Student Data Protection Complaints

Flowcharts

Contents

Summary 2

Flowchart A: Complaints about The Open University's (OU's) processing of your personal data 3

Flowchart A: Figure description 3

Flowchart B: Complaints about how The Open University has handled a data protection request 7

Flowchart B: Figure description 8

Flowchart C: General complaints which include data protection matters 10

Flowchart C: Figure description 11

Summary

This document is an appendix to the Data Protection Complaint Procedures and should be read alongside this document.

This document outlines the different routes to making a complaint about data protection at The Open University. It includes flowcharts and figure descriptions providing an overview of the following three procedures:

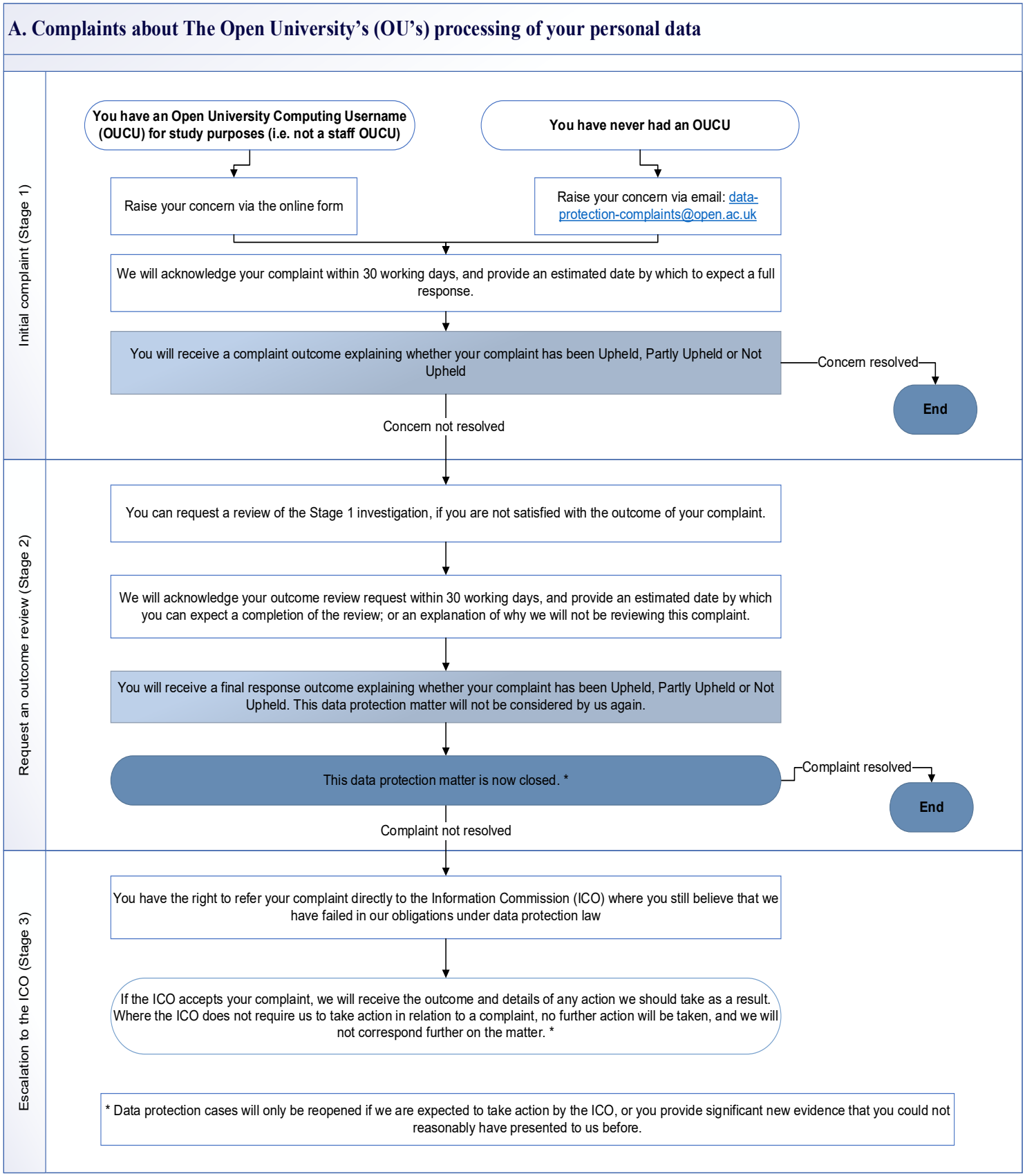
a. Making a complaint about The Open University's processing of your personal data (Section 3 of the Data Protection Complaint Procedures).
b. Making a complaint about how we have handled a data protection request (Section 4 of the Data Protection Complaint Procedures).
c. Making a general complaint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

