

# Complaints guidance for organisations

## Overview

The Information Commissioner's Office (ICO) is consulting on [draft guidance for organisations handling data protection complaints](https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fico.org.uk%2Fabout-the-ico%2Fwhat-we-do%2Fcomplaints-guidance-for-organisations%2F&data=05%7C02%7CAbby.Johnson%40ico.org.uk%7C9b471f2b959147bb244f08dddf201d49%7C501293238fab4000adc1c4cfefba21e6%7C0%7C0%7C) <<https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fico.org.uk%2Fabout-the-ico%2Fwhat-we-do%2Fcomplaints-guidance-for-organisations%2F&data=05%7C02%7CAbby.Johnson%40ico.org.uk%7C9b471f2b959147bb244f08dddf201d49%7C501293238fab4000adc1c4cfefba21e6%7C0%7C0%7C>> .

The Data (Use and Access) Act inserts S164A into the DPA18 which means organisations must:

- give people a way of making data protection complaints to you;
- acknowledge receipt of complaints within 30 days of receiving them;
- without undue delay, take appropriate steps to respond to complaints, including making appropriate enquiries, and keep people informed; and
- without undue delay, tell people the outcome of their complaints.

The guidance aims to walk organisations through the new requirements and inform them of what they must, should and could do to comply. It includes helpful tips and practical advice for each stage in the process.

Your responses will help us to establish if we can provide any additional clarity in the guidance before the final version is published.

We welcome your feedback to the questions set out in this survey. They're split into the following sections:

Section 1: About you and your organisation.

Section 2: Your views on our guidance.

Section 3: How our guidance will affect you / your organisation.

Section 4: Any additional comments about the guidance.

The consultation will remain open until **23:59 on Sunday 19 October 2025**. We may not consider responses received after this deadline.

### Privacy statement

For this consultation, we may publish in full the responses received from organisations or a summary of the responses. If we do publish any responses, we will remove any personal information, email addresses and telephone numbers from these responses. Please do not to share any information in your response which you would not be happy for us to make publicly available.

Should we receive an FOI request for your response we will always seek to consult with you for your views on the disclosure of this information before any decision is made.

For more information about what we do with personal information please see our [privacy notice](https://ico.org.uk/global/privacy-notice/) <<https://ico.org.uk/global/privacy-notice/>> , and the [section on responding to our consultations and surveys](https://ico.org.uk/global/privacy-notice/responding-to-our-consultation-requests-and-surveys/) <<https://ico.org.uk/global/privacy-notice/responding-to-our-consultation-requests-and-surveys/>> .

Please note that we are using the platform Citizen Space to gather this information on our behalf. Citizen Space is provided by Delib. You can read [Delib's privacy policy here](https://www.delib.net/legal/privacy_notice) <[https://www.delib.net/legal/privacy\\_notice](https://www.delib.net/legal/privacy_notice)> .

## About you

Are you acting as an individual:

### 1 Are you acting as an individual:

*(Required)*

*Please select only one item*

- ☐ In a private capacity (eg someone providing their views as a member of the public)
- ☐ On behalf of an organisation
- ☐ Other

If other please specify

## About your organisation

**2** If applicable, what is the name of your organisation?

**3** Is your organisation:

*(Required)*

*Please select only one item*

- ☐ Public sector
- ☐ Private sector
- ☐ Charity or non-profit
- ☐ Other
- ☐ Not applicable

If other please specify:

**4** What is the size of your organisation?

*(Required)*

*Please select only one item*

- ☐ 0 employees or sole trader
- ☐ 1 to 9 members of staff
- ☐ 10 to 49 members of staff
- ☐ 50 to 249 members of staff
- ☐ 250 to 499 members of staff
- ☐ 500 or more members of staff
- ☐ Unsure / don't know
- ☐ Not applicable

**5** Is your organisation:

*(Required)*

*Please select all that apply*

- ☐ Headquartered in the UK
- ☐ A multinational organisation with a UK presence
- ☐ Solely based in the UK
- ☐ Other
- ☐ Unsure / don't know
- ☐ Not applicable

If other please specify:

**Your views on our guidance**

The following questions relate to the 'how do we prepare to receive data protection complaints' section.

**6** To what extent do you agree that this section clearly explains what organisations need to do to ensure they are prepared to receive data protection complaints?

*(Required)*

*Please select only one item*

- ☐ Strongly agree
- ☐ Agree
- ☐ Disagree
- ☐ Strongly disagree
- ☐ Unsure / don't know

If disagree / strongly disagree / not sure please explain

**7** To what extent do you agree that this section clearly explains how to handle complaints from, or on behalf of, children?

*(Required)*

*Please select only one item*

- ☐ Strongly agree
- ☐ Agree
- ☐ Disagree
- ☐ Strongly disagree
- ☐ Unsure / don't know

If disagree / strongly disagree / not sure please explain

**8** Is there anything else you think we should include here?

*(Required)*

*Please select only one item*

- ☐ Yes
- ☐ No

If 'Yes' please explain

## Your views on our guidance

The following question relates to the 'acknowledge the complaint' section.

**9** To what extent do you agree that this section clearly explains what we mean by 'acknowledge'?

*(Required)*

*Please select only one item*

- ☐ Strongly agree
- ☐ Agree
- ☐ Disagree
- ☐ Strongly disagree
- ☐ Unsure / don't know

If disagree / strongly disagree / not sure please explain

**10** Is there anything else you think we should include here?

*(Required)*

*Please select only one item*

- ☐ Yes
- ☐ No

If 'Yes' please explain

## Your views on our guidance

The following questions relate to the 'investigate the complaint' section.

