



Scottish Biometrics
Commissioner
Coimiseanair
Biometrics na h-Alba

SCOTTISH BIOMETRICS COMMISSIONER
DATA PROTECTION COMPLAINTS PROCEDURE
June 2026



Safeguarding our biometric future



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This guide describes our data protection complaints procedure and how to make a complaint. It also tells you about how we will handle your complaint and what you can expect from us.

What is a data protection complaint?

If you feel that we, the SBC have infringed data protection legislation because of the way we've handled your personal information (or the personal information of someone you're acting on behalf of), you can make a complaint.

What can I complain about?

To complain, you don't have to use legal terms or quote sections of the legislation. For example, you may submit a complaint about:

- the way we've responded to your subject access request (SAR), or other rights request
- the security measures we've used to store your information (e.g. you've been impacted by a data breach)
- how we've collected or used your personal information (e.g. where we've stored it, how long we've kept it for, or its accuracy)

What can't I complain about?

There are some things we can't deal with through our data complaints procedure. These include for example:

- an employee raising a grievance issue who also requests copies of their personal information
- a complaint about a customer service issue while also requesting we delete your information

If we're not sure whether this is a data protection complaint, we will ask you to clarify. If other procedures or rights of appeal can help you resolve your concern, we will provide the relevant information and advice to help you.

Who can complain?

Anyone who receives, requests or is directly affected by our services can make a data protection complaint to us. This includes the representative of someone who is dissatisfied with our service (for example, a relative, friend, advocate or adviser). If you are making a data protection complaint on someone else's behalf, you will normally need their written consent. Please also read the section on [Getting help to make your complaint](#).

When a child is involved in a data protection complaint the process will be tailored and personalised to their individual needs and circumstance, taking account of their views and wishes when deciding how to run the process and communicate with them.

How do I complain?

You can complain in person at our office, by phone, in writing, by email or via our complaints form.

When complaining, please tell us:



- your full name and contact details
- as much as you can about the complaint
- what has gone wrong
- what outcome you are seeking e.g.
 - ✓ do you want the SBC to alter a decision we've made,
 - ✓ are you looking for the SBC to apologise for a mistake
 - ✓ are you looking for the SBC to change our processes
- if you are under the age of 18 or if you are an adult raising a complaint on a child's behalf, or about matters that affect a child

What happens when I have complained?

We will acknowledge receipt of your data protection complaint within 30 days. Unless you request a different method for a reply, we will respond following the method you as the complainant have used e.g.

- complaints received electronically via email will receive an auto-acknowledgement email followed up by another email explaining next steps
- complaints received in writing i.e. by post will be sent an acknowledgement letter
- complaints received verbally i.e. over the phone or face-to-face will be acknowledged verbally where we will:
 - ✓ summarise the complaint back to the complainant
 - ✓ ask your preferred contact method for receiving updates and obtain contact details
 - ✓ provide a reference number
 - ✓ confirm that someone will be in touch to provide updates
 - ✓ follow up in writing

The 30-day timeframe

The 30 days starts the day after we receive your complaint – even if that is a weekend or a public holiday.

If the last day to acknowledge your complaint falls on a weekend or public holiday, we have until the next working day to provide an acknowledgement.

Please see the following example:

We receive a data protection complaint on Thursday 5 June. The 30 days begins from the start of Friday 6 June. The 30 days end at the end of Saturday 5 July. As this falls on a weekend, the SBC has until the end of Monday 7 July to acknowledge your complaint

Investigating your data protection complaint

We will investigate your complaint without undue delay and will not wait until the 30-day acknowledgement period ends.

The time taken to investigate your complaint may be impacted by:



- the complexity of the issue
- the scale of the issue e.g. whether it's a singular complaint about a recent issue, or a complaint about several issues over a longer time
- any harm that you/the complainant is suffering because of the unresolved issue

We will keep you/the complainant updated on our progress of the investigation without undue delay, keeping you up to date with timeframes and explaining any delays.

Once our investigation is complete, we will let you/the complainant know the outcome without any unjustifiable or excessive delay.

Please note, if we can investigate your complaint and provide an outcome within 30 days – we will respond in a collective manner i.e. acknowledge your complaint and provide the outcome at the same time.

We will explain as clearly as we can, how we have resolved your data protection complaint and, where appropriate, highlight any actions we've taken as a result. If we believe we've complied with data protection law, we will explain this in detail.

What if I'm still dissatisfied?

If you're unhappy with the outcome, we will try and provide more detail to clarify our decision.

You also have the right to complain to the Information Commission on 0303 123 1113 or visit their [website](#).

Getting help to make your complaint

We understand that you may be unable or reluctant to make a data protection complaint yourself. We accept complaints from the representative of a person who is dissatisfied with our service. We can take complaints from a friend, relative, or an advocate, if you have given them your consent to complain on your behalf.

You can find out about advocates in your area by contacting the [Scottish Independent Advocacy Alliance](#) and you can find out about advisers in your area through [Citizens Advice Scotland](#).

We are committed to making our service easy to use for all members of the community. In line with our statutory equalities' duties, we will always ensure that reasonable adjustments are made to help you access and use our services. If you have trouble putting your data protection complaint in writing, or want this information in another language or format, such as large font, or Braille, please tell us in person, contact us on 0131 202 1043, or email us at contact@biometricscommissioner.scot.

Our contact details

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