Procedure 1133 - Data Protection Complaints Procedure

North East Scotland College (NESCol)

1. Purpose

North East Scotland College (NESCol) is committed to handling personal data lawfully, fairly, and transparently in line with the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018.

This procedure sets out how individuals can raise concerns or complaints about how the college collects, uses, stores, or shares personal data, and how those complaints will be handled fairly, transparently, and within appropriate timescales.

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2. Scope

This procedure applies to complaints relating to:

- How NESCol has processed personal data.
- Failure to comply with UK GDPR rights (e.g. fairness, accuracy, security).
- Dissatisfaction with how a data protection concern or breach was handled.

This procedure applies to:

- Students, applicants and former students.
- Staff and former staff.
- Contractors and partners.
- Members of the public whose data NESCol processes.

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3. What Is a Data Protection Complaint?

A data protection complaint may relate to:

- The collection, use, sharing, or storage of personal data.
- Failure to comply with data subject rights (e.g. subject access requests).
- Inaccurate or excessive personal data being collected or stored.
- Unauthorised access, disclosure or loss of personal data.
- Inadequate security measures.
- Failure to respond appropriately to a data protection concern.

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4. What This Procedure Does Not Cover

The following are **not** handled under this procedure and will be handled in accordance with applicable statutory timescales.

- Subject Access Requests (SARs) or Freedom of Information requests.
- Academic appeals or complaints about academic judgement.
- General service complaints unrelated to personal data.
- Staff grievances or disciplinary matters.

This procedure is intended to address matters that fall within the scope of the Data Protection Act 2018; any activities, processes, or circumstances that are out with the provisions and requirements of this legislation would be considered outside the remit of this procedure and may be subject to alternative policies, procedures, or regulatory frameworks as appropriate.

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5. How to Raise a Data Protection Complaint

Complaints regarding data protection should be made as soon as reasonably possible.

Complaints can be submitted:

- By email – dataprotection@nescol.ac.uk
- In writing – Data Protection Officer, NESCol, City Campus, Gallowgate, Aberdeen, AB25 1BN.
- In person: via a NESCol manager or Data Protection Officer.
- By telephone – 03003305550 Please ask to speak to the Data Protection Manager.
- By a representative on behalf of an individual where appropriate and with the consent of the individual.

Complainants should, where possible, include:

- Full name and contact details.
- Description of the data protection concern or issue.
- Relevant dates or supporting evidence.
- What the desired outcome is (If known).

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6. Roles and responsibilities

Data Protection Officer (DPO) / Data Protection Manager.

- Oversees complaint handling.
- Ensures compliance with legislation.
- Acts as primary contact for complainants.

- Liaises with regulators when required.

Managers.

- Escalate complaints promptly to the DPO.
- Support investigations.

All Staff.

- Must report any data protection concern immediately.
- Cooperate fully with investigations.

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7. Handling of Data Protection Complaints

NESCol operates a single-stage process for data protection complaints.

Stage 1 – Local Resolution

- The complaint will be acknowledged without undue delay and normally within 30 calendar days.
- The Data Protection Officer (or nominated officer) will assess the issue to determine whether the issue is a data protection complaint.
- The College will investigate and respond to the complaint without undue delay and will keep the complainant informed where additional time is required due to the complexity of the matter.

Outcomes

The response may include:

- Findings of the investigation.
- Whether the complaint is upheld or not.
- Explanation of actions taken or planned.
- Correction or deletion of personal data.
- Apology.
- Changes to processes or training.
- Notifications to relevant regulators where required.

If the complainant remains dissatisfied, they may escalate to the Information Commissioners Office (ICO).

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8. Escalation to the Information Commissioner's Office (ICO)

If, after completing NESCol's internal process, the complainant remains dissatisfied, they will be informed of their right to escalate the complaint to:

Information Commissioner's Office (ICO)
Website: https://www.ico.org.uk

Helpline: 0303 123 1113

Complainants can escalate their concerns to the ICO if: the complainant has gone through the College's Data Protection Complaints procedure and is unsatisfied with the outcome/response, or if the college has failed to respond without undue delay.

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9. Record Keeping

- All complaints will be logged and tracked.
- Records will include nature of complaint, actions taken, and outcomes.
- Complaint data will be used to identify themes and improve compliance.
- Complaint records will be retained in accordance with the College's Records Retention Schedule.

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10. Confidentiality and Data Protection

All complaints will be handled:

- Confidentially
- In accordance with UK GDPR and Data Protection Act 2018
- On a need-to-know basis
- Information will only be shared where necessary to investigate and resolve the issue.

Personal data provided during the complaint process will be used solely to manage the complaint.

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11. Support and Accessibility

NESCol will make reasonable adjustments to support individuals who require assistance in making a complaint, including:

- Alternative formats
- Support via a representative (with consent)

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12. Review and Governance

- Owner: **Data Protection Officer / Data Protection Manager**
- Review Cycle: **Every 3 years**, or sooner if required by legislative change

Status:	Approved for Use	**Summary of changes**
Date of version:	October 2026	
Responsibility for Procedure:	Data Protection Officer / Data Protection Manager	
Responsibility for Review:	Data Protection Officer / Data Protection Manager	
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