

Data Protection Complaints Policy

Document Control		
Document Number:	RDP-010	Effective from: 10-06-2026
Linked Regulatory Requirements:	General Data Protection Regulation (“GDPR”), the Data Protection Act 2018 (“DPA 2018”), the Privacy and Electronic Communications Regulations (“PECR”) and the Data (Use and Access) Act 2025 (DUAA); PR1.1(a); GCoR C3.2(i),	
Version Number and Date:	V1.0, 10-06-2026	Review date: 10-06-2026
Date of Next Review:	09-06-2027	Classification Level: Public/General

Approval Level: Low impact

Approved by: QI team

Date version approved: 10-06-2026

Version Number	Date	Changes
v1.0	10-06-26	ToV review, formatting updates. Approved

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1. Introduction

The UK General Data Protection Regulation (“UK-GDPR”), the Data Protection Act 2018 (“DPA 2018”), the Privacy and Electronic Communications Regulations (“PECR”) and the Data Use and Access Act 2025 (DUAA) (together, the “Data Protection Legislation”), give individuals rights in relation to their personal data. This procedure details how NCFE and its subsidiaries will respond to complaints from data subjects and third parties relating to the use of personal data.

This policy operates alongside NCFE’s Data Subject Rights procedures. Where a complaint relates to the handling of a statutory request (such as access, erasure), both processes may run concurrently.

2.1. Purpose

NCFE is committed to providing a consistently high-quality service. However, NCFE recognises that individuals including learners, customers, employees or other third parties may wish to raise issues or concerns regarding data protection and commits to use any such complaints to assist in the continuous improvement of standards and quality.

2.2. Scope

Complaints may be made in relation to any aspect of NCFE’s processing of personal data, this may include, but not limited to:

- complaints about the handling of individual rights requests, including requesting access to, rectification of or the erasure of personal data or appeals from data subjects on how complaints have been handled.
- complaints relating to the content of NCFE’s Privacy Notice
- complaints relating to any data sharing with third parties
- complaints in relation to the use of personal data for direct marketing and/or profiling activity
- complaints relating to a data breach
- any other data protection related matter

2.3. Responsibilities/duties

NCFE will ensure that data subjects are aware of their right to complain. This will include outlining the right to complain in NCFE’s Privacy Notice and informing data subjects as part of responses to data subject access requests.

NCFE will treat all complaints seriously, and resolution will be sought at the earliest possible time. It is desirable that complaints are resolved through informal conciliation between the relevant parties, such as mediation, whenever possible and appropriate.

NCFE will manage complaints in a way that is timely and efficient, is fair and transparent to all parties and promotes a feedback culture to support service improvements.

NCFE will ensure that complaints are handled in accordance with this policy. On some occasions this may not be feasible (such as during closure periods). Any potential

delay to the prescribed timescales will be communicated to the complainant at the earliest possible time.

2.4. Definitions

Word/Acronym	Definition
ARA	Audit, Risk and Assurance
CST	Customer Support Team
DPA	Data Protection Act 2018
DUAA	Data Use and Access Act 2025
GDPR	General Data Protection Regulations
ICO	Information Commissioner's Office
QMS	Quality Management System
Record	Document stating results or evidence of activities performed

2.5. Location

This policy will be available on the NCFE website

3. Process

Complaints are recorded on a centralised data base and monitored to identify trends. Information relating to complaints is used to provide reports and supports NCFE in improving the services it provides. NCFE Senior Leadership team (SLT) and Audit, Risk and Assurance team (ARA) maintain oversight of complaints through updates and reports.

As a security measure, we may ask you to confirm your identity. This ensures that:

- personal data isn't disclosed to any person who doesn't have a right to receive it
- your right to access your data or to exercise any of your other rights.

We may also contact you to ask you for further information in relation to your complaint.

3.1 Complaints process

- 3.1.1. A flowchart outlining NCFE's process is set out in Appendix A.
- 3.1.2. Complaints should be sent directly to the Data Protection team at dataprotection@ncfe.co.uk The Data Protection team will acknowledge the complaint within 30 calendar days.
- 3.1.3. Where appropriate, the Data Protection team will first seek to verify the data subject's identity or third-party's entitlement to the relevant information.