Each complaint route comprises different stages. Our aim is to resolve most complaints as quickly and easily as possible at the earliest stage within the process. It is important that you raise any data protection concerns you may have as soon as possible, in line with this procedure.

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.

Flowchart A: Complaints about The Open University's (OU's) processing of your personal data



Flowchart A: Figure description

Flowchart A summarises the three stages of making a complaint about The Open University's processing of your personal data (Section 3 of the Student Data Protection Complaint Procedures).

The flowchart is divided into three parts. The first two parts represent the internal procedure: these are titled "Initial complaint (Stage 1)" and "Request an outcome review (Stage 2)". The third part represents the external procedure: "Escalation to the Information Commission, ICO (Stage 3)".

The flowchart uses boxes to represent actions taken by you or The Open University and lines with direction arrowheads to connect the boxes progressing through the parts.

1. Stage 1 "Initial complaint" begins with a choice of two routes. The first two boxes require a choice between two routes. For the purposes of this document, we will refer to these as Route A: "Open University Computing Username (OUCU) for study purposes (i.e. not a staff OUCU)" or Route B: "Never had an OUCU".

Route A: Open University Computing Username (OUCU) for study purposes (i.e. not a staff OUCU)

2. A downwards arrow from the first box connects to a second box which is labelled "Raise your concern via the online form".

Route B: Never had an OUCU

3. A downwards arrow from the first box connects to a second box which is labelled "Raise your concern via email: data-protection-complaints@open.ac.uk".

4. Both Route A and Route B combine via a downwards arrow to a third box which is labelled "We will acknowledge your complaint within 30 working days and provide an estimated date by which to expect a full response."

5. A downwards arrow from the third box connects to a fourth box. The fourth box is labelled “You will receive a complaint outcome explaining whether your complaint has been Upheld, Partly Upheld or Not Upheld”.

6. There are two arrows from the fourth box, one is a sideways arrow, and the other is a downwards arrow. The sideways arrow is labelled “Concern resolved” which connects the fourth box to a final box labelled “End”.

   The downwards arrow from the fourth box is labelled “Concern not resolved” and links the fourth box to a fifth box labelled “You can request a review of the Stage 1 investigation, if you are not satisfied with the outcome of your complaint”. The fifth box marks the start of Stage 2, entitled “Request an outcome review”.

7. A downwards arrow from the fifth box connects to a sixth box. The sixth box is labelled “We will acknowledge your outcome review request within 30 working days and provide an estimated date by which you can expect a completion of the review; or an explanation of why we will not be reviewing this complaint.”

8. A downwards arrow from the sixth box connects to a seventh box. The seventh box is labelled “You will receive a final response outcome explaining whether your complaint has been Upheld, Partly Upheld or Not Upheld. This data protection matter will not be considered by us again.”

9. A downwards arrow from the seventh box connects to an eighth box. The eighth box is labelled “This data protection matter is now closed. *” A related box at the bottom of this diagram links to this asterisk. It states “*Data protection cases will only be reopened if we are expected to take action by the ICO, or you provide significant new evidence that you could not reasonably have presented to us before.”