**11** The law requires controllers to take appropriate steps to respond to complaints without undue delay, which includes making enquiries to the extent appropriate. To what extent does this section clearly explain this?

*(Required)*

*Please select only one item*

- ☐ Strongly agree
- ☐ Agree
- ☐ Disagree
- ☐ Strongly disagree
- ☐ Unsure / don't know

If disagree / strongly disagree / not sure please explain

**12** The law also requires controllers to keep the complainant informed about the progress of the complaint. To what extent do you agree that this section clearly explain this?

*(Required)*

*Please select only one item*

- ☐ Strongly agree
- ☐ Agree
- ☐ Disagree
- ☐ Strongly disagree
- ☐ Unsure / don't know

If disagree / strongly disagree / not sure please explain

**13** Is there anything else you think we should include here?

*(Required)*

*Please select only one item*

- ☐ Yes
- ☐ No

If 'Yes' please explain

## Your views on our guidance

The following questions relate to the 'provide an outcome to the complaint' section.

### 14 To what extent do you agree that this section clearly explains how to provide complainants with an outcome without undue delay?

*(Required)*

*Please select only one item*

- ☐ Strongly agree
- ☐ Agree
- ☐ Disagree
- ☐ Strongly disagree
- ☐ Unsure / don't know

If disagree / strongly disagree / not sure please explain

### 15 Is there anything else you think we should include here?

*(Required)*

*Please select only one item*

- ☐ Yes
- ☐ No

If 'Yes' please explain

## How our guidance will affect you / your organisation

The new legal duty for data controllers to have a complaint handling process in place comes from legislative change and the impact of this is covered within the Department for Science, Innovation and Technology's [Data \(Use and Access\) Bill Impact Assessment](https://bills.parliament.uk/publications/56548/documents/5221) <<https://bills.parliament.uk/publications/56548/documents/5221>> . Within this section we are interested in understanding the impact of our guidance, which supports the implementation of this duty. In responding to the following questions about the potential impacts of the guidance, it is important to distinguish between:

impacts that can be attributed to the guidance: these are affected by how the ICO chooses to develop the guidance; and

impacts that are not attributable to the guidance: these are impacts that arise from the new legislative requirements that controllers are expected to comply with.

### 16 Are you responding on behalf of an organisation?

*(Required)*

*Please select only one item*

- ☐ Yes
- ☐ No

## How our guidance will affect your organisation

**17** Does your organisation currently have a complaints process in place?  
This could be for any kind of complaint, such as those about customer service.

*(Required)*

*Please select only one item*

- ☐ Yes
- ☐ No
- ☐ Not applicable
- ☐ Unsure / don't know

**18** What do you consider to be the main challenges or barriers to developing and implementing a complaints process?

**19** Do you think that the guidance set out in this document presents any additional:

*(Required)*

*Please select only one item*

- ☐ Benefit(s) to your organisation
- ☐ Cost(s) or burden(s) to your organisation
- ☐ Both
- ☐ Neither
- ☐ Unsure / don't know

**20** What, if any, are the costs you expect your organisation to incur as a result of the guidance:

*(Required)*

*Please select all that apply*

- ☐ Time taken to read and understand the guidance
- ☐ Any wider familiarisation costs linked to the guidance
- ☐ Neither
- ☐ Other

Please describe any other additional costs your organisation might incur as a result of the guidance

**21** Please provide a rough estimate of the costs you are likely to incur as a result of the guidance and briefly explain how you have calculated these

**22** Do you expect to incur any costs as a result of the new legal duty (eg linked to staff training, putting new processes in place, updating existing processes)? If so, please provide a description and rough estimate of the costs, and briefly explain how you have calculated these

*(Required)*

**23** What, if any, are the benefits you expect for your organisation from using the guidance:

*(Required)*

*Please select only one item*

- ☐ Better understanding of what my organisation must, should and could do to comply with the legislation
- ☐ Increased confidence that my organisation is providing a compliant product/service/process
- ☐ Able to better support my customers
- ☐ Able to address data protection complaints in a timely manner
- ☐ Reduced legal or advisory costs
- ☐ Improved reputation from putting a compliant complaints process in place
- ☐ None of these
- ☐ Other

Please describe any other additional benefits your organisation might incur as a result of the guidance



**24** Please provide a rough estimate of the benefits you are likely to incur as a result of the guidance and briefly explain how you have calculated these

**25** Having read the guidance, are you confident that you know what your legal obligations are and how to implement a complaint handling process?

*(Required)*

*Please select only one item*

- ☐ Yes
- ☐ Partially
- ☐ No
- ☐ Unsure / don't know

Please explain your response

## How our guidance will affect you

**26** Do you anticipate any impacts (positive or negative) associated with the guidance? If so, please provide detail of the type and scale of impacts you anticipate (positive or negative):

*(Required)*

*Please select only one item*

- ☐ Yes
- ☐ No

Please provide detail of the type and scale of impacts you anticipate (positive or negative)

## Additional general comments about the guidance

**27** Does the guidance use language that is easy to understand?

*(Required)*

*Please select only one item*

- ☐ Yes
- ☐ No

Please explain your response

**28** Please provide any further general comments or suggestions you may have about the guidance:

**29** Would you be happy for us to contact you if we have any follow up questions based on your responses to this consultation?

*(Required)*

*Please select only one item*

- ☐ Yes
- ☐ No

If 'Yes' please provide name / email address / preferred contact details.