DUAA 2025

Complaints Form Guidance

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Data (Use and Access) Act 2025 (DUAA 2025)

The Data (Use and Access) Act 2025 (DUAA) complements the UK Data Protection Act 2018 (DPA) and UK GDPR by refining and modernizing the existing framework rather than replacing it. It received Royal Assent on 19 June 2025.

The changes include clarifications on using personal data for research, lifting restrictions on automated decision-making with appropriate safeguards, and allowing some cookies without consent. The Information Commissioner's Office (ICO) is also restructured as a body corporate called the Information Commission.

Requirements for Schools under the Data (Use and Access) Act 2025

Focussing on the DUAA 2025 and implications for the school this policy highlights the following:

Handling Complaints: The DUAA 2025 mandates that individuals must first complain directly to the school before contacting the ICO regarding data rights. Clause 103 of DUAA inserts a new section 164A into the UK DPA 2018, to introduce requirements for how schools must facilitate and handle complaints under the UK GDPR or DPA 2018, Pt 3. It will be a requirement of Brook Primary School to provide an electronic complaints form for individuals who wish to raise concerns about how their personal data is handled.

According to the Information Commission (1) The school must provide a way for individuals to submit complaints electronically (e.g. via a web form) or provide a form electronically that can be downloaded for completion by the complainant and (2) The school must acknowledge complaints within 30 days. The school must respond "without undue delay."

Scope

Section 103 of DUAA amends the UK Data Protection Act 2018 to require all data controllers to maintain and operate a complaints process for data protection concerns.

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Individuals must first raise their complaint with the organisation; the ICO will only consider complaints after the internal process is exhausted.

This guidance aims to assist Brook Primary School to comply with DUAA 2025 and ensure fair, timely resolution of data protection complaints.

This guidance applies to all complaints relating to personal data processing under DUAA 2025.

Mandatory DUAA requirements

The school will do the following:

1. *Create and publicise a complaints process:*

   Brook Primary School will ensure that this is transparent, accessible, and easy to locate (e.g. the school has linked this document to its privacy notice.

   Brook Primary School will provide multiple channels (online form, email, postal options) to receive data protection complaints.

   An example of a Complaints Form which may be compliant is found in Appendix 1 DUAA 2025 Complaints Form. This may be subject to amend following further advice from the ICO.

2. *Brook Primary School will operate the process effectively by:*

   - Logging complaints, actions taken, and resolution dates.
   - Acknowledging complaints within 30 days.
   - Investigating and taking appropriate steps without undue delay.
   - Communicate the outcome clearly and promptly to the requestor.
   - ICO draft guidance suggests providing outcomes within three months, unless exceptional circumstances apply.
   - Aim to resolve within 3 months (unless exceptional circumstances)
   - Brook Primary School will document all steps taken
   - Brook Primary School will communicate the outcome with a clear explanation of the decision and any remedial action taken
   - Brook Primary School will inform the complainant of their right to escalate to the ICO

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- Brook Primary School will retain records for audit and reporting purposes.

3. *Reporting and Oversight*

- The Secretary of State may introduce regulations requiring organisations to report complaint volumes to the ICO
- Brook Primary School will be ready to submit complaint statistics to ICO if required by future regulations
- Failure to comply could breach data protection law and undermine trust in the school.

4. *Practical Implications*

Brook Primary School will:

- Use this guidance as a basis for a written complaints procedure. This may or may not include the existing school's complaints procedure
- Train staff on handling complaints.
- Implement systems to track, respond to, and report complaints.
- Ensure clear communication of escalation rights to the ICO.

Links to other policies and guidance

Data Protection Policy

FOI Model Publication Scheme

Freedom of Information Policy

Information and Cyber Security Policy

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Further Information

This document defines the DUAA Complaints Form Guidance for schools and is part of the Information Governance suite of policies currently published by Brook Primary School.

If you require advice and assistance around any Information Governance matters (including for example Data Protection, data security and FOI requests) please contact the school's Data Protection Officer (DPO)].

YourIG Data Protection Officer Service
Dudley MBC, The Council House, Dudley, DY1 1HF

Email: YourIGDPOService@dudley.gov.uk tel: 01384 815026

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Appendix 1 DUAA 2025 Complaints Form

Under the Data Use and Access Act 2025 (DUAA), schools are now required to provide an electronic complaints form for individuals who wish to raise concerns about how their personal data is handled. While the ICO hasn't yet published a standardised form template, they do provide clear guidance and examples that can help you create one.

According to the ICO:

- The school must provide a way for individuals to submit complaints electronically (e.g. via a web form).
- The school must acknowledge complaints within 30 days.

The school must respond "without undue delay."

Form to raise concerns about how your personal data is handled		
Complainant Details	Full Name	
	E-mail address	
	Phone number (optional)	
	Postal address (optional)	
Nature of the Complaint	What is your complaint about? (e.g. data breach, inaccurate data, SAR delay)	
	When did the issue occur?	
	Which part of the school is involved?	
Details of the Complaint	Please describe what happened	
	How has this affected you?	
	Have you contacted the school about this before? (Yes/No)	

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	If yes, please provide details	
Supporting Documents	Upload any relevant documents (e.g. correspondence, screenshots)	
Preferred Outcome	What would you like us to do to resolve your complaint?	
Declaration	Checkbox: “I confirm that the information provided is accurate to the best of my knowledge”	
Submit	Please return the completed form to the following email address: Info@brook.dudley.sch.uk	