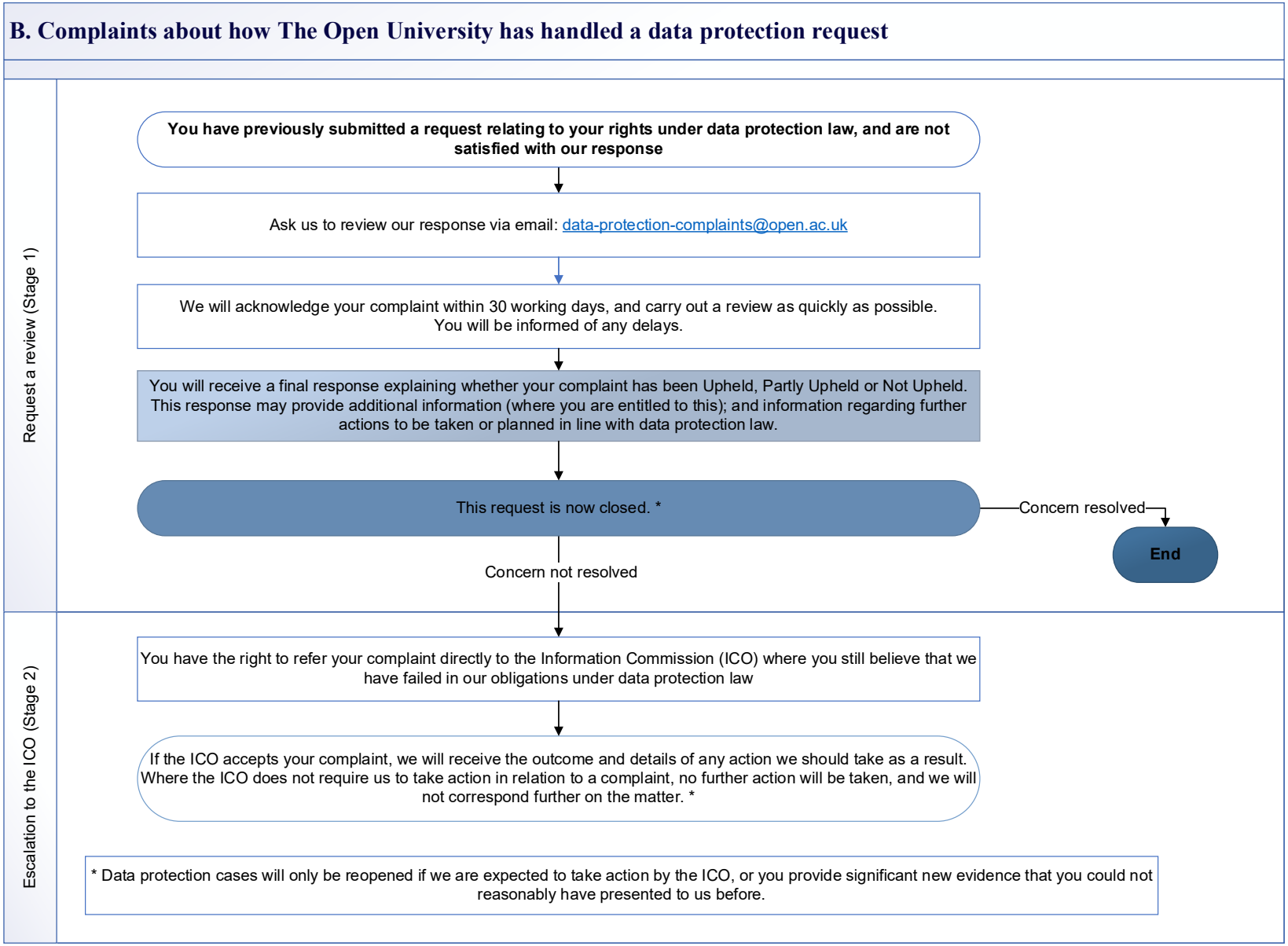
10. There are two arrows from the eighth box, one is a sideways arrow, and the other is a downwards arrow. The sideways arrow is labelled “Complaint resolved” and connects the eighth box to a final box labelled “End”.

The downwards arrow from the eighth box is labelled “Complaint not resolved”, and this links the eight box to a ninth box labelled “You have the right to refer your complaint directly to the Information Commission (ICO) where you still believe that we have failed in our obligations under data protection law”. The ninth box marks the start of Stage 3, entitled “Escalation to the ICO”.

11. A downwards arrow from the ninth box connects to the tenth and final box. The final tenth box is labelled “If the ICO accepts your complaint, we will receive the outcome and details of any action we should take as a result. Where the ICO does not require us to take action in relation to a complaint, no further action will be taken, and we will not correspond further on the matter.*”

    A related box at the bottom of this diagram links to this asterisk. It states “*Data protection cases will only be reopened if we are expected to take action by the ICO, or you provide significant new evidence that you could not reasonably have presented to us before.”

