

Data Protection Complaints Policy

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Introduction

Art in Mind is committed to protecting personal data and respecting individuals’ rights under the UK General Data Protection Regulation (UK GDPR), the Data Protection Act 2018 (DPA 2018), the Data (Use and Access) Act 2025 (DUAA 2025) and the Privacy and Electronic Communications Regulations 2003 (PECR 2003).

This policy explains how Art in Mind receives, acknowledges, investigates and responds to **data protection complaints**. It ensures we meet our legal duties under UK data-protection law and respond with clarity, care and consistency.

What is a data protection complaint?

A data protection complaint is an expression of dissatisfaction about Art in Mind’s handling of an individual’s personal data. This can include dissatisfaction with how Art in Mind collects, stores, uses, shares or protects personal information, or how Art in Mind responds to information rights requests.

What is NOT a data protection complaint?

The ICO gives the following examples, which they say shouldn’t be data protection complaints:

- A personal may acknowledge that Art in Mind responded to their subject access request on time, but expressed dissatisfaction that it wasn’t expedited;
- An employee raised a grievance issue and requested copies of their personal information; or

- A person may complain about a customer service issue, and also request that their information is deleted.

1. Scope

1.1 This policy applies to:

- All staff, counsellors, facilitators and volunteers
- All young people, parents/carers and professionals who use our services
- All programmes, including Art in Mind, Art of Renewal, Aim to Thrive, Puzzle Bored, and counselling sessions at Brighton Youth Centre

1.2 It covers complaints raised through **any channel**, including email, online forms, phone, social media, staff inboxes, or in person.

2. Guiding Principles

2.1 Our approach to data protection complaints is grounded in:

- **Respect and dignity** for the person raising the concern
- **Transparency** about what we can and cannot do
- **Safety and stability** in how we communicate
- **Accessibility** for young people and those with additional needs
- **Confidentiality** and lawful handling of personal information
- **Accountability** for how we investigate and respond

3. Responsibilities

3.1 The Data Protection Lead, Sam Taylor, has overall responsibility for this procedure. They are responsible for overseeing all data protection complaints made to Art in Mind.

3.2 All staff/volunteers must immediately escalate any data-related complaints they receive. They are responsible for ensuring that any data-related concerns are reported to the Data Protection Lead and for cooperating with the Data Protection Lead in reviewing these complaints.

3.3 Art in Mind is responsible for reviewing this procedure every two years to ensure that its provisions continue to meet our legal obligations and reflect best practice.

4. Making a Complaint

4.1 Individuals can raise a complaint through any of the following:

- Email: artinmindbton@gmail.com
- Online form: <https://forms.gle/nhAaw8tBPNz5Lo948>
- In person with a staff member or facilitator.
- Through a parent/carer or professional acting on their behalf.
- Through informal routes (Instagram DM, WhatsApp, staff email, etc.)

We treat all routes equally.

4.2 Although a complaint may be brought at any time, there may be limits as to what Art in Mind can do in historic cases.

4.3 Art in Mind will accept complaints made on behalf of others where the third party is authorised to do so, such as an appropriate Legal Power of Attorney or a signed Letter of Authority from the person they are acting on behalf of.

4.4 If there is any doubt about the identity of the complainant, the Data Protection Lead will seek to verify the data subject's identity or third party's entitlement to act on behalf of the individual. The forms of identification that are acceptable are: Passport, Driving Licence.

4.4.1 For third parties, the identification requirements will vary depending on their relationship to the complainant. Therefore, these will be assessed on a case by case basis.

5. Acknowledging a Complaint

5.1 Art in Mind will acknowledge receipt of data protection complaints within 30 days, as required by law. The acknowledgement will include:

- Confirmation that we have received the complaint.
- The name and role of the person handling the complaint (the Data Protection Lead).
- What will happen next.
- Any further information we need to begin the investigation.

6. Investigating a Complaint

6.1 Investigation of a complaint will start without undue delay.

6.2 Investigating a complaint may include:

- Reviewing relevant records, communications or data.
- Speaking with staff or volunteers involved.
- Checking our data-handling processes.
- Assessing whether any data breach or risk is present.
- Identifying any errors, omissions or misunderstandings.

6.3 There is a wide range of factors that may influence how long an investigation takes. This can include:

- The complexity of the issue
- The scale of the issue
- Any harm that the complainant is suffering as a result of an unresolved issue.

The time it takes to investigate and complete a case is indicative and may change depending on the above.

6.4 Investigations will be proportionate to the complexity of the issue.

6.5 If further information is required from the complainant or more time is required for the response to be completed, Art in Mind will inform the complainant prior to the original deadline.

6.6 Complainants will be kept informed about the progress. This will include providing an expected date for the outcome, a point of contact for questions and an explanation for any delays.

7. The Outcome

7.1 Once the investigation is complete, Art in Mind will provide a written response that includes:

- A summary of the concern
- What we found
- Any actions taken or planned
- Any changes we will make to improve our processes (if necessary).
- Information about the person's right to escalate the complaint.

8. Review

8.1 If the complainant does not agree with the outcome, they can request a review of the decision. This request must be made within one month of the original decision being communicated and should be sent to the Data Protection Lead. The decision will be internally reviewed by the Data Protection Lead within 20 working days (unless your case is complex) from the receipt of the request for review.

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

9.1 If the complainant remains dissatisfied they can escalate their complaint to the ICO. While a complaint can be made to the ICO at any point, the ICO may expect individuals to have attempted to resolve concerns directly with the organisation before seeking regulatory intervention.

9.2 Information about how to make a complaint to the ICO can be found here:
<https://ico.org.uk/make-a-complaint>.

9.3 ICO contact details:

Phone: 0303 123 1113

Address: Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

10. Manifestly unfounded, abusive, vexatious or excessive correspondence and complaints

10.1 In some scenarios we can refuse to handle the complaint. This will be when a complaint is deemed to be manifestly unfounded, abusive, vexatious or excessive. Each complaint will be considered on a case by case basis.

10.2 The following factors will be taken into consideration:

- The complainant has explicitly stated that they intend to cause disruption (whether in the complaint, or in other correspondence), and has threatened individuals;
- The complainant has made unsubstantiated accusations against individuals, and is persisting in those accusations;
- The complainant is targeting particular individuals, against whom they have a personal grudge;
- The complainant makes frequent complaints intended to cause disruption; and
- The complainant continues to repeat the substance of previous complaints which have already been investigated.

10.3 Where a complaint is deemed to be manifestly unfounded, excessive, abusive or vexatious the University will contact the individual and in a reasonable timeframe explain to them:

- The reasons for refusing to consider the complaint;
- Their right to make a complaint to the ICO; and
- Their right to pursue their data subject rights through a judicial remedy.

11. Record Keeping

11.1 Art in Mind will keep a factual record of the complaint at each step of the procedure. This will include:

- The complaint
- The date it was received
- Actions taken
- Communications sent
- The final outcome

11.2 Records will be stored securely and in line with our retention schedule.

12. Record Keeping

12.1 Art in Mind will make reasonable adjustments for:

- Young people
- Individuals with SEN/EHCP needs
- People who require plain-language explanations
- People who need support to make a complaint

12.2 Art in Mind will provide reasonable support to help make a complaint, including alternative formats or assistance where needed.

12.3 Art in Mind accepts complaints through any communication method that feels safe and accessible.

Change Record

At Art in Mind, we are committed to reviewing our policy and good practice. This policy will be reviewed every two years and was implemented on:

Date of Change:	Changed By:	Comments:
01/ July/ 2026	Vanessa Kemp- chairperson	Policy approved by the Trustees