

## **DATA PROTECTION COMPLAINT POLICY**



**No.1 Velocity, 2 Tenter Street, Sheffield, S1 4BY**

## **WAKE SMITH SOLICITORS DATA PROTECTION COMPLAINT POLICY**

### **1. OUR DATA PROTECTION COMPLAINTS POLICY**

Wake Smith Solicitors is committed to providing a high-quality legal service to all of its clients and ensuring it meets its data protection obligations. In the event of a problem arising, we want you to tell us about it. This will allow us to resolve the issue to your satisfaction, help us to improve our standards, and assist in preventing any reoccurrence of the problem.

In the event of any complaint, our intention is that this policy:

- is easy for clients to use and understand, and is responsive to the needs of individual clients;
- reassures clients who complain that the Company will address their concerns without delay, and that it takes all complaints seriously;
- assists in identifying client dissatisfaction if and when it arises;
- enables complaints to be dealt with promptly and fairly, with decisions based on an investigation of the circumstances from which the complaint has arisen;
- ensures that dissatisfaction is addressed and resolved wherever possible;
- provides for appropriate remedies that does not involve any additional charges to clients;
- ensures that a client is provided with all necessary information concerning the handling of a complaint ;
- enables the Company to learn from experience, so as to lessen the risk of future complaints.

Our Complaints Manager is **Neil Salter**, the Chairman of Wake Smith Solicitors.

Our Data Protection Officer is **Elizabeth Shaw**, the joint Managing Director of Wake Smith Solicitors.

In the event of a Data Protection Complaint, this may be investigated by either the Complaints Manager or the Data Protection Officer.

### **2. DATA PROTECTION RIGHTS**

We set out below the rights data subjects have and how we deal with related requests.

#### **Subject Access Requests (SARs)**

A SAR (or 'DSAR' – Data Subject Access Request) is a request made by or on behalf of an individual for the information which he or she is entitled to ask for under Article 15 of the UK GDPR. This means you have the right to be told what personal information Wake Smith Solicitors Limited is holding about you and, unless an exemption applies, to receive a copy of that information. You are also entitled to know:

- The purposes for which your data is being processed
- The categories of personal data involved
- Who your data has been or may be shared with
- How long your data will be retained (where possible)
- The source of your data if it wasn't provided by you
- Whether any automated decision-making has been applied
- The safeguards in place if your data has been transferred internationally

Please note: you have the right to access your personal data, but not necessarily the documents containing it. You are also not entitled to personal data relating to other individuals.

Certain exemptions may apply depending on the nature of the data or the context.

To help us respond efficiently, please be as specific as possible when making a SAR—for example, include relevant dates or a description of the matter your request relates to.

### **The right to rectification**

If you believe any personal data we hold about you is inaccurate or incomplete, you can ask us to correct or complete it without undue delay. We will investigate your request and amend the data if necessary. If we've shared the incorrect data with a third party, we will inform them of any correction made.

We will not necessarily amend data just because you ask us to, however we will investigate to establish whether the data is inaccurate or not. In those circumstances, the data may be amended or accompanied by a supplementary statement about the accuracy of the data.

### **The right to erasure (the 'right to be forgotten')**

You have the right to have your personal data erased if:

- It is no longer necessary for the purpose it was collected
- You withdraw your consent and no other legal basis applies
- Other specific legal grounds are met

We do carefully consider requests for personal data to be erased, but this right does not apply when the lawful basis for processing that data is for the "performance of a task carried out in the public interest or in the exercise of official authority vested in the data controller". Given that almost all of the personal data processing carried out by Wake Smith Solicitors is on this basis, the right to erasure does not apply to most of the processing we do.

### **The right to restriction of processing**

You have the right to ask us to restrict processing of your personal data where:

- You dispute the accuracy of the data
- Processing is unlawful and you request restriction instead of deletion
- We no longer need the data but you require it for legal claims
- You've objected to processing and verification is pending

Where processing has been restricted, we can only store the data, and some other limited processing, unless you give consent to further processing.

