

SFC'S DATA PROTECTION COMPLAINTS HANDLING PROCEDURE



Table of Contents

SFC's Data Protection Complaints Handling Procedure	3
What is a data protection complaint?	3
What can I complain about?	3
What is not a data protection complaint?	3
Time limit for making a complaint?	4
Who can complain?	4
Accessibility and reasonable adjustments	4
How do I complain?	5
Our contact details	5
What happens when I have complained?	5
What if I'm still dissatisfied?	6
A quick guide to our Data Protection Complaints procedure	7

SFC's Data Protection Complaints Handling Procedure

1. SFC is committed to handling personal data responsibly and in accordance with data protection law. The Data (Use and Access) Act 2025 introduced a new legal duty for public bodies to have a formal procedure for handling data protection complaints. This requirement is set out in section 164A of the Data Protection Act 2018.
2. This procedure tells you about how to make a complaint to us, how we will handle your complaint and what you can expect from us.

What is a data protection complaint?

3. A data protection complaint is a concern by an individual about how we have handled their personal data.

What can I complain about?

4. You can complain about things like:
 - The way we have responded to your subject access request (SAR)
 - You were not told how your personal data would be used
 - Your personal data was used in a way you would not reasonably expect
 - We failed to correct inaccurate personal data when asked to do so
 - We failed to delete your personal data where there is a legal duty to do so
 - We kept your personal data for longer than is necessary
 - We failed to protect your personal information properly
 - Your personal data was handled in a way that has caused you distress

What is not a data protection complaint?

5. There are some things we cannot deal with through our data protection complaints handling procedure. These include:
 - A Subject Access Request – a request to access your personal data – is handled under a separate process.
 - A complaint about how we have handled your request for information under the Freedom of Information (Scotland) 2002 legislation.
 - A general complaint about SFC.

Time limit for making a complaint?

6. If your complaint relates to how we have handled your Subject Access Request (SAR) we will only accept complaints within 40 working days of receiving our response to your SAR request, or, if we failed to respond, 40 working days after the end of the 1 calendar month period for responding to your request.
7. For all other data protection complaints, we will accept complaints made within 12 months of the event occurring.
8. We will consider exercising discretion to accept complaints made outside this period where there is a good reason for the delay. If you feel that the time limit should not apply to your complaint, please tell us why
9. If we decide not to accept a complaint, we will explain why and remind you of your right to complain to the Information Commissioner's Office (ICO).

Who can complain?

10. A complaint can be made by any individual whose personal data is processed by us, or by an authorised representative acting on their behalf. If you are making a complaint on someone else's behalf, you will normally need their written consent.
11. When you submit a complaint, we may ask you for additional information to verify your identity. This may include:
 - a copy of a valid passport.
 - a copy of a valid driving licence.
12. Where you submit a complaint on someone else's behalf, we must check you are authorised to act on the other person's behalf. The form of evidence we may need depends on the circumstances and your relationship with the person you are complaining on behalf of and will be treated on a case-by-case basis.
13. We will not ask for or collect more information than is necessary to confirm your identity.

Accessibility and reasonable adjustments

14. We are committed to making our service easy to use for all members of the community. In line with our statutory equalities duties, we will always ensure that reasonable adjustments are made to help you access and use our services. If you have trouble putting your complaint in writing, or want this information in another language or format, such as large font, or Braille, please tell us in person, contact us on 0131 313 6500 or email us at info@sfc.ac.uk

How do I complain?

15. You can complain in person at our office, by phone, in writing or by email.
16. Below sets out the types of information you should include in your complaint as a way of ensuring that we can investigate and respond as quickly as possible.
17. When complaining please tell us:
 - Your full name and contact details (for example, email address).
 - Whether you are submitting a complaint on behalf of someone else and a letter of consent from the person the complaint is about.
 - As much as you can about the nature of your complaint. This should include:
 - Subject matter (including area of business, where applicable).
 - Time period relating to your complaint.
 - As much detail as possible about your complaint, including any supporting information you hold to help with the investigation of your complaint.
 - A copy of any SFC case reference (for example, if your complaint relates to a subject access request you will have been issued with a case reference).
 - What outcome you are seeking.

Our contact details

18. Our contact details are:

Data Protection Officer

The Scottish Further and Higher Education Funding Council

Apex 2

97, Haymarket Terrace

Edinburgh, EH12 5HD

Telephone: 0131 313 6500 / Email: info@sfc.ac.uk

What happens when I have complained?

19. We aim to respond to data protection complaints quickly (where possible, when you first tell us about the issue). However, we will always aim to respond within the timeframe set out below.

20. The Data (Use and Access) Act 2025 requires that complaints are acknowledged within 30 days, and a final response is provided without undue delay.
21. Upon receiving your complaint, we will:
 - Acknowledge receipt of your complaint within two working days.
 - Where necessary, confirm your identity.
 - Seek clarification where necessary
 - Confirm our understanding of the complaint we will investigate, confirm what outcome you are looking for, by sending you a summary.
 - Give you a full response as soon as possible, normally within one calendar month of receiving your complaint.
22. We will tell you if our investigation will take longer than one calendar month, and we will let you know our revised time limits and keep you updated on progress. The investigation will always be carried out objectively and impartially and in line with our duties under relevant data protection legislation(s).

What if I'm still dissatisfied?

23. After we have given you our final decision, if you are still dissatisfied with our decision or the way we dealt with your data protection complaint, you can ask the Information Commissioner's Office (ICO) to look at it.
24. Under the Data (Use and Access) Act 2025, the ICO will generally expect you to complete SFC's internal complaints process before it will investigate.

ICO's contacts details are:

Website: <https://ico.org.uk/make-a-complaint/>

Telephone: 0303 123 1113

Post: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

A quick guide to our Data Protection Complaints procedure

Data Protection Complaints procedure

You can make your complaint in person, by phone, by email or in writing.

We will always try to deal with your complaint quickly and within 1 calendar month of receiving your complaint, unless there are exceptional circumstances.



Response

We will acknowledge your complaint within 2 working days and where necessary verify your identity.

We will confirm the points of your complaint and seek clarification where necessary.

We will investigate the complaint and give you our decision as soon as possible. This will be after no more than 1 calendar month of receiving your complaint *unless* there is a good reason for needing more time.

We will always keep you updated if we are unable to respond in the initial 1 calendar month period.



Information Commissioner's Office (ICO)

If, after receiving our final decision on your complaint, you remain dissatisfied with our decision or the way we have handled your complaint, you can ask the ICO to consider it.

We will tell you how to do this when we send you our final decision.