Bright Futures

EDUCATIONAL TRUST

The best *for* everyone, the best *from* everyone

DATA PROTECTION COMPLAINTS POLICY

This is a Trust-Wide Policy

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Owner of Policy:	**Data Protection Officer**
Authorised By:	**Executive Team**
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	Website

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BRIGHT FUTURES DATA PROTECTION COMPLAINTS POLICY

Bright Futures Educational Trust's Strategy https://www.bright-futures.co.uk/about-us/our-strategy/ underpins all aspects of this policy and the way in which it will be applied.
The specific elements of the strategy are:

- Our vision '**the best *for* everyone, the best *from* everyone**'.

- Our six values; **Leadership**: We take ownership of our responsibilities and find the leader in all of us. **Integrity**: We do the right things for the right reasons, always being courageously true to our mission. **Passion**: We love what we do and feel the power of possible through innovation and creativity. **Community**: We work in collaboration with communities and wider partners celebrating diversity as our strength. **Equality**: We nurture, value, respect and empower all, understanding that equity sits at the heart of all opportunities. **Resilience**: We prioritise our wellbeing whilst embracing challenge, adapting flexibly and learning as we grow.

- Our commitments: **Children at the heart of decision making, Collaboration and strong relationships, Professional support, challenge and learning, Champion social justice and equity for all, Strong Governance & accountability, Ensuring efficiency and best use of resources for impact.**

Contents

Who is this policy for? 3
What types of complaint does this policy cover? 3
How do I complain? 4
If you are unhappy with the outcome of your complaint 5
DPO Contact Details 5
Data Protection Complaint Form 6

Who is this policy for?

Please use this policy to complain if you believe that data protection legislation has been infringed because of the way that Bright Futures has handled your personal information, or the personal information of someone you are acting on behalf of.

The right to make a complaint applies to all data subjects. This includes, but is not limited to:

- pupils (deemed to be 'Gillick Competent' as explained below);
- parents;
- staff;
- volunteers; and

- Where a pupil is assessed as 'Gillick Competent' the Trust will treat them as capable of exercising their own data protection rights. Parents will be unable to raise a complaint on their Gillick Competent child's behalf without the pupil's consent.

- 'Gillick Competent' means that a pupil is mature enough to make their own decisions about something that affects them. In reaching this assessment the Trust will take into consideration the child's needs and level of understanding. The determination of whether a pupil is 'Gillick Competent' or not remains at the sole discretion of the Trust.

- Consent from a pupil for a parent to deal with the data protection complaint on their behalf may be obtained:
  - by a conversation with a trusted adult in school; or
  - by written consent.

- Where written consent has been provided which has been obtained independently of the Trust, the Trust may take steps to verify the consent.

What types of complaint does this policy cover?

Examples of data protection complaints might include:

- the way Bright Futures has responded to a subject access request (SAR), or other rights request;
- the security measures Bright Futures has used to store information (e.g. if you believe data has been impacted by a data breach); or
- how Bright Futures has collected or used personal information (e.g. where it has been stored, how long the Trust has kept it for, or its accuracy).

A data protection complaint can also be made in respect of any breach of an individual's rights under data protection legislation. All data rights are subject to the conditions set out in the Data Protection Act 2018 and the UK GDPR. Under data protection law, an individual has data protection rights. These can be summarised as follows:

- Right to be informed – about how and why your data is being used;
- Right of access – you have the right to ask us for copies of your personal data;

- Right to rectification – you have the right to ask us to rectify personal data that is inaccurate or to ask us to complete information;
- Right to erasure – you have the right to ask us to erase your personal data in certain circumstances;
- Right to restriction of processing – you have the right to restrict the processing of your personal data in certain circumstances;
- Right to data portability – you have the right to ask that we transfer the personal data we hold about you to another data controller, and to receive personal data in a structured, commonly used and machine readable format.;
- Right to object – you have the right to object to the processing of your personal data; and
- Right to not to be subject to a decision based solely on automated processing – for decisions that have a have a legal or similarly significant effect on individuals.

How do I complain?

1. Please email the details of your complaint to dataprotection@bright-futures.co.uk or via the other contact details provided at the end of this policy. You may find it helpful to use the complaint form below.

2. We aim to acknowledge receipt of your complaint within 7 school days of receiving it and, in any event, no later than within 30 days of receipt. The acknowledgment shall include:

    a. the name and date of the individual co-ordinating the response to your complaint; and

    b. the data on which the Trust will provide an update to your complaint.

3. Before investigating your complaint, we may need to confirm your identity. If this is the case, we will ask you to provide appropriate ID documentation. If you are complaining on behalf of someone else, we may also need to seek their consent to continue.

4. The Trust's Data Protection Officer will then investigate the details of your complaint without undue delay, or appoint another appropriate investigator. The investigation may include:

    - looking at all the relevant facts thoroughly, fairly and accurately;
    - speaking to relevant members of staff;
    - comparing the information from the complaint with the information the Trust holds; and
    - checking that Trust terms, policies and standards have been upheld.

5. Bright Futures will ordinarily aim to respond to a data protection complaint within 30 school days of receipt and, in event, without 'undue delay'. Our written response will explain what has been done to resolve the complaint and, where appropriate, any actions the Trust has taken as a result.

6. If an investigation is delayed for any reason or likely to take longer than the 30 days, we will ensure that you are kept informed. The time an investigation takes may be impacted by the complexity and/or the scale of the issue.

If you are unhappy with the outcome of your complaint

Bright Futures hopes to be able to resolve all complaints internally as swiftly as possible.

The Trust operates an internal review procedure for any complainant that is dissatisfied with the handling of their data protection complaint.

Internal reviews will be carried out by a senior employee of the Trust or a Trustee (the **Reviewer**) who has not been involved in making the original decision or responding to the request.

As part of the internal review procedure the Reviewer will consider whether or not the request was handled appropriately and in accordance with the requirements of the Data Protection Act 2018 and the UK GDPR.

Complainants seeking an internal review must write to the DPO within 5 school days of the date of the response to the original request stating the grounds for review.

The Reviewer will endeavour to respond to requests for internal review within 20 school days of receipt of request. Where this is not possible the Reviewer will write to the complainant to inform them of the expected date of the response to their request for internal review.

Requesters who are unhappy with the outcome of the internal review may raise a complaint with the Information Commissioner's Office (https://ico.org.uk/make-a-complaint/data-protection-complaints/).

DPO Contact Details

Name:	Anna Sharpley
Email:	dataprotection@bright-futures.co.uk
Phone Number:	0161 941 5681
Postal Address:	Bright Futures Educational Trust, The Hub, 144 Irlam Road, Flixton, Manchester M41 6NA

Data Protection Complaint Form

Please complete the form below to help us understand your complaint and respond to it as effectively as possible. You can print the form or complete it online here: https://www.bright-futures.co.uk/data-protection-complaint-form/

If you require help in completing the form, please contact the school office.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Contact details you would like us to use: **Phone:** **Email:**
Please give details of the data protection matter that your complaint relates to, including whether you have spoken to anybody at the school about it.
What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.
Signature: **Date:**
Official use
Date complaint received:
Date acknowledgement sent:
By whom:
Complaint referred to:
Action taken:
Outcome:
Date:

If you complete the form online, it will be forwarded to the Data Protection Officer. Otherwise, please send your completed form to the Data Protection Officer:

- Email: dataprotection@bright-futures.co.uk
- Post: DPO, Bright Futures Educational Trust, The Hub, 144 Irlam Road, Flixton, Manchester, M41 6NA