



**mental welfare**  
commission for scotland

## **Making data protection complaints**

### **Mental Welfare Commission for Scotland**

We are committed to protecting your personal data and respect your privacy rights. If you are unhappy about how we process your personal data, please tell us. We value complaints and use what we learn to improve.

This leaflet explains how to complain if you are unhappy with how the Mental Welfare Commission for Scotland has handled your personal information.

### **What this leaflet covers**

- What a data protection complaint is
- What you can and can't complain to us about
- How to make a complaint
- What happens after you complain
- How to get help and what to do if you are still unhappy

### **What is a data protection complaint?**

A data protection complaint is when you tell us you are unhappy about how we have collected, used, stored, shared, or protected your personal information.

You can complain about things like:

- how we handled your subject access request or another information rights request
- poor security or a data breach affecting your information
- how we collected, used, kept, or checked the accuracy of your personal information

### **What can't I complain about?**

A first request to use your data rights is not a complaint. For example, asking for a copy of your records or asking us to delete information is handled as a request first.

A request to review a subject access response is also not treated as a complaint unless you are still unhappy after the outcome of the review.

If another procedure or right of appeal could help, we will give you information and advice to help you.

### **Who can complain?**

Anyone who is directly affected by our services and how we handle their personal data can complain. Someone who represents you, such as a relative, friend, advocate or adviser can also complain on your behalf.

If someone is complaining for another person, we may ask for proof that they are allowed to act on that person's behalf, such as a power of attorney or a signed letter of authority.

### **How do I complain?**

You can complain in person, by phone, by email or in writing. Written complaints can help make sure we understand the full details. You can use our template available on the website.

When you complain, please tell us:

- Your full name and contact details
- What happened
- What personal information is involved.
- What you would like to happen as a result of your complaint

Sometimes, if we are not sure who you are, we may ask for proof of identity before we respond.

### **What happens after I complain?**

- We will acknowledge your complaint as soon as possible and within five working days.
- We aim to send a full response within 30 days.
- If the complaint is complex, we may extend the time by up to two more months.
- If we need more time, we will tell you within one month and explain why.

### **Who looks at my complaint?**

The Information Governance Manager/Data Protection Officer usually investigates and responds to complaints.

If the complaint is about a decision made by that person, it will be passed to a member of the Executive Leadership Team.

## **Children and young people**

Children have the same rights over their personal information as adults.

We will make sure our responses are in plain English and easy to understand. We will also consider whether the child can understand and use their rights.

## **If I am unhappy with the response**

You can ask for an internal review. A senior manager will look at the complaint again.

We aim to respond to review requests within 20 working days.

Write to:

The Mental Welfare Commission for Scotland  
Thistle House  
91 Haymarket Terrace  
Edinburgh  
EH12 5HE

Or email: [mwc.enquiries@nhs.scot](mailto:mwc.enquiries@nhs.scot)

## **Your right to complain to the ICO**

You can complain to the [Information Commissioner's Office \(ICO\)](#) at any time. You do not need to wait for our response before contacting them.

## **Our commitment**

We record complaints, outcomes, and lessons learned so we can improve our services.

## **Need this in another format?**

Please contact us if you need this leaflet in a different format or if you need help to make a complaint.