

DATA PROTECTION COMPLAINTS PROCEDURE

- 1.1 This document explains how you may raise a complaint if you believe your data protection rights have been infringed, and how we will manage that complaint in accordance with the Data Protection Act 2018, the UK GDPR and the Data (Use and Access) Act 2025.
- 1.2 Complaints should be made in writing to the Data Protection Officer at: DataProtection@britishlegion.org.uk
- 1.3 The Data Protection Officer may, where appropriate, delegate the investigation to another member of the team. Delegation will only occur where the issues raised do not involve, or relate to, the actions of RBL officers who would otherwise form part of the investigation.
- 1.4 If your concerns extend beyond data protection matters, please refer to our Privacy Notice to identify the most appropriate procedure.

The Data Protection Officer will review this procedure (at least every two years) and update to any changes in the law to ensure that its provisions continue to meet our legal obligations and reflect best practice.

All complaints will be managed in a confidential, proportionate, and sensitive way. Information will only be shared with relevant parties who require access to it as part of this procedure. Where it is necessary to share the circumstances of the complaint require further investigation, individuals or team representatives will be informed about your concerns so that they have an opportunity to respond as part of the investigation process. If there is a good reason why you think your complaint should not be shared, you will need to submit a request detailing the reasons why someone should not be given access to your complaint. The Data Protection Officer will consider your request and decide on whether your complaint should be shared.

You will be informed of their decision. You should note that this is not provided to you as part of our Legitimate Interest in dealing with these matters.

2. Who does this procedure apply to?

- 2.1 This procedure applies to all individuals whose personal data we process, (referred to as Data Subjects) and applies to all processing activities involving your personal data.
- 2.2 Data Subjects may complain about our services or other matters, whilst also exercising their data protection rights. This does not count as a data protection complaint. If an RBL Officer is not sure whether someone is making a data protection complaint, you should ask them to clarify.

3. Scope

The Royal British Legion takes its responsibilities seriously when processing the personal data, it collects during the course of its interactions with its service users including, all supporter's, beneficiaries, volunteers, Branch Members and Officials, staff and Trustees. The charity is registered as a data controller with the Information Commissioner's Office and is committed to taking all necessary steps to protect the rights and freedoms of data subjects, respecting privacy and minimising risks as far as possible.

We recognise, however, that there may be occasions where individuals have concerns about the way in which their personal data has been processed and have a right to make a complaint. If you consider that we have done this because of the way we have handled your personal information (or the personal information of someone you are acting on behalf of), you can complain to us. Examples of the type of infringement which may be considered under this procedure can be found at **Appendix 1**.

There is no time limit for raising a complaint, however historic issues may limit the availability of evidence for an investigation, e.g. if records have been destroyed in line with our records retention schedule.

4. Complaints Procedure - What do we do when we receive a complaint?

- 4.1 We will acknowledge receipt of the complaint within 30 days.
- 4.2 The investigator will be your point of contact and advise whether the complaint is eligible under this procedure. considering, the scope of the investigation, taking account of the issues you have raised and outlining the relevant points of data protection legislation.
- 4.3 Where a complaint is deemed ineligible (outside the scope for this process) you will be informed of the reasons or directed to an alternative procedure (as appropriate).
- 4.4 The investigation will provide a fair and thorough assessment of the issues and decisions pursuant to the legislation. The investigator will review the supporting evidence you provide (if any) and gather further information as appropriate.
- 4.5 If a representative is making this complaint on your behalf, to help us investigate your complaint quickly and thoroughly, please include a copy of your written consent authorising the representative to act in relation to the complaint.
- 4.6 If there is any doubt about the identity of the complainant or their representative, the Data Protection Team will first 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 as follows:
 - (a) Passport
 - (b) Driving Licence
- 4.7 Upon completion of the investigation, the data subject or through their representative will be notified:
 - whether your concerns have been upheld, partly upheld or not upheld;
 - a clear explanation of the decision and the considerations taken into account;
 - any recommendations proposed, where appropriate;
 - information on the next steps if you are dissatisfied with the outcome.

NB: If a recommendation is related to the behaviour of an individual, this may limit the amount of information we can share with you, and the matter may be considered under the relevant policy.

Appendix 1 – Types of Data Protection concerns and complaints eligible for investigation under this procedure

The following examples set out the types of complaint and the points of legislation whose infringement may be investigated under this procedure:

- Breach of the data protection principles under Article 5 UK GDPR:
 - Data not processed with a lawful basis
 - Data not processed fairly or transparently
 - Data further processed with incompatible purposes
 - Excessive use of data processed
 - Inaccurate or out of date processing
 - Data retained for longer than necessary
 - Data not held securely
- Data not processed with appropriate lawful basis or special category data condition (Articles 6 and 9 UK GDPR)
- Where lawful basis is consent, data not processed in line with appropriate conditions at (Article 7 UK GDPR)
- Failure to respond to individual rights requests within relevant time period (Article 12, 15-22)
- Complaint about the impact of a personal data breach.