Flowchart B: Complaints about how The Open University has handled a data protection request



Flowchart B: Figure description

Flowchart B summarises the two stages to making a complaint about how The Open University has handled a data protection request (Section 4 within the Student Data Protection Complaint Procedures).

The flowchart is divided into two parts to represent the stages. Stage 1 describes the internal process, entitled “Request a review”. Stage 2 is the external process entitled “Escalation to the Information Commission (ICO)”.

The flowchart uses boxes to represent actions taken by you or The Open University and lines with direction arrowheads to connect the boxes progressing through each part.

1. Flowchart B starts with Stage 1 entitled “Request a review”. The first box within this flowchart is labelled “You have previously submitted a request relating to your rights under data protection law and are not satisfied with our response”.

2. A downwards arrow from the first box connects to a second box which is labelled “Ask us to review our response via email: data-protection-complaints@open.ac.uk”.

3. A downwards arrow from the second box connects to a third box which is labelled “We will acknowledge your complaint within 30 working days and carry out a review as quickly as possible. You will be informed of any delays.”

4. A downwards arrow from the third box connects to a fourth box which is labelled “You will receive a final response explaining whether your complaint has been Upheld, Partly Upheld or Not Upheld. This response may provide additional information (where you are entitled to this); and information regarding further actions to be taken or planned in line with data protection law.”

5. A downwards arrow from the fourth box connects to a fifth box which is labelled “This request is now closed. *”

   A related box at the bottom of this diagram links to this asterisk. It states “*Data protection cases will only be reopened if we are expected to take action by the ICO, or you provide significant new evidence that you could not reasonably have presented to us before.”

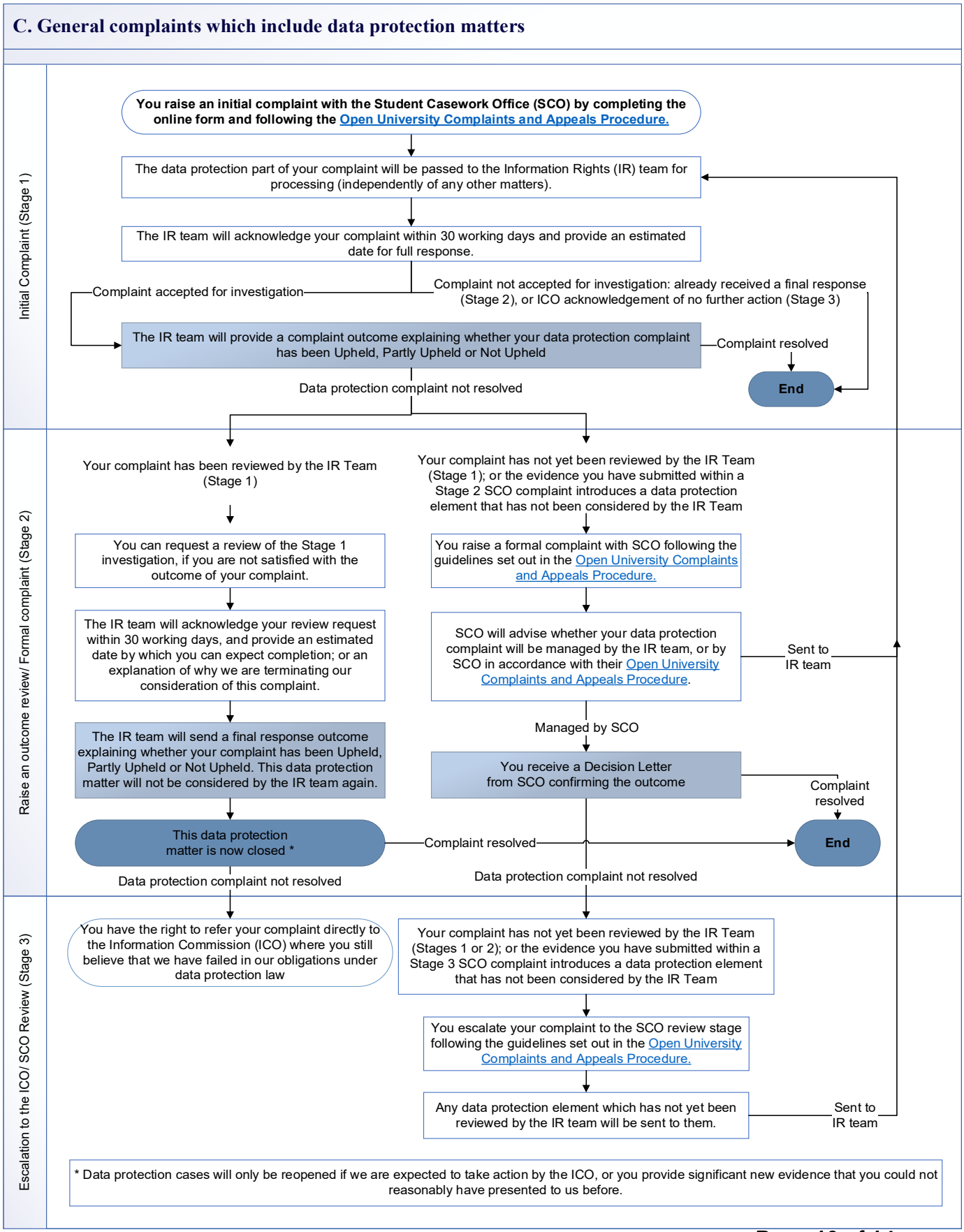
6. There are two arrows from the fifth box, one is a sideways arrow, and the other is a downwards arrow. The sideways arrow is labelled “Concern resolved” and connects the fifth box to a final box labelled “End”.

