



Data (Use and Access) Act 2025 Complaint Policy



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FOREWORD

Embark Federation is committed to ensuring that personal data is used, accessed and managed lawfully, fairly and transparently. We take concerns about the handling of personal information seriously and are committed to investigating them promptly and impartially.

This procedure sets out how complaints relating specifically to the use or access of personal data will be managed in accordance with the Data (Use and Access) Act, UK GDPR and Data Protection Act 2018. It should be read alongside the Trust's Complaints Policy, which applies to all other complaints.

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1. Introduction

Embark Federation is committed to protecting the privacy and personal data of its young people, staff, parents/carers, governors and the wider school community. This policy outlines the procedure for handling complaints related to data usage and access, in accordance with the Data Usage Access Act (DUAA) and other relevant UK data protection legislation, including the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018 (DPA 2018).

The UK GDPR documents as set out on our website provide an overview of how personal data is managed across our schools.

This is an appendix to the main complaint policy and reflects the requirement for standalone data usage complaints to be handled using a separate procedure. Any complaint that is linked to other matters whether raised as a formal or informal complaint are to be dealt with under the standard complaint process as outlined within the main complaint policy.

2. Roles and responsibilities

The Data Controller (DC) is responsible for ensuring compliance with this policy and the legal obligations imposed by the UK GDPR, Data Protection Act 2018, Data Usage and Access Act 2025 and other relevant legislation. The DC will delegate day to day management of this to the relevant staff member and the DC will expect that staff member to investigate any complaint unless there is a conflict of interest, in which case the DC will appoint a suitable person.

The headteacher and leadership team are responsible for ensuring all staff are aware of this policy and their data protection obligations.

All staff members are responsible for handling personal data in a secure and lawful manner and for co-operating fully with any investigation into a data usage or access complaint.

3. Scope

This policy applies to all individuals who have dealings with Embark Federation and believe that their personal data has been used or accessed inappropriately, or that their rights under the DUAA and other data protection laws have been infringed.

This includes but is not limited to:

- current and former young people
- parents/carers
- school staff (teaching, support, and administrative)
- governors
- volunteers
- contractors and suppliers

4. Principles

Fairness and transparency: All complaints will be handled in a fair, impartial, and transparent manner.

Confidentiality: Complaints and all related information will be treated with the utmost confidentiality, unless disclosure is required by law.

Timeliness: Complaints will be acknowledged and investigated in a prompt manner.

Compliance: All actions taken will comply with the DUAA, UK GDPR, DPA 2018, and other relevant legislation.

5. The complaint procedure

Step 1: Informal resolution

We encourage individuals to first attempt an informal resolution of their concerns. If you have a concern about data usage or access, you should, in the first instance, raise it with the relevant member of staff or senior person at the school.

In many cases, issues can be resolved quickly and informally at this stage.

Step 2: Formal complaint submission

If the informal approach is not successful or deemed inappropriate, a formal complaint should be submitted in writing using the complaint form attached.

The complaint should be addressed to Louise Rowland, Complaints Coordinator, complaints@embarkfed.org.uk.

The written complaint should be made on the form that can be accessed here: [Policies - Embark Federation](#) or shall include the following information:

1. your full name and contact details.
2. a clear and concise description of the complaint, including what happened, when it happened, and who was involved.
3. a description of the data involved and how you believe it was used or accessed inappropriately.
4. any relevant dates, times, or evidence.
5. details of any informal steps you have already taken to resolve the issue.
6. the desired outcome of the complaint.

Step 3: Acknowledgment and investigation

You will receive an acknowledgment of the written complaint within 5 working days of the setting receiving it.

The DC will conduct a thorough and impartial investigation into the complaint.

This may involve:

- interviewing the complainant
- interviewing relevant staff members
- reviewing school records, logs, and policies
- consulting with external legal or data protection experts if necessary

Embark Federation will aim to complete the investigation and provide a substantive response within 20 working days of the complaint's acknowledgment. If the investigation is complex and requires more time, the DC will write to the complainant to explain the reason for the delay and provide a new estimated completion date.

6. Response

The DC will provide a formal written response to the complainant.

This response will include:

- the findings of the investigation.
- a clear and reasoned conclusion as to whether the DUAA or other data protection laws have been breached.
- details of any corrective action taken or planned to prevent a recurrence of the issue.
- the outcome of the complaint, including whether it has been upheld, partially upheld, or not upheld.
- information on the next steps available to the complainant if they remain dissatisfied.

7. Escalation

If the complainant is not satisfied with the trust's final response, they have the right to escalate their complaint to the Information Commissioner's Office (ICO).

The ICO's contact details are as follows:

Website: <https://ico.org.uk>

Telephone: 0303 123 1113

Postal Address: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Appendix 1: Data (Use and Access) Act 2025 – Complaint Form

[Embark Data \(Use and Access\) Act 2025 Complaint Form.docx](#)

To be completed by the complainant

Please return this form to Embark Federation; complaints@embarkfed.org.uk

Part 1: Complainant's Details

Please provide your full contact information so we can communicate with you regarding your complaint.

Full Name:	
Relationship to the Trust: (e.g. young person, parent/carer, staff member, former young person, volunteer, contractor)	
If young person:	
year group:	
form/class:	
If parent/carer:	
Young person's full name:	
Young person's year group:	
Contact telephone number:	
Email address:	
Postal address:	
Preferred method of contact: (e.g. email, phone or post)	

Part 2: Details of the complaint

Please provide a clear and concise description of your complaint.

Date(s) of the incident(s)	
When did the misuse occur or when did you become aware of it?	
Nature of the complaint	
Please tick all that apply and provide details below:	
Unauthorised access to personal data	
Unauthorised disclosure of personal data	
Incorrect or inaccurate personal data	
Unlawful processing or use of personal data	
Failure to respond to a data subject request e.g. Subject Access Request or Right to Erasure	
Other (please specify)	
Description of the incident(s)	
What happened?	

Provide a detailed narrative of the events.	
Who do you believe was involved? e.g. specific staff member, department, external party	
What personal data was involved? e.g. name, address, medical information, academic records, disciplinary records, financial details, sensitive personal data	
How do you believe your data was misused or accessed inappropriately?	
Where did the incident occur (if applicable)	
Has there been any previous attempts to resolve this issue informally? e.g. discussed with a teacher, GDPR lead, head of department.	Yes or No
If yes, please provide details of who you spoke to and when.	

Part 3: Supporting evidence

Please list and attach any evidence that supports your complaint. This could include:

- emails or correspondence
- screenshots
- dates and times of relevant events
- witness statements (if applicable)

Please list attached documents here:

Part 4: Desired outcome

Please specify the resolution that you are seeking as a result of this complaint?

☐	Investigation and explanation of what happened
☐	Correction of inaccurate data
☐	Deletion of unlawfully processed data
☐	An apology
☐	Assurance that similar incidents will not occur in the future
☐	Other (please specify):

Part 5: Declaration

I understand that the Trust will investigate this complaint in accordance with its Data (Use and Access) Act 2025 Complaint Process.

Signature:

Date: