Student Data Protection Complaint Procedures

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Overview

The Student Data Protection Complaint Procedures enable you to bring matters of concern regarding the processing of your personal data to the attention of The Open University and provide mechanisms through which those concerns may be resolved.

This document outlines the different routes to make a complaint about data protection including:

a. Making a complaint about The Open University's processing of your personal data (Section 3).
b. Making a complaint about how we have handled a data protection request (Section 4).
c. Making a general complaint which also includes data protection (Section 5).

Each complaint route comprises different stages. Our aim is to resolve most problems and difficulties as quickly and easily as possible at the earliest stage within the process. It is important that you raise any concerns you may have as soon as possible.

The Open University is committed to investigating and resolving data protection complaints fairly and in accordance with the Information Commission's (ICO) guidance on data protection complaints. No student who brings a genuine complaint under this procedure will be disadvantaged by The Open University, regardless of the outcome. We aim to promote a positive culture whereby students can raise genuine concerns confidently.

Once you have exhausted The Open University's internal procedures, if you remain dissatisfied with the outcome, you may raise a complaint directly with the ICO.

Scope

What this procedure covers

This procedure covers how to make a complaint regarding data protection (including the security measures used to store personal data) to The Open University, and how this will be managed.

The Student Data Protection Complaint Procedures apply to the following groups:

- Any users of The Open University website.
- Students studying with The Open University under partnership agreements.
- Enquirers who are intending to study with The Open University.
- Applicants.
- Undergraduate taught students.
- Postgraduate taught students.
- Postgraduate research students. (Note, where you are also a member of staff, you will be classified as a student for the purposes of this procedure if your complaint relates to your postgraduate research study).
- Apprenticeship students.
- Learners registered for vocational qualifications (general complaints not related to data protection or the use of personal data should be directed to the Complaints and Appeals Procedures on the Vocational Qualifications Policies website).
- Students studying short courses (such as microcredentials).
- Students taking a break from their studies.
- Formerly registered students and alumni.
- Anyone else whose personal information The Open University may hold (excluding staff, see 'What this procedure does not cover' below).

You can seek help, advice and guidance on making a data protection complaint by visiting the Help Centre page 'Concerns about how we use your data' or contacting the Information Rights team.

What this procedure does not cover

This procedure does not cover the following groups or areas of concern:

- Students studying for an Open University qualification at another education institution (including those studying Open University qualifications under a Collaborative Provision arrangement):
  - You should follow that institution's procedures in the first instance.
- In some circumstances (where the institution is considered a data processor and The Open University are the data controller), there may be a further right of complaint to The Open University once all procedures of that institution have been exhausted. Please email our Information Rights team to find out whether your complaint about the institution is eligible for escalation.
- Open University employees (excluding employees who are postgraduate research students, who should follow these Student Data Protection Complaint Procedures):
  - Data protection complaints should be raised by emailing our team via: data-protection@open.ac.uk.
- Complaints which do not include data protection concerns, which should follow the standard Student Complaints and Appeals Procedures.
- Reporting of a personal data protection breach:
  - These should be reported promptly to us by emailing: data-protection@open.ac.uk.
  - This procedure is limited to making a complaint about how you may have been affected by a personal data breach.
- Concerns about broader data protection compliance:
  - This procedure is limited to complaints relating to the processing of your personal data.
- Matters of student misconduct related to inappropriate use of personal data:
  - This is covered by the Code of Practice for Student Discipline and the Dignity and Respect Policy.

Support and Information

How to contact us

If you have any queries about this policy, please Contact Us.

Information Rights Team

If you have any queries about this procedure, or for data protection matters, please email our Information Rights team directly via: data-protection@open.ac.uk.

- Email (for general data protection enquiries): data-protection@open.ac.uk.
- Email (for data protection complaints and information on this policy): data-protection@open.ac.uk.
- Email (for Freedom of Information requests): freedom-of-information@open.ac.uk.
- Phone: +44(0)1908 653994.
- Post: The Data Protection Officer, PO Box 497, The Open University, Walton Hall, Milton Keynes, MK7 6AT.

Student Casework Office

If you wish to discuss a general complaint or query directly, please use the following details:

Email: studentcaseworkoffice@open.ac.uk.

Telephone: +44 (0)1908 659535.

Post: Student Casework Office, PO Box 5155, The Open University, Walton Hall, Milton Keynes, MK7 6AA.

Graduate School

Email: Graduate-School@open.ac.uk.

Telephone: +44 (0)1908 653806.

Post: Graduate School, The Open University, Walton Hall, Milton Keynes, MK7 6AA.

Students living in Wales

You can speak with a student support adviser in Welsh on 029 20 020 354, should you wish to do so.

Open SU Individual Representation Service

- Email: Oustudents-studentadvice@open.ac.uk.
- Post: Open SU, PO Box 397, Walton Hall, Milton Keynes MK7 6BE.

Help Centre Articles

Please visit the Help Centre article: 'Concerns about how we use your data'.

1. Context

1.1 The Open University aims to provide an excellent student experience that enables everyone to achieve their study goals and full potential. However, we recognise that sometimes things go wrong and, when they do, we welcome the opportunity to put them right as soon as possible.

1.2 The Student Data Protection Complaint Procedures enable you to bring any concern you have about the processing of your personal data to the attention of The Open University and provides mechanisms through which those concerns may be resolved. You can find advice and information about your data protection rights on the Information Commission's website.

1.3 The Student Data Protection Complaint Procedures also enable us to monitor and improve the services we provide to ensure we meet our obligations under data protection laws and quality standards, and enhance the student experience.

1.4 If you have a concern regarding data protection, you are encouraged to contact us as soon as possible. If you have previously been issued with an Open University Computer Username (OUCU) related to your studies, you should start your complaint using our online form. If you have a staff OUCU, you should not use this form. If you have never been issued with an OUCU, you should contact our Data Protection Complaints mailbox. Your complaint will be investigated and objectively assessed, and we will aim to respond as quickly as possible. If you remain dissatisfied, we may be able to offer a review of our initial response, or you may raise your complaint directly with the Information Commission (ICO). Please note that the ICO will usually expect you to have completed our data protection complaints process first, before they will consider your complaint.

1.5 We will ensure that no student who brings a genuine complaint under these procedures will be disadvantaged by us, regardless of the outcome. Complaints which are considered not to be genuine are discussed in 'Section 7.7: Ineligible complaints'.

1.6 Complaints at all stages will be handled sensitively and with due consideration for confidentiality. If you are a student and you need help with your data protection complaint at any stage of the process, you can contact the Open SU team. Open SU can offer support, advice and guidance through the Individual Representation service.

1.7 You should contact the Information Rights team if you wish to discuss any reasonable adjustments to these procedures or any additional support you may need in raising and pursuing your complaint to take into account your disability. This complies with our obligations under the Equality Act 2010 in England, Scotland and Wales, the Disability Discrimination Act 1995 (Amendment) Regulations (Northern Ireland) 2004, or any other statutory duty or obligation.

1.8 A list of definitions is included to explain the terms used in this document. Throughout this document, where you see references to 'we', 'us', or 'our' this means The Open University. 'You' refers to you as the Student.

2. What is a data protection complaint?

2.1 Data protection complaints are a way of asking us to review how The Open University has complied with data protection legislation when processing your personal data. Personal data means any information relating to an individual who can be identified, directly or indirectly, from that information. Processing means any activity carried out with the personal data, including collection, storage, retrieval, disclosure or deletion. A data protection complaint can also include concerns around the security measures we have used to protect your personal data.

2.2 There are three routes to making a data protection complaint described within this procedure:

a) You have the right to make a complaint if you believe that we have not complied with data protection legislation in terms of how we have used, processed, or stored your personal data, as detailed in 'Section 3: Making a complaint about The Open University's processing of your personal data'.

b) You may wish to make a complaint about our response to an earlier data protection request, as detailed in 'Section 4: Making a complaint about how we have handled a data protection request'.

c) You may raise a data protection complaint as part of a larger general complaint. The Student Complaints and Appeals Procedures detail how to make a general complaint to The Open University. 'Section 5: Making a general complaint which also includes data protection' describes how data protection concerns will be managed as part of a general complaint.

2.3 If you are unsure of the nature of your complaint, or if data protection concerns cover just one element, we advise you to follow the Student Complaints and Appeals Procedures in the first instance.

2.4 Where you are concerned that there may have been a personal data breach, you should report this without delay by emailing the Information Rights team. If you have been affected by a confirmed personal data breach and wish to complain about how this data breach was handled, you should follow 'Section 3' of this procedure to submit your complaint.

2.5 There are a number of ways that you can outline your data protection complaint to help our team to respond promptly:

a) Using artificial intelligence to write your complaint may lead to inaccuracies or add unnecessary lengthy detail which can draw attention away from the issue you are trying to highlight. This may also cause delays in our response. You may find it helpful to refer to the Student Privacy Notice and guidance from the Information Commission.

b) We may ask you to clarify, narrow or summarise your complaint where the information provided is unclear, excessively detailed or makes it difficult to identify the specific data protection concerns being raised. Any such request is intended to assist us in understanding and investigating your complaint effectively and should not be taken as a refusal to consider the issues raised.

c) We advise against making multiple complaints about data protection, including via other routes. Multiple communications may introduce delays to your complaint being received by the Information Rights team and may increase the time it takes to investigate what has happened, and the timeliness of our response.

3. Making a complaint about The Open University's processing of your personal data

3.1 This section describes how to make a data protection complaint to our Information Rights Team about the way we have processed your personal data. An accompanying visual flowchart is also available.

3.2 ‘Processing’ covers any collection, storage or use of information, and ‘personal data’ means any information that relates to you and where you are identifiable, either directly or indirectly. Full definitions of these terms are provided in the Student Privacy Notice.

3.3 If your complaint relates to a previously submitted data protection request, please follow ‘Section 4: Making a complaint about how we have handled a data protection request’.

3.4 Complaints that are not related to data protection should be directed to the Student Casework Office in line with the Student Complaints and Appeals Procedures. Where general complaints are submitted to the Information Rights team, there may be a delayed response whilst these are triaged back to the Student Casework Office for processing. Our published response timescales only apply once you have received an acknowledgement regarding your general complaint.

3.5 Making a complaint (Stage 1)

a) If you wish to complain about any aspect of our processing of your personal information and you have previously been issued with an Open University Computer Username (OUCU) related to your studies, you should start your complaint using our online form. If you have a staff OUCU, you should not use this form. If you have never been issued with an OUCU, you should contact our Data Protection Complaints mailbox.

b) When writing your complaint, you should explain the reason(s) for your dissatisfaction and provide enough information to enable us to investigate what has happened; detailing the action you think we could take to put matters right. To allow us to process your complaint promptly you should focus on the specific area of data protection which concerns you; make your request clear, concise and focused, and ensure that there are no obvious factual inaccuracies. Please see Section 2.5 for further information on how to produce your complaint.

c) The Information Rights team will aim to acknowledge your complaint within 5 working days of us receiving it, and no later than the 30 working days specified by the Information Commission. In the unlikely event that your complaint is not acknowledged within 30 working days of our receipt, you have the right to complain directly to the Information Commission, as detailed on their website.

d) You will be assigned a reference number by the Information Rights team, which you should quote in all further correspondence relating to your complaint. If any aspect of your complaint is not clear or additional information is needed to enable a thorough investigation, we may request further information from you.

e) The Information Rights team will investigate your complaint as soon as possible after receiving all necessary information and will let you know when you can expect a full response. You will be contacted by the date specified within the acknowledgement to provide an update on the progression of your complaint. Where additional information is requested, we will not begin our investigation until you have provided that information. You will be informed at this point whether an extension to the expected date for a response is necessary, for example where the investigation is more complex than expected.

f) Once the Information Rights team has completed its investigation, you will be sent a complaint outcome detailing whether your complaint has been Upheld, Partly Upheld or Not Upheld. The response will explain the findings of our investigation, any actions that have been taken to resolve your complaint, and the reasons for our decision.

3.6 Request an outcome review (Stage 2)

a) If you are not satisfied with the outcome of your complaint, you may ask for the Stage 1 investigation to be reviewed. To do this, you should email our Data Protection Complaints mailbox, quoting the reference number for your complaint. Your request should clearly explain which aspects of the outcome you would like to be reviewed and your reasons for requesting this outcome review. Include any new evidence that has not previously been provided in support of your complaint and explain why this could not have been provided earlier in the process. Where possible, please explain why you believe our response, decision or actions did not comply with our legal obligations. Information about your rights over your personal data, and advice on data protection are available on the Information Commission's website.

b) The Information Rights team will aim to acknowledge your outcome review request within 5 working days of receipt and no later than 30 working days after receipt. The acknowledgement will provide an expected date for completion of the review.

c) There may be circumstances where we determine that we are unable to provide an outcome review. In such circumstances, the acknowledgement will explain that we will not be proceeding to review your case and provide reasons for that decision.

d) Where your complaint is progressed for review, this will be allocated to a different member of the Information Rights team who has had no prior involvement in your complaint. This will normally be a more senior member of the team, but where necessary may be another manager of equivalent seniority within the team.

