

Customer Relationships Policies & Procedures



Data Protection Complaints Policy & Procedure

1.	Policy Objectives
1.1	The Watford Community Housing (“WCH”) Group is committed to handling Personal Data in accordance with Data Protection Law (as defined below). The aims of this Policy and Procedure are to: -
1.2	<ul style="list-style-type: none"> (i) Provide guidance to WCH staff in dealing with any complaint made by a WCH Group Data Subject (as defined below) about the handling of their personal data; and (ii) Ensure we engage with such complaints positively and proactively in accordance with our Customer Feedback Policy.
2.	Legislative & Regulatory Requirements
2.1	<u>Legislative</u> General Data Protection Regulation (UK GDPR) & Data Protection Act 2018 (together “Data Protection Law”).
2.2	<u>Regulatory</u> Regulator of Social Housing (RSH) <u>Governance and Viability Standard</u> (para 1.1): “Registered providers shall ensure effective governance arrangements that..... comply with all relevant law.” <u>RSH Transparency, Influence and Accountability Standard</u> (para 2.5) 2.5.1 Registered providers must ensure their approach to handling complaints is simple, accessible and publicised.”
3.	Scope and definitions
3.1	Scope
3.1.1	This Policy & Procedure applies to all WCH Group Data Subjects (defined at section 3.2.4 below) and to all WCH Group (including its subsidiary and joint venture companies) activities or operations which involve the processing of Personal Data (as defined at section 3.2.2 below) regardless of its format.
3.1.2	This Policy does not cover Data Subjects exercising their “information rights” (such as the right of erasure, the right to object to Processing etc); these rights are covered by the separate WCH Information Rights Policy & Procedure available on Grapevine.

3.1.3	The procedure for dealing with a data protection complaint made by a WCH Group Customer is at detailed at section 6 below and the procedure for dealing with a data protection complaint by a (current or former) staff member is at section 7.
3.2	Definitions
3.2.1	<u>Customer Complaints Group</u> : a group consisting of the Customer Experience Manager, Company Secretary, Corporate Governance and Corporate governance and Health & Safety Manager and Chief Technology Officer which is responsible for triaging data protection complaints from customers at Stage 1 of the Customer Feedback Procedure. The Group is categorised as 'DPCOMP' in the Feedback Module.
3.2.2	<u>Staff Complaints Group</u> : a group consisting of the Assistant Director of People & Governance and Chief Technology Officer which is responsible for triaging data protection complaints from (current or former) staff members.
3.2.3	<u>Personal Data</u> : information about an identified or identifiable living individual held on computer or in a structured filing system, examples would include: names, contact information including emails and usernames, photographs, vehicle registration plates.
3.2.4	<u>Processing</u> : anything you can do with Personal Data e.g. collecting, viewing, recording, organising, structuring, storing, altering, retrieving, sending, restricting or destroying it.
3.2.5	<u>WCH Data Subject</u> : any living individual whom the Personal Data is about held by a data controller. The WCH Group has relationships with various Data Subjects including tenants (and their household members), leaseholders, shared owners, private market tenants, job applicants, staff, Group Board and Committee members, Gateway Membership Team, contractors and suppliers.
3.2.6	Customers: includes WCH Group's tenants, their household members, leaseholders, shared owners and private market tenants.
4.	Roles and responsibilities
4.1	All staff : are responsible for identifying and dealing with data protection complaints in accordance with this Policy & Procedure, whether as first point of contact or person subsequently investigating and responding to the complaint. All data protection complaints from must be logged in accordance with this Policy & Procedure.
4.2	Customer Relations Team : are responsible for managing data protection complaints from Customers within the Feedback Module and in line with the Customer Feedback Policy & Procedure (except where varied at section 6 below).
4.3	Customer Experience Manager : (as a member of the Customer Complaints Group) is responsible for triaging data protection complaints from Customers at Stage 1 of the Customer Feedback Procedure and allocating them to an appropriate case handler.
4.4	Data Champions : are responsible for providing advice and support to a complaint case handler as may be required under this Policy & Procedure.

