

## Notes on Workshop E How the ICO handles complaints at DPO Conference

4 March 2009

### Presenters

Faye Spencer – Head of Data Protection Casework and Advice Division

Mike Hopwood – Casework and Advice Manager

Chris Ford – Customer Services Manager



### The workshops

Both casework workshops were well attended and, somewhat expectedly, there was plenty of lively debate about the way we handle complaints!

Faye opened the session by welcoming the attendees and providing an overview of the casework structure, both pre and post re-structuring, and explained the different ways an individual can make a complaint to our office and the way in which those complaints are then dealt with.

This was then followed up by Chris and Mike who provided an explanation of the roles of their respective departments in the casework process, including an explanation of how the roles of the two departments, CAD and CST, had changed since the restructuring.

The feedback sessions were both very lively and the afternoon session particularly was very positive. In the morning session, one point that was picked up on was the fact that given the backlogs in both CAD and CST, data controllers were often being asked to investigate complaints which occurred at least 6 months ago and sometimes longer. There was some discussion around the response times given by the ICO and our flexibility with these. Faye explained that we appreciated this and that we were prepared to be flexible but the one thing that we were not prepared to accept was complete non response. Data controllers were encouraged to let us know if they were going to be late responding.

There were a number of points that people raised in both sessions. Firstly was that there was a lot of praise for the helpline, particularly in the afternoon session. A large number of data controllers said that they had used the helpline on a number of occasions and had found it very useful.

Secondly, the big talking point of the day arose from the fact that, as explained during the presentation, data controllers were not usually contacted in situations where a case was closed as compliance likely. Many data controllers felt that it was unfair that organisations are only contacted when they have done something wrong and that it would also be good to know when they were doing something right. After some discussion, Faye explained that we might be able to do something to assist in this area in the future,

although this was unlikely to extend to notifying all data controllers when we made a compliance unlikely assessment in respect of their processing.