e) Both your complaint and our Stage 1 response will be reviewed, and further investigation may be carried out if needed. The review will be completed as quickly as possible, and you will be informed by the expected completion date in the case of any further delays.

f) Once the review of your complaint and the outcome are complete, you will be sent a final response detailing whether your complaint has been Upheld, Partly Upheld or Not Upheld. This will explain the steps taken in the review, the information taken into account, and an explanation of how data protection law has been applied in the circumstances. Our review may identify learning points, recommendations or service improvements, irrespective of the outcome to your complaint. If any part of your complaint has been upheld, the final response will outline the steps taken or planned to rectify the matter. If your complaint has not been upheld upon review, the final response will explain the reasons with reference to data protection law.

g) Once we have provided a final response to your complaint or the ICO have informed us that we are not required to take action in relation to your complaint (in line with Section 3.7 below), we will not consider this data protection matter again (unless you provide significant new evidence that you could not reasonably have presented to us before).

3.7 Escalating your complaint (Stage 3)

a) If, having received the final response to a Stage 2 review of your complaint you still believe that we have failed in our obligations under data protection law, you have the right to complain directly to the Information Commission (ICO). Details of how to submit a complaint to the ICO can be found on their website. Note that the ICO will expect you to have completed our internal complaints process before raising a complaint with them.

b) The ICO will let you know whether your complaint has been accepted for consideration. If your complaint is accepted by the ICO, they will write to us with the outcome of the complaint and provide details of any action they require us to take in response. If the ICO does not require us to take action in relation to your complaint, no further action will be taken and we will not consider this complaint again (unless you provide significant new evidence that you could not reasonably have presented to us before).

4. Making a complaint about how we have handled a data protection request

4.1 This section describes how to make a data protection complaint about the way our Information Rights team have responded to an earlier request relating to your personal data. This includes requests to access information that The Open University holds about you, and requests to have personal information deleted or corrected. An accompanying visual flowchart is also available.

4.2 If your complaint relates to the way we have processed your personal data, please follow the procedure outlined in 'Section 3: Making a complaint about The Open University's processing of your personal data'.

4.3 Complaints that are not related to data protection should be directed to the Student Casework Office in line with the Student Complaints and Appeals Procedures. Where general complaints are submitted to the Information Rights team, there may be a delayed response whilst these are triaged back to the Student Casework Office for processing. Our published response timescales only apply once you have received an acknowledgement regarding your general complaint.

4.4 Request a review (Stage 1)

a) If you have previously submitted a request relating to your rights under data protection law and do not consider that we have fulfilled our legal obligations, you may ask for our response to be reviewed. This applies to requests for access to personal data (Data Subject Access Requests), requests for personal data to be rectified or deleted, or requests relating to any other rights afforded by data protection law. You can find further information about your rights over your personal data, and advice on data protection on the Information Commission's website.

b) To request a review of our response to a previous request, you should email the Data Protection Complaints mailbox, quoting the reference number from your original request. The online form cannot be used for this. You should explain which aspects of the response you would like us to review and your reason(s) for requesting the review. Where possible, please explain why you believe our response, decision or actions did not comply with our legal obligations. To allow us to process your request promptly you should focus on the specific area which concerns you; make your request clear, concise and focused, and ensure that there are no obvious factual inaccuracies. Please see Section 2.5 for further information on how to produce your complaint. Information about your rights over your personal data, and advice on data protection, are available on the Information Commission's website.

c) The Information Rights team will aim to acknowledge your review request within 5 working days of us receiving it, and no later than the 30 working days specified by the Information Commission. Your review request will normally be allocated to a more senior member of the Information Rights team, but where necessary this may be another manager of equivalent seniority within the team.

d) Both your original request and our response will be reviewed, and further investigation may be carried out if needed. The review will be completed as quickly as possible, and you will be kept informed if there are any delays.

e) Once the review of your request is complete, you will be sent a final response detailing whether your complaint has been Upheld, Partly Upheld or Not Upheld. This will explain the steps taken in the review, the information taken into account, and an explanation of how data protection law has been applied in the circumstances. If you are entitled to additional information as a result of the review, this will be provided with the final response. If further action is taken or planned due to the review findings, these will be outlined in the final response. If no further action is taken or planned following the review, the final response will explain the reasons with reference to data protection law.

f) Once we have provided a final response to your complaint, or the ICO have informed us that we are not required to take action in relation to your complaint (in line with Section 4.5 below), we will not consider this data protection request again (unless you provide significant new evidence that you could not reasonably have presented to us before).