   The downwards arrow from the fifth box is labelled “Concern not resolved”, and links to a sixth box labelled “You have the right to refer your complaint directly to the Information Commission (ICO) where you still believe that we have failed in our obligations under data protection law”. The sixth box marks the start of Stage 2, entitled “Escalation to the ICO”.

7. A downwards arrow from the sixth box connects to the seventh and final box. The final seventh box is labelled “If the ICO accepts your complaint, we will receive the outcome and details of any action we should take as a result. Where the ICO does not require us to take action in relation to a complaint, no further action will be taken, and we will not correspond further on the matter.*”

   A related box at the bottom of this diagram links to this asterisk. It states “*Data protection cases will only be reopened if we are expected to take action by the ICO, or you provide significant new evidence that you could not reasonably have presented to us before.”

Flowchart C: General complaints which include data protection matters



Flowchart C: Figure description

Flowchart C summarises the three stages of how to make a general complaint which includes data protection matters (Section 5 within the Student Data Protection Complaint Procedures).

The flowchart is divided into three parts to represent the three stages of the procedure. The three stages shown within this flowchart are the “Initial complaint (Stage 1)”, “Raise an outcome review/ Formal complaint (Stage 2)” and “Escalation to the ICO/ SCO Review (Stage 3)”.

The flowchart uses boxes to represent actions taken by you or The Open University and lines with direction arrowheads to connect the boxes progressing through each part.

1. This flowchart starts with Stage 1 entitled “Initial complaint”. The first box within this flowchart is labelled “You raise an initial complaint with the Student Casework Office (SCO) by completing the online form and following the Open University Complaints and Appeals Procedure.”.

2. A downwards arrow from the first box connects to a second box which is labelled “The data protection part of your complaint will be passed to the Information Rights (IR) team for processing (independently of any other matters).”

3. A downwards arrow from the second box connects to a third box which is labelled “The IR team will acknowledge your complaint within 30 working days and provide an estimated date for full response.”

4. There are two arrows from the third box, presenting two options. The first sideways arrow pointing left is labelled “Complaint accepted for investigation” and is linked to a fourth box labelled “The IR team will provide a complaint outcome explaining whether your data protection complaint has been Upheld, Partly Upheld or Not Upheld”.

The second sideways arrow pointing right is labelled “Complaint not accepted for investigation: already received a final response (Stage 2), or ICO acknowledgement of no further action (Stage 3)” and links the third box to a final box labelled “End”.

5. There are two arrows pointing away from the fourth box, one is a sideways arrow, and the other is a downwards arrow. The sideways arrow is labelled “Complaint resolved” and connects the fourth box to a final box labelled “End”.