We must inform you before any restriction to processing is lifted.

### **The right to data portability**

You have the right to receive in a structured, commonly used, machine-readable format, personal data that you provided to us yourself, but it only applies where the basis for processing is

"consent" or "the performance of a contract", and where the processing is carried out by automated means. If asked we, as the data controller, have to pass this to another data controller where this is technically feasible. The right does not apply when processing is on the basis of "performance of a task carried out in the public interest or in the exercise of official authority vested in the data controller", so it may not apply to some processing carried out by Wake Smith Solicitors.

### **The right to object to processing**

You have the right to object to processing when the lawful basis of processing is:

- A task carried out in the public interest or official authority; or
- Legitimate interests

This right will apply to much of the processing we do. If you object, we can no longer process the personal data, unless we can demonstrate compelling legitimate grounds for doing so, which outweigh your rights and freedoms.

In addition, you can object to your personal data being processed for direct marketing purposes and the personal data can then no longer be processed for those purposes.

### **The right not to be subject to solely automated decision-making**

You have the right not to be subject to a decision based solely on automated processing where this produces legal effects concerning you or significantly affects you. Currently, we do not make any decisions based solely on automated processing.

Any procedures involving automated processing will include a human element, so this right will not apply to any of our data processing.

### **The right to withdraw consent**

If we are processing your data on the basis of your consent, you can withdraw that consent at any time (this will usually be for the purposes of communications, such as email newsletters).

If you receive an email newsletter from us and no longer wish to receive it, you should find an 'unsubscribe' option at the end of the email.

If you withdraw consent, we will ensure that we no longer process your data for that purpose as quickly as possible.

## **3. COMPLAINTS PROCEDURE**

If you believe that your personal data has been mishandled or your rights have been violated, you may file a complaint using the following steps:

### **a. Informal Resolution:**

You are encouraged to first raise your concern informally with the individual or department directly involved. Often, issues can be resolved quickly at this stage.

### **b. Formal Complaint:**

If your dissatisfaction cannot be resolved informally, please complete the electronic form contained on our website or alternatively write to either our Data Protection Officer, Elizabeth Shaw or our Complaints Manager, Neil Salter, at No 1 Velocity, 2 Tenter Street, Sheffield, S1 4BY with full details of the issues causing your dissatisfaction. You may also email your complaint either to [elizabeth.shaw@wake-smith.com](mailto:elizabeth.shaw@wake-smith.com) or [neil.salter@wake-smith.com](mailto:neil.salter@wake-smith.com).

You do not have to raise your complaint in writing. However, setting out your complaint in writing, either in a letter or an email or by using our online form, may help you to focus on the specific issues causing you dissatisfaction and would assist us in understanding the nature of your complaint and the remedy or remedies you are seeking. It is important for both of us to be clear as to the cause of your concerns and how they might be resolved to your satisfaction.

Once you have formally submitted your complaint to us, the following process will begin:

Your complaint will be acknowledged in writing within five working days of receipt. If there are any further details needed to investigate your complaint, you will be requested to provide them, and you may be asked to confirm or explain any points which remain unclear.

Your complaint will be recorded in a central register. Your complaint will be reviewed and it will be decided how it will be best investigated. It may be decided that delegation of the investigation of your complaint, and a response to it, to another director within the Company would be appropriate if it would provide a more effective means of resolving your complaint. If this course of action is considered most appropriate, we will notify you who will be investigating your complaint, and why.

Within 30 days of submitting your complaint, you will be provided with a written response to your complaint and our proposals for resolving the matter.

If, having received our final response to your complaint, you remain dissatisfied, you have the right to refer your complaint to the Information Commissioner's Office (ICO) who can provide independent information about your rights and investigate your complaint.

**Website:** <https://ico.org.uk/>

**Phone:** 0303 123 1113

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