



Data Protection Complaints Policy and Procedure

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1. Purpose

This policy sets out how Positive Lending (UK) Ltd receives, investigates, manages and resolves complaints relating to the processing of personal data.

The policy is designed to ensure compliance with:

- UK GDPR
- Data Protection Act 2018
- Data (Use and Access) Act 2025
- Information Commissioner's Office (ICO) guidance on handling data protection complaints
- FCA Consumer Duty principles where applicable

The Company is committed to handling all data protection complaints fairly, promptly and transparently.

2. Scope

This policy applies to:

- Customers
- Prospective customers
- Employees
- Former employees
- Introducers
- Business partners
- Any individual whose personal data is processed by the Company

This policy covers complaints relating to:

- Subject Access Requests (SARs)
- Accuracy of personal data
- Retention of personal data
- Disclosure of personal data

- Data breaches
- Security of personal information
- Marketing communications
- Lawful basis for processing
- Any other alleged infringement of data protection legislation

This policy does not replace the Company's FCA complaints procedure for financial services complaints. Where a complaint contains both financial services and data protection elements, both procedures may operate simultaneously.

3. Definition of a Data Protection Complaint

A data protection complaint is any expression of dissatisfaction relating to how the Company has collected, stored, used, shared, retained or otherwise processed personal data.

Individuals do not need to use legal terminology or refer to legislation for a complaint to be treated as a data protection complaint.

Where there is uncertainty, clarification should be sought from the individual. The Company will adopt a reasonable interpretation in favour of recognising a complaint where appropriate.

4. How to Make a Complaint

Individuals may submit a complaint through:

- Email: sheila.bailey@positivelending.co.uk
- Telephone: 01202 850830
- Post: Positive Lending, Positive House, GP Centre, Yeoman Road, Ringwood, Hampshire, BH24 3FF

Details of this process will be included within:

- Privacy Notices
- Subject Access Request responses
- Company website

5. Complaint Handling Responsibilities

The Data Protection Officer (DPO) or nominated Data Protection Lead is responsible for:

- Logging complaints
- Conducting investigations
- Coordinating responses
- Maintaining complaint records
- Identifying trends and lessons learned
- Reporting material issues to senior management

All employees must immediately forward any data protection complaint to the DPO or Data Protection Lead.

6. Complaint Handling Procedure

a. Receipt and Logging

Upon receipt:

1. The complaint will be recorded in the Data Protection Complaints Register.
2. A unique reference number will be assigned.
3. The date of receipt will be recorded.

The register will include:

- Complainant details
- Nature of complaint
- Date received
- Investigator assigned
- Actions taken
- Outcome
- Closure date

b. Acknowledgement

The Company will acknowledge receipt of the complaint within 30 calendar days.

The acknowledgement will:

- Confirm receipt
- Provide a complaint reference number
- Explain the investigation process
- Provide contact details for further communication

Where appropriate, clarification may be sought at this stage.

c. Investigation

The investigator will:

- Review relevant records and systems
- Interview relevant staff where necessary
- Consider applicable legal and regulatory requirements
- Assess whether a data protection breach or failing has occurred
- Determine any remedial action required

The Company will take appropriate steps without undue delay and keep the complainant informed of progress where the investigation is ongoing.

d. Outcome

Once the investigation is complete, the Company will issue a written outcome.

The outcome will:

- Summarise the complaint
- Explain the findings
- Confirm whether the complaint is upheld, partially upheld or not upheld

- Detail any corrective actions taken
- Explain any further rights available to the complainant

The outcome will be issued without undue delay following completion of the investigation.

7. Escalation to the ICO

Where a complainant remains dissatisfied, they will be advised of their right to raise concerns with the Information Commissioner's Office (ICO).

ICO details:

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

Website: ico.org.uk

The Company will cooperate fully with any ICO enquiries or investigations.

8. Remedial Actions

Where failings are identified, the Company may:

- Correct inaccurate data
- Restrict processing
- Delete personal data where appropriate
- Improve security controls
- Amend procedures
- Deliver additional staff training
- Review third-party supplier arrangements

Any identified systemic issues will be reported to Senior Management.

9. Record Keeping

The Company will maintain records of:

- Complaints received
- Investigations undertaken
- Correspondence
- Decisions reached
- Remedial actions implemented

Records will be retained for a minimum of six years.

10. Monitoring and Reporting

The Data Protection Lead will provide periodic management information including:

- Number of complaints received
- Complaint categories
- Response times
- Root cause analysis
- Emerging risks and trends

Material data protection concerns will be escalated to Senior Management and the Board where appropriate.

11. Training

All employees will receive appropriate data protection training.

Employees responsible for complaint handling will receive additional training on:

- UK GDPR requirements
- Data Subject Rights
- ICO complaint handling expectations
- Record keeping requirements

12. Policy Review

This policy will be reviewed annually or sooner where:

- Legislation changes

- ICO guidance changes
- Regulatory findings indicate improvement is required
- Significant data protection incidents occur

Policy Owner: Head of Compliance

Approved By: CEO

Version: 1.0

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