

# DATA PROTECTION COMPLAINTS PROCEDURE AND COMPLAINT FORM

Provided by SMTO for member use



## PART A

### GUIDANCE FOR THE SMTO MEMBER

This section is for the Scottish Manual Therapists Organisation (SMTO) member, clinic, business or training provider only. ***It is not part of the public complaint form.***

In this document, 'SMTO member' means a full member, student member, affiliate member, or accredited or endorsed training provider who processes personal data as part of their professional work or SMTO related activity.

Use this document to provide a clear process for handling complaints about personal data. Before using it, add your own business, clinic or practice details where indicated.

A data protection complaint is a concern about how personal information has been collected, used, stored, shared, retained, corrected or deleted.

This document is not for general complaints about treatment, professional conduct, fees, appointments, customer service or clinical care.

**Part B** is the public facing complaints procedure.

**Part C** is the form for the person making the complaint.

**Part D** is the internal complaint record. It should not be placed on your website or given to the person making the complaint.

The final page contains wording that may be copied into your privacy notice, website, booking information or clinic paperwork.

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## **Business, clinic or practice details.**

Name:

Address:

Telephone or mobile number: Email  
address:

## **Name of the person responsible for data protection complaints:**

Their telephone or mobile number if different from above:

Their email address if different from above:

Their postal address if different from above:

Date this procedure was adopted:

Review date:

Privacy notice location:

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## PART B

This is the public data protection complaints procedure for the business, clinic, practice or training setting named below.

This document is provided by the Scottish Manual Therapists Organisation (SMTO) members to use in their own practice, clinic, teaching or professional setting. It is for guidance only and does not constitute legal advice. Each member remains responsible for their own data protection compliance.

### DATA PROTECTION COMPLAINTS PROCEDURE

**Business, clinic or practice name:**

#### 1. Purpose of this procedure

This document explains how the business, clinic or practice named above handles complaints about the way they collect, use, store, share, retain, correct or delete personal data.

This procedure applies only to data protection complaints.

Other complaints, such as concerns about treatment, professional conduct, fees, appointments, customer service or clinical care, are handled under general complaints procedures.

Personal data is taken seriously. This includes your contact details, consultation information, health history, treatment notes, consent records, appointment records, payment information, emails, messages, student records, course records and any other personal information held.

Health information is special category data under UK GDPR. This means it requires additional care and protection.

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## 2. Who can use this procedure?

You can use this procedure if personal information is held about you.

This may include if you are a current or former client, student or course attendee, professional contact, supplier or another person whose personal data is held.

## 3. What is a data protection complaint?

A data protection complaint is a concern about how your personal information is handled.

You do not need to use legal wording. You do not need to mention UK GDPR. If your concern is about how your personal data has been handled, it will be treated as a data protection complaint.

Examples include concerns about how your personal information was collected, how it was used, how it was stored, whether it was shared, how long it was kept, whether it was or is accurate, how a response was made on a request to see your records, or how a response was made to a request to correct, delete or restrict use of your information.

## 4. How to make a data protection complaint

You can make a data protection complaint by completing the form below and sending it to us.

You may also raise a concern by email, post, telephone, or another reasonable method. If you raise a concern verbally, we may make a written note and ask you to confirm that we have understood your concern correctly.

Please send complaints to:

Email:

Postal address:

Telephone, if accepted:

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## 5. What happens after you complain?

We will acknowledge your complaint within 30 days of receiving it.

We may ask you for more information if we need it to investigate your concern properly.

We will review your complaint and make appropriate enquiries. This may include checking records, reviewing emails or messages, checking our privacy notice, considering whether information was shared, reviewing consent or lawful basis, and deciding whether any action is needed.

We will respond without undue delay. If the matter is complex or we need more time, we will keep you informed.

We will tell you the outcome of the complaint. Where possible, this will be provided in writing.

We aim to resolve and provide a final written outcome to most data protection complaints within three months and will keep you regularly informed if an extension is required due to the complexity of the investigation.

## 6. Possible outcomes

Depending on the complaint, we may decide to:

- correct inaccurate information,
- update incomplete information,
- explain how or why information was processed,
- restrict further use of information where appropriate,
- delete information where appropriate,
- confirm why information must be retained,
- update our procedures,
- take another reasonable action,
- or explain why we do not agree with the complaint.

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## 7. If you remain dissatisfied

If you remain dissatisfied after we have responded, you have the right to contact the Information Commissioner's Office, known as the ICO.

ICO complaints page: <https://ico.org.uk/make-a-complaint/>

ICO helpline: 0303 123 1113

ICO postal address:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

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## PART C

This is the complaint form for the person making the complaint. It should be completed and returned to the business, clinic, practice or training setting named on the form.

### Name of business, clinic or practice:

Please complete this form if you wish to raise a concern about how we, the business named above, have handled your personal information.

### Section 1, Your details

Full name:

Email address:

Telephone or mobile number:

Postal address, if you want us to reply by post:

Your preferred contact method:

Are you completing this form for yourself or on behalf of someone else?

☐ Myself

☐ Someone else

If you are completing this form on behalf of someone else, please explain your relationship to that person and provide evidence that you have authority to act for them.

