.

### **The ICO's role**

Our role is to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals.

One way that we do that is to consider complaints from individuals who believe there has been an infringement of the data protection law.

### **Why we're contacting you**

Your customer has complained to the ICO about your handling of their data protection complaint. Having brought a complaint to us, we understand that they believe that you have not complied with your obligations under data protection legislation and we have recorded the complaint and now expect you to take steps to address it with your customer.

For information about how we are dealing with complaints during the pandemic please see our latest update [here](#).

### **What you need to do now**

One of the ICO's strategic goals is to increase the public's trust and confidence in how their personal data is used and made available and this relies on data controllers being accountable for their actions in relation to handling data and responding to information rights requests.

Accountability is one of the data protection principles and makes you responsible for complying with the General Data Protection Regulation (GDPR). You must be able to demonstrate your compliance to your customer and work hard to promote trust and resolve their concerns without the need for the individual to come to us. The attached document provides more detail about this.

As a regulator we look to organisations to effectively manage and resolve the data protection complaints they receive. When your customer comes to us to complain, they are in effect telling the

regulator that they believe you are breaking the law. Reports of this kind are something that we will treat seriously and robustly.

We do not expect to receive complaints when there is still further work that you can do to better explain the processing in question to your customer, or to put things right when they have gone wrong.

We therefore require you to revisit the way you have handled this matter and consider what further action you can now take to resolve this complaint. We expect organisations to deal with the data protection complaints they receive and to proactively work with their customers to provide an appropriate resolution.

If you believe that you have complied with the data protection law, you need to explain this in detail to your customer. You also need to be confident that you have done all you can to find an appropriate resolution. If your organisation could have done more to resolve the concern then we expect you to take steps now to resolve the issue with your customer.

I have attached a checklist to help you with this, you should be able to tick off all the points on this non exhaustive list.

We expect you to contact your customer within the next **28 days** with this further detail. If you are unable to meet this timeframe we expect you to contact your customer to let them know and to advise them when to expect it. You do not need to provide a response to us at this stage.

However, if we receive a further complaint about this processing, we will carefully review and assess the response you have provided to your customer. If we consider that you are infringing data protection law then we will consider using our formal powers and any sanctions available.

Although individuals do have the right to raise complaints with the ICO, we should not be viewed as a routine second stage in a resolution process. As indicated above, we expect organisations to take their personal data obligations seriously and this should reduce the need for individuals to approach the regulator directly.

### **Advice and assistance**

Our website contains advice and guidance about the processing of personal data and an organisation's obligations under the Data Protection law. I recommend that you review the information on our website to fully understand your obligations and in particular our

[accountability framework](#) – you can find specific information about how you should respond to data protection complaints [here](#).

Yours sincerely

Travis Heywood  
Case Officer  
Information Commissioner's Office  
Tel: 0330 313 1751

Please consider the environment before printing this email  
For information about what we do with personal data see our [privacy notice](#).

### **ICO Statement**

You should be aware that the Information Commissioner often receives request for copies of the letters we send and receive when dealing with casework. Not only are we obliged to deal with these in accordance with the access provisions of the data protection framework and the Freedom of Information Act 2000, it is in the public interest that we are open and transparent and accountable for the work that we do.