4.5	<p>WCH’s Group Data Protection Officer (DPO): is responsible for:</p> <ul style="list-style-type: none"> (i) Triaging <u>all</u> data protection complaints to review their content and identify an appropriate case handler; (ii) Investigating and responding to data protection complaints from Customers at Stage 2 of the Customer Feedback Procedure and where appointed to investigate and respond to any complaint from a WCH staff member; and (iii) (With support from the Group DPO) liaising with the ICO regarding any data protection complaint referred to them. <ul style="list-style-type: none"> (i) logging data protection complaints by (current or former) staff members and investigating and responding to them (ii) Providing advice & support to case handlers in handling any data protection complaint; and (iii) Liaising with the ICO as necessary on behalf of the WCH Group about any complaint referred to them.
5. Recognising a Data Protection Complaint	
5.1	A data protection complaint could be about any aspect of our Processing of a Data Subject’s Personal Data but might commonly be about: -
5.1.1	<ul style="list-style-type: none"> • Processing that does not reflect WCH Group privacy notices; • Sharing Personal Data with/sending to an unauthorised person; • Processing beyond a WCH Group Retention Period; • Failing to keep Personal Data appropriately secure; • Failure to comply with the Data Protection Law; • Failing to comply with a data subject access request properly or in accordance with the Subject Access Request Policy & Procedure; or • Failure to comply with an information rights request properly or in accordance with the Information Rights Request Policy & Procedure.
6. Responding to a Data Protection Complaint from a WCH Group Customer	
6.1	A data protection complaint from a Customer should be logged the same working day by the staff member first receiving it within the Feedback Module as a ‘data protection complaint’.
6.2	<u>Stage 1</u>
6.2.1	CRT will acknowledge the complaint under Stage 1 of the Customer Feedback Policy & Procedure. The complaint will be allocated by the Feedback Module to the Customer Complaints Group to be “triaged” the same day i.e. to review/identify its subject matter and a suitable case handler. The Group will then allocate the complaint to the case handler to progress. The relevant actions and timescales under Stage 1 of the Customer Feedback Procedure will apply. The case handler may seek advice as necessary from their team/department’s Data Champion.
6.3	<u>Stage 2</u>
6.3.1	If the Data Subject is not satisfied with the outcome of the complaint at Stage 1, the complaint should be escalated by the Customer Relations Team to Stage 2 of the Customer Feedback Policy & Procedure, allocating it to Company Secretary or Chief Technology Officer to address. The relevant actions and timescales under Stage 2 of the Customer Feedback Procedure will apply.

6.4	The Group DPO can advise on complaints at <u>any stage</u> of the Customer Feedback Procedure but must be asked to review the complaint once escalated to Stage 2 where they have not previously been involved in the process.
7. Responding to a Data Protection Complaint from a WCH Group Staff Member	
7.1	A data protection complaint from a current or former WCH staff member will be acknowledged in writing by the DPO on the same working day, or as soon as soon as it reasonably practicable. The complaint will then be reviewed to identify its subject matter and a suitable case handler by the DPO.
7.1.1	The Data Protection Officer will log the complaint in the DSAR, Information Rights and Complaints Register held in a secure access area of the J:drive.
7.2	Stage 1 Investigation
7.2.1	The complaint will be investigated by the case handler and an outcome will be communicated to the complainant within 10 working days of its acknowledgement. The WCH Group DPO must be asked to review the complaint before an outcome is confirmed to the staff member.
7.2.2	There are no further stages of escalation or appeal following Stage 1. Where the complainant remains dissatisfied with the response at Stage 1, they can at that point (or any other) refer their complaint to the Information Commissioner's Office in accordance with section 8 below.
7.3	<p><u>Documentation Handling</u></p> <p>All correspondence / documentation relating to the complaint should be stored within the staff member's Employee Relations in the secure access HR area.</p>
8. Data Subjects' Right to Complain to Information Commissioner's Office	
8.1	<p>Where a WCH Group Data Subject is dissatisfied with our handling of their complaint under section 6 they can at any time: -</p> <ul style="list-style-type: none"> (i) Contact the WCH Group DPO at our head office address (any correspondence addressed to our DPO received by a member of staff should be passed to the Date Protection Officer Chief Technology Officer without delay); or (ii) Make a complaint with the ICO as the UK supervisory authority. The ICO's contact details are as follows: <ul style="list-style-type: none"> Information Commissioner's Office Wycliffe House Water Lane Wilmslow Cheshire SK9 5AF (t) 0303 123 1113
8.2	In reviewing any Data Subject's complaint the ICO may advise the complaint to exhaust our complaints-handling procedure first. Complianants are therefore advised of this at Stage 1 of the Customer Feedback Procedure.

9.	Liaising with the Information Commissioner's Office
9.1	All and any communications received from the ICO about a data protection complaint in respect of a WCH Group Data Subject should be passed without delay to the DPO. As provided at section 4.5, the WCH Group DPO will liaise with the ICO on behalf of the Group as necessary with a view to resolving the complaint.
9.2	All correspondence with the ICO regarding a data protection complaint from a Customer should be stored within the Group's Customer service system together with the remainder of the complaint correspondence/communication. All correspondence with the ICO regarding a data protection complaint from a WCH staff member should be stored within the staff member's Employee Relations in the secure access HR area of the J: drive.
9.3	Where any data protection complaint reveals a Personal Data breach not previously known to the WCH Group, the Personal Data Breach Policy & Procedure must be applied in addition to this Policy & Procedure without delay.
10.	Monitoring & Reporting
10.1	<u>All</u> data protection complaints shall be reviewed by the WCH Group DPO in accordance with sections 6 and 7 above and their advice followed accordingly. The DPO shall review all other complaints on a quarterly basis and advise the Group as necessary to avoid the same or similar complaints arising in the future.
11.	Person responsible
	Customer Experience Manager
12.	Related documents
	Privacy Policy and WCH Group privacy notices Subject Access Request Policy & Procedure Personal Data Retention Policy Information Rights Policy and Procedure Customer Feedback Policy and Procedure Feedback Module Guidance Personal Data Breach Policy & Procedure
13.	Approval
	Approved by : Assistant Director of Customers and Communities
	Date of approval : April 2024
	Next Review date : April 2029
	Policy 'owner' : Customer Experience Manager