

# Data Protection Complaints Guidance and Procedure

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## 1. Your right to complain

You have the right to complain to Bournemouth University (BU) if you are concerned that we have not handled your personal data in accordance with the UK General Data Protection Regulation (UK GDPR), the Data Protection Act 2018 (DPA 2018), or the Data Use and Access Act 2025 (DUAA). This includes concerns about our response to a subject access request (SAR) or the exercise of any other data protection right.

We take data protection complaints seriously. We are committed to reviewing and addressing your concerns in a fair, proportionate, and timely manner.

## 2. How to make a complaint

Please contact our Information Office by:

- Email: [dataprotectioncomplaints@bournemouth.ac.uk](mailto:dataprotectioncomplaints@bournemouth.ac.uk)
- Post: Data Protection Officer, Bournemouth University, S605 - Studland House, 12 Christchurch Road, Bournemouth, Dorset, BH1 3NA

To help us deal with your complaint as quickly as possible, please tell us:

- What happened and when
- Whether you have already raised this with us, and if so with whom
- How the matter has affected you
- What would resolve your concern

Please provide as many relevant details as possible, including any correspondence you have previously exchanged with us about the matter. We may ask you for further information or clarification.

Where your complaint is submitted from an email address we are unable to identify as belonging to a BU student or staff member, or where the complaint is made on behalf of another person, we may ask you to verify your identity or confirm your authority to act before we begin our investigation. We will let you know promptly if this is required.

We encourage you to explain your concerns in your own words. Please be cautious about using AI-generated text when writing your complaint, as AI tools can sometimes misquote legislation or produce inaccurate statements.

### **3. Complaints about SARs**

If your complaint relates to our handling of a SAR, please explain what concerns you about our response. If you believe you have not received all the information you are entitled to, please tell us what information you consider to be missing. If you disagree with a decision not to erase or rectify your personal data, please explain why you consider such action is warranted.

We will not usually accept a complaint about a SAR until the request has been completed.

### **4. What to expect and when**

Please raise your complaint as promptly as possible. We have the discretion not to accept complaints about matters that occurred more than three months ago, as the passage of time can make a fair investigation more difficult.

Once we have received your complaint:

- We will acknowledge receipt within 30 calendar days. We will aim to do so sooner - usually within five working days.
- We will investigate your complaint without undue delay. We usually aim to provide a full outcome within 30 calendar days of acknowledgement.
- If your complaint is complex and requires more time, we will let you know within 30 calendar days and keep you informed of progress.
- We will communicate the outcome of your complaint to you in writing.

### **5. If your complaint also involves a personal data breach**

A personal data breach is a breach of security that leads to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data. If you believe a personal data breach has occurred - for example, if you have received an email containing another person's data, or if your data has been accessed without your authority - please also report this to us separately in addition to your complaint.

You can report a data breach to us at [dataprotection@bournemouth.ac.uk](mailto:dataprotection@bournemouth.ac.uk).

### **6. What outcomes can I expect?**

The outcome of your complaint will depend on what we find during our investigation.

Possible outcomes include:

- Explanation - we may provide clarification about how and why we processed your personal data, which may resolve your concern.
- Acknowledgement and apology - where we identify that an error has occurred, we will acknowledge this and, where appropriate, apologise.
- Remedial action - we may correct inaccurate data, delete data that should not have been retained, or take other appropriate action.
- Improvements - where necessary, BU will review what went wrong, take steps to resolve the issues that caused the complaint, and act to improve our processes.
- No further action - BU reserves the right to take no further action where we consider this to be fair and reasonable, or where the available evidence does not support the complaint.

## **7. When we may decline your complaint**

BU may, at its discretion, decline to investigate a complaint or take no further action where:

- The events complained about occurred too long ago to make investigation practicable - relevant staff may have left, records may have been disposed of in line with our retention policy, or memories of specific events may have faded.
- The complaint is manifestly unfounded, excessive, frivolous, vexatious, or an abuse of process.
- There is an effective alternative process available or already underway.
- The complaint is a repetition of matters already addressed by the Information Office or in another process.
- The SAR to which the complaint relates has not yet been completed.
- There is no discernible breach of data protection legislation, or the complaint lacks sufficient specifics to investigate.
- The identity of the complainant is not clear, or we are not satisfied that a representative has the authority to act on behalf of the complainant.
- We do not consider any further action is warranted based on the available evidence.
- The scale of any harm appears too low to merit further action.
- The matter is closely connected to another ongoing process, such as an academic complaint or disciplinary procedure, and we consider it appropriate to await the outcome of that process before investigating further. In such cases we will notify you that the complaint has been suspended and keep you informed of progress.

Even where we decline your complaint, we will tell you of your right to escalate to the ICO.

## **8. Other processes that may be more appropriate**

Some matters may be better addressed through a different BU process. For example:

- If you are a student and your concern also relates to an academic matter, the Student Complaints Procedure may be more appropriate.
- If you are a staff member and the matter relates to a workplace issue, the Staff Grievance process may be more appropriate.

If we consider that another process better addresses your concern, we will explain why and, where appropriate, direct you to the relevant team.

## **9. How we use information about your complaint**

Your personal information will be used in accordance with our Privacy Notices. We will collect data on complaint outcomes and may use it for reporting, evaluation, and learning purposes. We may share your information with relevant BU staff or regulators where this is necessary to deal with your complaint or to implement any outcomes. We will not share your personal data with any other third parties without a valid lawful basis.

All complaints will be managed confidentially and with sensitivity. We will always treat you with courtesy and respect, and we ask that you extend the same to our staff. If we consider that your behaviour has become unreasonable or unacceptable, we may take steps to manage our communications with you accordingly.

## 10. If you are not satisfied with our response

If you remain dissatisfied after we have responded to your complaint, you have the right to escalate your complaint to the Information Commissioner's Office (ICO). The ICO is the UK's independent regulator for data protection matters.

You can contact the ICO at:

- Website: [www.ico.org.uk](http://www.ico.org.uk)
- Telephone: 0303 123 1113
- Post: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Please note that the ICO will generally expect you to have raised your concern with BU first, and to have given us a reasonable opportunity to respond, before they consider investigating further.