ST CUTHBERT MAYNE SCHOOL

Joint Catholic and Church of England 11-18 Comprehensive School

Dioceses of Plymouth and Exeter

St Cuthbert Mayne School

GDPR and Data Protection Complaints Policy

Approved by Resources Committee: **May 2026**

Next Review Date: **May 2027**

1. Purpose

St Cuthbert Mayne School is committed to protecting the personal data of students, parents/carers, staff, governors, volunteers, contractors and visitors in accordance with the UK General Data Protection Regulation (UK GDPR), the Data Protection Act 2018, and associated guidance issued by the Information Commissioner's Office (ICO).

This policy sets out the school's procedure for handling complaints relating to the processing of personal data.

The policy incorporates the new complaint-handling requirements introduced under the Data (Use and Access) Act 2025, which come into force on 19 June 2026.

The school recognises that individuals have the right to raise concerns about how their personal information is collected, used, shared, retained or otherwise processed.

2. Scope

This policy applies to:

- all personal data processed by the school;
- all staff, governors, volunteers and contractors acting on behalf of the school;
- complaints from students, parents/carers, employees, applicants, former employees, suppliers and members of the public.

This policy covers complaints relating to:

- alleged breaches of UK GDPR or the Data Protection Act 2018;
- unlawful or unfair processing of personal data;
- excessive or inappropriate sharing of information;
- inaccurate personal data;
- failure to respond appropriately to individual rights requests;
- retention or disposal concerns;
- data security incidents;
- CCTV or monitoring concerns;
- confidentiality breaches.

This policy does not replace the school's general complaints procedure, grievance procedure, safeguarding procedures, whistleblowing procedure or disciplinary process, although complaints may overlap.

3. Legal Framework

This policy is based on:

- UK General Data Protection Regulation (UK GDPR);
- Data Protection Act 2018;

- Data (Use and Access) Act 2025;
- Freedom of Information Act 2000;
- ICO guidance on handling data protection complaints.

The school acknowledges the ICO guidance requiring organisations to:

- provide a clear method for making data protection complaints;
- acknowledge complaints within 30 calendar days;
- investigate complaints without undue delay;
- keep complainants informed;
- communicate outcomes without undue delay.

4. Roles and Responsibilities

4.1 Governing Body

The Governing Board is responsible for ensuring that the school has appropriate arrangements in place to comply with data protection legislation.

4.2 Headteacher

The Headteacher has operational responsibility for ensuring compliance with this policy.

4.3 Data Protection Officer (DPO) and Data Protection Link Officer (DPLO)

The DPO/DPLO is responsible for:

- monitoring compliance with data protection legislation;
- advising on complaint handling;
- overseeing investigations where appropriate;
- maintaining records of complaints;
- acting as a contact point with the ICO.

4.4 Staff

All staff are responsible for:

- recognising and reporting data protection complaints promptly;
- cooperating with investigations;
- maintaining confidentiality.

5. How to Make a Data Protection Complaint

Complaints may be made:

- in writing;
- by email;
- verbally;
- via the school office;
- through the school's published contact arrangements.

Complaints should be directed to:

Data Protection Link Officer:

Matt Burrell
St Cuthbert Mayne School
admin@stcm.torbay.sch.uk

Where a complaint relates to the DPO or the DPLO, the complaint should be directed to the Headteacher.

The school will make reasonable adjustments where required to ensure accessibility.

6. Information Required

To help investigate a complaint efficiently, complainants should provide:

- their name and contact details;
- details of the concern;
- relevant dates;
- copies of relevant correspondence or evidence;
- the outcome sought.

The school may request additional information where necessary.

7. Acknowledgement of Complaints

The school will:

- acknowledge receipt of a data protection complaint within 30 calendar days; and
- provide the complainant with details of the next steps and likely timescales.

Where possible, the school will aim to acknowledge complaints sooner.

8. Investigation Process

The school will investigate complaints fairly, proportionately and without undue delay.

The investigation may include:

- reviewing relevant records and systems;
- interviewing staff members;
- obtaining information from third parties or processors where appropriate;
- reviewing policies, procedures and audit logs;
- considering relevant legislation and ICO guidance.

The school may:

- seek clarification from the complainant;
- request additional evidence;
- extend the investigation period where the matter is complex.

Where an extension is necessary, the complainant will be informed of:

- the reason for the delay; and
- the revised anticipated timescale.

The school will keep complainants appropriately informed throughout the process.

9. Outcomes

Following investigation, the school will provide a written response setting out:

- the outcome of the complaint;
- any findings made;
- any actions taken or proposed;
- reasons for the decision;
- information about escalation rights.

Outcomes may include:

- no breach identified;
- informal resolution;
- correction or deletion of data;
- procedural improvements;
- staff training;
- reporting of a personal data breach where required;
- disciplinary action in accordance with school procedures.

Where confidentiality obligations apply, the school may not be able to share details relating to third parties or employment matters.

10. Escalation and ICO Complaints

If a complainant remains dissatisfied after the school's response, they may raise the matter with the Information Commissioner's Office (ICO).

The ICO's contact details are:

Information Commissioner's Office - https://ico.org.uk/global/contact-us/

The school encourages complainants to allow the school the opportunity to investigate and respond before escalating matters to the ICO.

11. Complaints Relating to Subject Access Requests and Individual Rights

This policy also applies to complaints relating to:

- subject access requests;
- requests for rectification;
- requests for erasure;
- restriction of processing;
- objections to processing;
- data portability requests.

The school will ensure that complaints relating to individual rights are handled in accordance with statutory timescales and ICO guidance.

12. Record Keeping

The school will maintain a record of:

- complaints received;
- investigations undertaken;
- outcomes reached;
- actions taken;
- correspondence and evidence.

Records will be retained in accordance with the school's Records Retention Policy.

Complaint records will be handled confidentially and only accessed by authorised individuals.

13. Confidentiality

All complaints will be handled sensitively and confidentially.

Information will only be shared where necessary and lawful.

The school will process complaint information in accordance with data protection legislation.

14. Training and Awareness

The school will ensure that:

- staff receive appropriate data protection training;
- complaint-handling responsibilities are understood;
- relevant staff are aware of escalation procedures.

15. Monitoring and Review

The school will review this policy annually.

The policy may also be updated in response to:

- legislative changes;
- ICO guidance updates;
- operational learning;
- audit findings;
- significant complaints or incidents.