4.5 Escalating your complaint (Stage 2)

a) If, having received the final response to the review of your request, you still believe that we have failed in our obligations under data protection law, you have the right to complain directly to the Information Commission (ICO). Details of how to submit a complaint to the ICO can be found on their website. Note that the ICO will expect you to have completed our internal complaints process before raising a complaint with them.

b) The ICO will let you know whether your complaint has been accepted for consideration. If your complaint is accepted by the ICO, they will write to us with the outcome of the complaint and provide details of any action they require us to take in response. If the ICO does not require us to take action in relation to your complaint, no further action will be taken, and we will not consider this complaint again (unless you provide significant new evidence that you could not reasonably have presented to us before).

5. Making a general complaint which also includes data protection

5.1 If you have cause for concern about any aspect of your time as a student, or grounds to believe a decision relating to your studies is wrong, you should follow the Student Complaints and Appeals Procedure.

5.2 Your general complaint may also include a concern regarding the processing of your personal data, or our response to an earlier data protection request. While general complaints are managed in accordance with the Student Complaints and Appeals Procedure, any elements involving data protection will usually be passed to the Information Rights team for their response. This section describes how data protection concerns will be handled as part of a general complaint. An accompanying visual flowchart is also available.

5.3 If your general complaint includes a Subject Access Request (SAR) or Freedom of Information request (FOI), these will be passed to the Information Rights team for processing. You are encouraged to contact the Information Rights Team directly for a prompter response on these matters, using either our SAR email address, or FOI email address.

5.4 Informal concern (Stage 1)

a) Where you have raised an informal concern via the Open University Complaints and Appeals Procedure which includes a data protection complaint, the data protection element will be forwarded to the Information Rights team for processing independently.

b) To prevent subsequent delays in responding to your complaint, we strongly encourage that all data protection complaints are reported directly to us at the earliest opportunity, in line with 'Section 3: Making a complaint about The Open University's processing of your personal data'.

c) Any data protection concern will be processed in accordance with this procedure.

d) The Open University does not apply the 28-day time limit used in the Student Complaints and Appeals Procedure to data protection complaints. However, complaints should be raised as soon as reasonably practicable as delays may affect our ability to investigate. Where you raise a data protection complaint via the Open University Complaints and Appeals Procedure outside of the 28 calendar days' limit for that procedure, this will still be passed to the Information Rights team for processing.

e) When making a data protection complaint as part of an informal concern, you should explain the reason(s) for your dissatisfaction and provide enough information to enable us to investigate what has happened; detailing the action you think we could take to put matters right. To allow us to process your complaint promptly you should focus on the specific area of data protection which concerns you; make your request clear, concise and focused, and ensure that there are no obvious factual inaccuracies.

5.5 Formal complaint (Stage 2)

a) If you meet the criteria set out in Stage 2 (Making a Formal Complaint) of the Student Complaints and Appeals Procedure, you may choose to escalate your informal concern to the formal complaint stage by following the procedure set out within that document.

b) Where your formal complaint includes a data protection element that has not yet been processed by our Information Rights team; or you are raising a data protection concern for the first time as part of additional evidence, the following sections will explain how we will process your data protection concern.

c) Your formal complaint should explain the reason(s) for your dissatisfaction with data protection and provide enough information to enable us to investigate what has happened; detailing the action you think we could take to put matters right. To allow us to process your complaint promptly you should focus on the specific area of data protection which concerns you; make your request clear, concise and focused, and ensure that there are no obvious factual inaccuracies. Please see Section 2.5 for further information on how to produce your complaint.

d) The Student Casework Office will acknowledge receipt of your formal complaint within 3 working days of receiving it and will advise you whether the data protection element will be forwarded directly to the Information Rights team for independent processing or will be managed via the Student Casework Office as set out in the Student Complaints and Appeals Procedure.

e) Most data protection complaints will be forwarded to the Information Rights team for processing to be managed separately to your general complaint. To prevent any subsequent delays in response, we strongly encourage all data protection complaints to be reported to the Information Rights team at the earliest opportunity in line with Section 3 of this procedure.

f) Any data protection concern will be processed in accordance with this procedure.

g) Where you are notified that your data protection complaint will be managed by the Student Casework Office via the standard Student Complaints and Administrative Appeals Procedure, the processes and timescales provided within that document will apply.

h) We reserve the right to forward any data protection complaints to the Information Rights Team for independent processing at any stage of the complaint process, and you will be notified as soon as possible where this is the case.

i) Where a formal complaint has not been accepted by the Student Casework Office due to not meeting the requirements set out in the Student Complaints and Administrative Appeals Procedure, your data protection concern may still be eligible for review by our Information Rights team in line with Section 3 of this procedure. If you have already received a final response from the Information Rights Team to your complaint, or the ICO have informed us that we are not required to take action in relation to your complaint, we will not consider your data protection complaint again (unless you provide significant new evidence that you could not reasonably have presented to us before).