- 3.1.4. Once all identification requirements have been met, the investigation will commence immediately with the intention to be completed within 30 calendar days. If further clarification is required from the complainant or more time is required for the response to be completed, NCFE will inform the complainant prior to the original deadline, providing a reason for the extension. The complaint outcome will be communicated to the complainant in writing, normally by email.
- 3.1.5. If the complainant does not agree with the outcome, they can request a review of the decision. This request must be made within 30 calendar days of the original decision being communicated. The decision will be internally reviewed by the nominated Data Protection Officer and the Director of Planning Performance and Assurance within 30 calendar days from the receipt of the request for Review.
- 3.1.6. If the complainant remains dissatisfied, they can escalate their complaint to the Information Commissioner's Office (the "ICO"). Information about how to make a complaint to the ICO can be found here:
<https://ico.uk/make-a-complaint/>
- Individuals have the right to lodge a complaint with the ICO at any time and are not required to exhaust NCFE's internal complaints process before doing so.
- 3.1.7. Data Protection complaints may be submitted via any reasonable method including email, post or telephone.
- 3.1.8. General complaints, concerns, or feedback unrelated to data protection should be handled under the Complaints and Feedback Policy available on the NCFE website.

3.2. Manifestly unfounded, abusive, vexatious or excessive correspondence and complaints Independent External Review

- 3.2.1. In some scenarios we reserve the right refuse to handle the complaint. This will be when a complaint is deemed to be manifestly unfounded, abusive, vexatious or excessive, considering whether the request is repetitive or lacks genuine intent. Each complaint will be considered on a case-by-case basis. The following factors will be taken into consideration:
- a) the data subject has explicitly stated that they intend to cause disruption (whether in the complaint, or in other correspondence), and has threatened individuals;
 - b) the data subject has made unsubstantiated accusations against individuals, and is persisting in those accusations;
 - c) the data subject is targeting particular individuals, against whom they have a personal grudge;
 - d) the data subject makes frequent complaints intended to cause disruption; and
 - e) the data subject continues to repeat the substance of previous complaints which have already been investigated.
- 3.2.2. Where a complaint is deemed to be manifestly unfounded, excessive, abusive or vexatious the NCFE will contact the individual and in a reasonable timeframe explain to them:
- a) the reasons for refusing to consider the complaint.

- b) their right to make a complaint to the ICO and
- c) their right to pursue their data subject rights through a judicial remedy.

3.3 Distinction between complaints and data breaches

Complaints relating to personal data handling are distinct from personal data breaches. Where a complaint identifies or relates to a potential personal data breach, we will also manage the matter in accordance with our data breach response procedures.

4. Use of data from complaints

- 4.1. NCFE will collect data on complaint outcomes at each stage of this procedure and any complaints submitted by complainants to any regulators (including the ICO), and use the data: a) internally for reporting, evaluation, learning and training; and b) externally for discussion with regulators
- 4.2. The data used by NCFE will be anonymised. Personal data and sensitive personal data ('Personal Data') as defined by the DPA may be disclosed to NCFE members of staff and regulators only for the purpose of dealing with the complaint, or a complaint arising out of it and/or implementing any recommendations. Personal Data will not be shared with any other third parties unless NCFE has express consent, has a statutory obligation to do so, or is otherwise permitted to do so under the Data Protection Legislation

5. References to associated documents

Document No	Document Name
CST-001	Complaints and Feedback Policy
IS-001	Information Security Policy
IS-002	ISMS
IS-052	External Parties Information Security Policy
PMO-005	Data Retention Procedure
RDP-002	Subject Access Request _ Framework and Process
RDP-005	Data Retention Policy
RDP-008	Data Protection Impact Assessment
RDP-032	Data Protection Policy

6. Implementation and dissemination

Available online via NCFE Website Mandatory Policies

7. Monitoring arrangements

This policy and the application thereof will be monitored by Audit, Risk and Assurance via performance boards, annual audit of the Information Asset Register, and monthly reporting of personal data breaches.

8. Data retention

Retention of complaint data will be determined in accordance with NCFE's [Data Retention Policy](#) and will depend on the nature of the complaint, applicable legal limitation periods, and regulatory requirements.

Data will not be retained longer than necessary for the purposes for which it was collected.

9. Appendices

Appendix A – Data Protection Complaints process flowchart

Data protection complaints process