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## Section 2, What is your connection with us?

Please tick the most relevant option.

- ☐ Current client
- ☐ Former client
- ☐ Student or course attendee
- ☐ Parent, guardian or representative
- ☐ Professional contact
- ☐ Supplier
- ☐ Other

If 'other', please explain:

## Section 3, What is your complaint about?

Please tick any that apply.

- ☐ I am concerned about how my personal information was collected.
- ☐ I am concerned about how my personal information was used.
- ☐ I am concerned about how my personal information was stored or secured.
- ☐ I am concerned that my personal information was shared.
- ☐ I am concerned about how long my personal information has been kept.
- ☐ I believe the information held about me is inaccurate.
- ☐ I asked to see my records, (Data Subject Access Request / DSAR), and I am unhappy with the response.
- ☐ I asked for information to be corrected, and I am unhappy with the response.
- ☐ I asked for information to be deleted, and I am unhappy with the response.
- ☐ I asked for use of my information to be restricted, and I am unhappy with the response.
- ☐ I am concerned about marketing messages.
- ☐ I am concerned about health information or other sensitive information.
- ☐ Other data protection concern.

If 'other', please explain:

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## Section 4, Please describe your concern

Please explain what happened, when it happened, and why you are concerned about how your personal information has been handled.

## Section 5, Dates and records involved

Approximate date or dates involved:

Please describe any records, messages, appointments, emails, forms, treatment notes, course records or other information involved.

Have you already contacted us about this issue?

☐ Yes

☐ No

If yes, please tell us when and how you contacted us.

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## Section 6, What outcome are you seeking?

Please tell us what you would like us to consider.

- ☐ Explanation of what happened
- ☐ Correction of inaccurate information
- ☐ Deletion of information, where appropriate
- ☐ Restriction of further use of information, where appropriate
- ☐ Copy of information held about me
- ☐ Review of how my information was handled
- ☐ Change to practice procedure
- ☐ Other

If 'other', please explain:

Any other additional details:

## Section 7, Supporting information

Please list any documents, emails, messages or other information you are providing with this complaint.

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## Section 8, Declaration

I confirm that the information I have provided is accurate to the best of my knowledge. Name:

Signature, if completing in print:

Date:

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## PART D

### INTERNAL DATA PROTECTION COMPLAINT RECORD

#### INTERNAL USE ONLY

This section is for the therapist, practitioner, clinic, business or training provider only. It should not be placed on a website or given to the person making the complaint.

Date complaint received:

How was the complaint received?

- ☐ Email
- ☐ Post
- ☐ Telephone
- ☐ In person
- ☐ Website form
- ☐ Other

If other, give details:

Complaint reference number:

Person handling complaint:

Acknowledgement sent within 30 days?

- ☐ Yes
- ☐ No

Date acknowledgement sent:

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## INTERNAL USE ONLY

Was further information requested?

☐ Yes

☐ No

If yes, what was requested and when?

Summary of complaint:

Type of data involved:

☐ Contact details

☐ Health information

☐ Consultation form

☐ Treatment notes

☐ Consent record

☐ Appointment record

☐ Payment information

☐ Email or message correspondence

☐ Student or course record

☐ Complaint record

☐ Safeguarding information

☐ Other

If other, give details:

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## INTERNAL USE ONLY

Investigation steps taken:

Was any information found to be inaccurate, incomplete, insecure, wrongly shared, wrongly retained or wrongly processed?

- ☐ Yes
- ☐ No
- ☐ Partly

Details:

Outcome of complaint:

- ☐ Complaint upheld
- ☐ Complaint partly upheld
- ☐ Complaint not upheld
- ☐ Resolved informally
- ☐ Withdrawn
- ☐ Other

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## INTERNAL USE ONLY

Details of outcome:

Action taken:

- ☐ Information corrected
- ☐ Information deleted
- ☐ Information restricted
- ☐ Explanation provided
- ☐ Procedure updated
- ☐ Security measure reviewed
- ☐ Staff or practitioner reminder issued
- ☐ No action required
- ☐ Other

If other, give details:

Date outcome sent to complainant:

Was the complainant told about their right to contact the ICO?

- ☐ Yes
- ☐ No

Reason if no:

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## INTERNAL USE ONLY

Does this complaint suggest that a wider procedure needs to be changed?

☐ Yes

☐ No

If yes, describe the change needed:

Date complaint closed:

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## INTERNAL USE ONLY

### Retention and deletion record

Reason this complaint record is being kept. To evidence how the data protection complaint was handled and to support accountability if the matter is escalated to the ICO:

Retention period applied:

Review or deletion date:

Where the record is stored:

Who has access to the record:

Date securely deleted or anonymised:

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## PRIVACY NOTICE

### DATA PROTECTION COMPLAINTS

If you have a concern about how we collect, use, store, share, retain, correct or delete your personal information, you may raise a data protection complaint with us.

Please contact:

Name or role:

Email:

Postal address:

We will acknowledge your complaint within 30 days of receiving it. We will review your concern, make appropriate enquiries and respond without undue delay. If we need more information from you, we will explain what we need and why.

If you remain dissatisfied after we have responded, you have the right to contact the Information Commissioner's Office, known as the ICO.

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