5.6 Requesting a Review (Stage 3)

a) If you meet the criteria set out in Stage 3 (Requesting a Review) of the Student Complaints and Appeals Procedure, you may choose to escalate your formal complaint to the review stage by following the procedure set out within that document.

b) If your Stage 3 complaint includes a data protection element which has not yet been processed independently by the Information Rights team, this will be forwarded and processed in accordance with Section 3 of this procedure.

c) If you have already received a final response from the Information Rights Team to your complaint, or the ICO have informed us that we are not required to take action in relation to your complaint, there will be no additional review by us at this stage (unless you provide significant new evidence that you could not reasonably have presented to us before).

6. Methods of appeal

6.1 If having exhausted these Student Data Protection Complaint Procedures and received a final response to your complaint, you still believe that we have failed in our obligations under data protection law, you have the right to complain directly to the Information Commission (ICO). Details of how to submit a complaint to the ICO can be found on their website.

6.2 The ICO will let you know whether your complaint has been accepted for consideration. If your complaint is accepted by the ICO, they will write to us with the outcome of the complaint and provide details of any action they require us to take in response. If the ICO does not require us to take action in relation to your complaint, no further action will be taken, and we will not consider this complaint again (unless you provide significant new evidence that you could not reasonably have presented to us before).

6.3 Please note that the ICO will expect you to have completed our internal complaints process before raising a complaint with them.

7. Supporting Information

7.1 Complaints submitted in Welsh

a) Welsh language speakers residing in Wales are welcome to submit complaints about data protection matters in Welsh. If you have previously been issued with an Open University Computer Username (OUCU) related to your studies, please start your complaint in Welsh using our online form, or by calling us on the following number: 029 20 020 354. If you have a staff OUCU, you should not use this form. If you have never been issued with an OUCU, you should contact our Data Protection Complaints mailbox. Complaints written or conveyed in Welsh will be responded to in Welsh and will not be treated less favourably.

b) As a requirement under the Welsh Language Standards, we have a separate complaints procedure to deal with perceived failures to comply with the standards. The procedure is outlined here. Mae fersiwn Gymraeg o'r weithdrefn ar gael yn fan hyn.

7.2 Third party complaints

a) We will only investigate complaints made by third parties on behalf of a student or students, if the student/students have given their written permission that the third party may act on their behalf. This includes Members of Parliament, legal advisers and family members. If you already have an advocacy agreement in place this is acceptable permission, for further details on advocacy please refer to the Advocacy Policy.

7.3 Anonymous Complaints

a) We cannot accept or respond to anonymous complaints about data protection, as these can only be investigated properly when full background information can be gathered.

b) The Information Commission is also not able to accept anonymous reports of data protection concerns as a matter of public interest. Details of how to submit a complaint to the ICO can be found on their website.

7.4 Group complaints

a) If you are a group of students wishing to submit a joint data protection complaint, you must nominate a spokesperson to correspond with us. All complainants must provide their written permission to the spokesperson, and this evidence of permission must be submitted with the group complaint before it can be considered. We will provide a single response to a group complaint.

b) A complaint can only be managed as a group if the same issue affects all students in the group, in the same way. Where a group complaint has been submitted and it is not appropriate to deal with it as a group, we will treat it as an individual complaint made by each member of the group. We will inform the group of this decision, with reasons, and the group will be given an opportunity to state why in their opinion, the complaint should be managed as a group.

7.5 Complaints about multiple or interconnected issues

a) If your data protection complaint is being processed by the Student Casework Office and involves different service areas (see Section 5), they will co-ordinate the complaint in collaboration with the respective departments and you will receive a single response to your complaint. The Student Complaints and Appeals Procedure specifies how multiple or interconnected issues will be managed.

b) If your data protection complaint has been forwarded to the Information Rights team after submission to the Student Casework Office (see Section 5), the Information Rights Team will provide an independent response to your data protection concern. Any issues within your complaint that do not relate to data protection will be managed and responded to separately via the Student Casework Office.

c) If you have made multiple complaints to the Information Rights team about interconnected or overlapping data protection issues, we may decide that these should be considered together and responded to in a single response to provide greater clarity. If we decide that this is the best way to proceed, we will inform you of this decision with details of what will be responded to within the single response. We will ensure all substantive aspects of the complaints are responded to.