   The downwards arrow from the fourth box is labelled “Data protection complaint not resolved”. This downwards arrow splits into a further two pathways which are named Route A and Route B for the purposes of this document. The arrow on the left (Route A) is labelled “Your complaint has been reviewed by the IR Team (Stage 1)” and links the fourth box to a fifth box labelled “You can request a review of the Stage 1 investigation, if you are not satisfied with the outcome of your complaint.” This fifth box marks the start of Stage 2 “Raise an outcome review (Stage 2)”.

   The arrow on the right (Route B) is labelled “Your complaint has not yet been reviewed by the IR Team (Stage 1); or the evidence you have submitted within a Stage 2 SCO complaint introduces a data protection element that has not been considered by the IR Team” and links the fourth box to a fifth box labelled “You raise a formal complaint with SCO following the guidelines set out in the Open University Complaints and Appeals Procedure.” The two routes will now be set out independently. This fifth box marks the start of the Stage 2 “Raise a formal complaint (Stage 2)”.

Route A: Your complaint has been reviewed by the IR Team

6. A downwards arrow from the fifth box connects to a sixth box which is labelled “The IR team will acknowledge your review request within 30 working days and provide an estimated date by which you can expect completion; or an explanation of why we are terminating our consideration of this complaint.”

7. A downwards arrow from the sixth box connects to a seventh box which is labelled “The IR team will send a final response outcome explaining whether your complaint has been Upheld, Partly Upheld or Not Upheld. This data protection matter will not be considered by the IR team again.”

8. A downwards arrow from the seventh box connects to an eighth box which is labelled “This data protection matter is now closed. *”

   A related box at the bottom of this diagram links to this asterisk. It states “*Data protection cases will only be reopened if we are expected to take action by the ICO, or you provide significant new evidence that you could not reasonably have presented to us before.”

9. There are two arrows from the eighth box, one is a sideways arrow, and the other is a downwards arrow. The sideways arrow is labelled “Complaint resolved” and connects the eighth box to a final box labelled “End”.

10. The downwards arrow from the eighth box is labelled “Data protection complaint not resolved” and links box eight to the final ninth box labelled “You have the right to refer your complaint directly to the Information Commission (ICO) where you still believe that we have failed in our obligations under data protection law”. This ninth box marks the start of Stage 3 “Escalation to the ICO (Stage 3)”.

Route B: Your complaint has not yet been reviewed by the IR Team (Stage 1); or the evidence you have submitted within a Stage 2 SCO complaint introduces a data protection element that has not been considered by the IR Team

11. A downwards arrow from the fifth box connects to a sixth box which is labelled “SCO will advise whether your data protection complaint will be managed by the IR team, or by SCO in accordance with their Open University Complaints and Appeals Procedure.”

12. There are two arrows from the sixth box, one is a sideways arrow, and the other is a downwards arrow. The sideways arrow is labelled “Sent to the IR Team” and connects back upwards to the second box labelled “The data protection part of your complaint will be passed to the Information Rights (IR) team for processing (independently of any other matters).” Please return to Step 3 of this flowchart description.

13. The downwards arrow from the sixth box is labelled “Managed by SCO” and links the sixth box to a seventh box labelled “You receive a Decision Letter from SCO confirming the outcome”.

14. There are two arrows from the seventh box, one is a sideways arrow, and the other is a downwards arrow. The sideways arrow is labelled “Complaint resolved” and connects the seventh box to a final box labelled “End”.

15. The downwards arrow from the seventh box is labelled “Data protection complaint not resolved” and links the seventh box to an eighth box labelled “Your complaint has not yet been reviewed by the IR Team (Stages 1 or 2); or the evidence you have submitted within a Stage 3 SCO complaint introduces a data protection element that has not been considered by the IR Team”. This eighth box marks the start of Stage 3 “Escalation to SCO review (Stage 3)”.

16. A downwards arrow from the eighth box connects to a ninth box which is labelled “You escalate your complaint to the SCO review stage following the guidelines set out in the Open University Complaints and Appeals Procedure.”

17. A downwards arrow from the ninth box connects to a tenth box which is labelled “Any data protection element which has not yet been reviewed by the IR team will be sent to them.”

18. A sideways arrow from the tenth box connects back upwards to the second box labelled “The data protection part of your complaint will be passed to the Information Rights (IR) team for processing (independently of any other matters).” Please return to Step 3 of this flowchart description.