7.6 Complaints to the Vice-Chancellor, University Officers and senior members of staff

a) In order to ensure that your data protection complaint is investigated as quickly and effectively as possible, you should submit your complaint directly to us as set out in Section 3 and Section 4 of this Procedure.

b) If you choose to submit your complaint directly to the Vice Chancellor, any University Officer or any other senior member of staff across The Open University, it will be referred to the Information Rights team. Please note that this may result in a short delay in response. Your complaint will then be processed by the Information Rights team in accordance with Section 3 and Section 4 of this Procedure.

7.7 Ineligible complaints

a) We will reject a complaint without full consideration of the issues if we have already provided you with a final response to your complaint, or the ICO have informed us that we are not required to take action in relation to your complaint. We will only re-open the investigation of a complaint if you provide significant new evidence which you could not reasonably have presented to us earlier.

b) A complaint which is considered malicious or vexatious may constitute a disciplinary offence and may be referred under the Code of Practice for Student Discipline.

A data protection complaint would be considered as vexatious and/or malicious if:

- The complaint reveals no facts, evidence or other circumstances which could reasonably support a complaint against The Open University;
- The substantive issues in the complaint have already been addressed and the Information Rights team have issued their final response;
- It is being pursued in an unreasonable manner intended to cause disruption, distress, inconvenience, delay or unreasonable expense;
- It contains wholly unsubstantiated accusations against members of Open University staff or persons connected with members of Open University staff alleging discrimination, harassment, fraud, dishonesty, conflict of interest, sexual impropriety or other serious misconduct;
- There is evidence that the complaint is being pursued with the only intention of doing harm.

c) If we determine that your complaint is ineligible, we will write to you to explain that we will not be proceeding to review your complaint and provide our reasons for that decision.

7.8 Expected standards of behaviour

a) As members of the OU community, everyone is responsible for behaving in ways that align with our Student Charter. We will deal with your complaint courteously and respectfully and, wherever possible, in such a way as to resolve any problems as quickly and effectively as possible. We understand that you may be upset or angry when contacting us to make a complaint, but we also have the right to be treated in a courteous and respectful manner. It is usually in all parties' interests if complaints are raised as calmly and reasonably as possible in the circumstances, so that we can quickly understand the issues and, where appropriate apologise for any mistakes and put right what has gone wrong.

b) Threatening and abusive behaviour towards staff when raising a complaint will not be accepted and may constitute a disciplinary offence under the Code of Practice for Student Discipline. We strongly advise that you review the tone of any complaint to ensure it aligns with our Student Charter, particularly if you have used artificial intelligence to help you write it.

c) If you are not satisfied with the behaviour of a member of staff who is managing your data protection complaint and you cannot resolve this informally with that person; or if you have reason to believe that you have been disadvantaged as a consequence of raising your complaint, you should make a formal complaint about the staff member concerned as soon as possible by contacting the Student Casework Office. Upheld complaints will be managed in accordance with The Open University's staff management procedures.

7.9 Monitoring, evaluation and review

a) The Information Rights team will oversee the tracking of data protection complaints and their review, ensuring that they are recorded appropriately on The Open University's Customer Relationship Management system where appropriate. Information about data protection complaints and reviews will be retained by the Information Rights team and stored in a secure area which only staff with appropriate permissions can access.

b) Information about data protection complaints and reviews will be used to inform and improve good practice and to enable us to better respond to questions from the ICO (where complaints have been raised directly). Monitoring information about the number and nature of complaints received may be provided to internal committees and management groups to assist with improvements to practice and capacity planning.

c) An annual report will be made to The Open University's Information Compliance and Risk Committee, to ensure appropriate oversight at governance level.

d) All data will be monitored in accordance with The Open University's Equity, Diversity and Inclusion Strategic Plan, and data protection legislation. Further information on how we use, store and share data can be found in the Student Privacy Notice.

7.10 Legal Action

a) We recommend that you do not take legal action against The Open University until we have completed our Data Protection Complaint procedures. This includes where eligible, taking your complaint to the Information Commission (ICO).

b) If you do take legal action against The Open University before those procedures are completed, we will ask you to suspend legal proceedings in accordance with civil procedure rules which encourage the parties to try to resolve issues without court proceedings wherever possible.

c) If serving formal notice of legal action, the relevant documents should be sent to the Student Casework Office via their postal address.

7.11 Confidentiality and Data Retention

a) Formal complaints will be managed in confidence, and the detail will only be shared with staff who need to know in order to investigate and respond to the issues you have raised.

b) Information you provide in support of your complaint may need to be shared with other areas of The Open University, in order for appropriate consideration to be given to your complaint case; for example, evidence of how your personal data has been processed may need to be shared with departments responsible for the processing.

c) Correspondence, evidence and case files in relation to complaints will be held by The Open University for a period of 6 years from the date of the last action, in accordance with The Open University's policy on the Retention of Student Data and Records.

d) Any person identified in a complaint will be given details of the complaint and have the right to respond as part of the investigation.

7.12 Representation and Support

a) Open SU can provide support to students through the Individual Representation service. The service offers free, confidential and independent advice, support and guidance for all students going through the complaints process.

b) As an alternative to, or alongside, individual and group complaints, Open SU (through its Student Leadership Team) may take forward matters of general student concern. This may include issues affecting multiple students, patterns identified through complaints or casework, concerns regarding the implementation of policies or procedures, or other matters considered to be of significant interest to students. Students can bring such matters to the attention of Open SU by using the Raise an issue form or sending an email. Any such matters will be addressed under the provisions of The Open University (OU) and Open SU Partnership Agreement.

c) Contact details for the Open SU Individual Representation Service can be found in the Supporting Information section of this procedure.

d) We understand that pursuing a complaint can be stressful, and we encourage you to use the support services available. All students registered for study can access support, advice and guidance on maintaining good mental health and wellbeing. Further information can be found on StudentHome, or by contacting us via 'Your contacts'. Postgraduate research students should contact the Graduate school via email or telephone: +44 (0)1908 653806.

Definitions

Data Controller

A data controller is the organisation that decides why and how to process personal data. This can also be described as the organisation that determines the purposes and means of processing personal data. A full definition of data controller is provided in the UK General Data Protection Regulation (UK GDPR).

Data processing

This includes collecting, using, recording, organising, altering, disclosing, destroying or holding personal data in any way. Processing can be done either manually or by using automated systems such as information technology systems and “process” and “processing” shall be interpreted accordingly.

Data Processor

A data processor is an individual or organisation that processes personal data on behalf of, and only on the instructions of, a data controller.

Data protection complaint

A request for The Open University to review how it has complied with data protection legislation when processing personal data. A data protection complaint can also include concerns around the security measures used by The Open University to store personal data.

Final response

This is our final decision regarding the complaint and whether it has been Upheld, Partially Upheld or Not Upheld. This will include an explanation of our decision with reference to data protection law and signifies that this will be the last response from The Open University on the matter raised within the complaint.

General Complaint

A request for The Open University to review an oral or written expression of dissatisfaction concerning the provision of a programme of study or related academic or administrative service. This document covers any complaint specifically covering the processing of your personal data.

Information Commission (ICO)

The UK's independent authority responsible for protecting personal data and privacy rights, ensuring businesses and organisations handle information lawfully and fairly.

Personal data

According to the UK GDPR, ‘personal data’ means any data relating to an identified or identifiable natural person (‘data subject’); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

Related Policies and Legislation

Refer to the following documentation in conjunction with this document.

Related internal student policies or procedures:

- Advocacy Policy,
- Code of Practice for Student Discipline,
- Dignity and Respect Policy,
- Student Charter,
- Student Complaints and Appeals Procedures,
- Student Privacy Notice,
- The Open University (OU) and Open SU Partnership Agreement,
- All other student policy documents can be accessed on the Student Policies and Regulations website.

Relevant legislation, regulatory guidance and university strategic plans:

- Data Protection Act 2018,
- Data (Use and Access) Act 2025,
- Disability Discrimination Act 1995 (Amendment) Regulations (Northern Ireland) 2004,
- Equality Act 2010 in England, Scotland and Wales,
- Equity, Diversity and Inclusion Strategic Plan (2026 – 2031),
- Information Commission (ICO): How to deal with data protection complaints webpage,
- Information Commission (ICO): How to make a data protection complaint to an organisation webpage,
- Information Commission (ICO): Make a complaint webpage,
- UK General Data Protection Regulation (UK GDPR).
- About this document

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