Canal and River Trust

First Floor North

Station House

500 Elder Gate

Milton Keynes

MK9 1BB

24 May 2021

Case Reference Number: **IC-87072-Y2R6**

Dear Sir/Madam,

The Information Commissioner’s Office (ICO) has received a complaint about the way your organisation processes personal data. We received the complaint on 5 February 2021 from Pamela Smith of the National Bargee Travellers Association and I have attached the relevant details.

**The ICO’s role**Our role is to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals.

One way that we do that is to consider complaints from individuals who believe there has been an infringement of the data protection law. Section 165 of the Data Protection Act 2018 requires us to take steps to respond to the complaint including investigating it to the extent that we feel is appropriate and informing the complainant of the outcome.

**The Complaint**

*“Dear Sir or Madam, Re-submitted complaint regarding CRT consultation on Boat Licence terms and Conditions We are submitting this complaint again to simplify the work of the Information Commissioner’s Office. Instead of requesting that you ask us for the two documents that are too large to upload via the ICO web site, we include below the web links to the documents. We are not satisfied with the response we have received from Canal & River Trust (CRT) to our Level 2 complaint about the proposals in the consultation on Boat Licence Terms and Conditions. Our complaint has not been treated as a complaint at all, in spite of the consultation proposing actions by CRT that would constitute unlawful data processing if they were to be implemented. Please would you carry out an investigation into this matter. I am attaching our original complaint to CRT that was sent on 20th December 2020; please see the section marked 'Data Protection issues in the proposals' on page 4. I also attach the response at Level 2 of the internal complaints procedure dated 22nd January 2021 from Sarina Young, National Customer Service Co-Ordinator. The existing Boat Licence Terms and Conditions are online here https://canalrivertrust.org.uk/media/library/5962.pdf and the document containing the proposed changes to the Boat Licence terms and Conditions is online here https://canalrivertrust.org.uk/refresh/media/library/42500-your-boat-licence-terms-and-conditions.pdf These files are too large to send via your web site. Thank you. I look forward to your reply. Yours sincerely, Pamela Smith Chair National Bargee Travellers Association.”*

**The outcome of this complaint**Your customer has complained to the ICO about your handling of their data protection complaint. They believe that you have not complied with your obligations under data protection legislation.

**It is our decision that there is more work for you to do and now expect you to take steps to address any outstanding issues with your customer.

What you need to do now**One of the ICO’s strategic goals is to increase the public’s trust and confidence in how their personal data is used and made available and this relies on data controllers being accountable for their actions in relation to handling data and responding to information rights requests.

Accountability is one of the data protection principles and makes you responsible for complying with the UK General Data Protection Regulation (GDPR).

You must be able to demonstrate your compliance to your customer and work hard to promote trust and resolve their concerns without the need for the individual to come to us. The attached document provides more detail about this.

As a regulator we look to organisations to effectively manage and resolve the data protection complaints they receive. When your customer comes to us to complain, they are in effect telling the regulator that they believe you are breaking the law. Reports of this kind are something that we will treat seriously and robustly.

We do not expect to receive complaints when there is still further work that you can do to better explain the processing in question to your customer, or to put things right when they have gone wrong.

We therefore require you to revisit the way you have handled this matter and consider what further action you can now take to resolve this complaint. We expect organisations to deal with the data protection complaints they receive and to proactively work with their customers to provide an appropriate resolution.

If you believe that you have complied with the data protection law, you need to explain this in detail to your customer. You also need to be confident that you have done all you can to find an appropriate resolution. If your organisation could have done more to resolve the concern then we expect you to take steps now to resolve the issue with your customer.

I have included a checklist in the attached document to help you with this, you should be able to tick off all the points on this non exhaustive list.

We expect you to contact your customer within the next **28 days** with this further detail. If you are unable to meet this timeframe we expect you to contact your customer to let them know and to advise them when to expect it. You do not need to provide a response to us at this stage.

However, if we receive a further complaint about this processing, we will carefully review and assess the response you have provided to your customer. If we consider that you are infringing data protection law then we will consider using our formal powers and any sanctions available.

Although individuals do have the right to raise complaints with the ICO, we should not be viewed as a routine second stage in a resolution process. As indicated above, we expect organisations to take their personal data obligations seriously and this should reduce the need for individuals to approach the regulator directly.

**Advice and assistance**Our website contains advice and guidance about the processing of personal data and an organisation’s obligations under the Data Protection law. I recommend that you review the information on our website to fully understand your obligations and in particular our [accountability framework](https://ico.org.uk/for-organisations/accountability-framework/introduction-to-the-accountability-framework/). We also have specific information about [how you should respond to data protection complaints.](https://ico.org.uk/for-organisations/accountability-framework/individuals-rights/individual-complaints/)

If you require further advice then please see the following page [For organisations | ICO](https://ico.org.uk/for-organisations/) or you can give a call to our helpline on 0303 123 1113.

Yours sincerely

Dawn Schofield

Case Officer

Please consider the environment before printing this email.

For information about what we do with personal data see our [privacy notice](https://ico.org.uk/global/privacy-notice/).

**ICO Statement**

You should be aware that the Information Commissioner often receives request for copies of the letters we send and receive when dealing with casework. Not only are we obliged to deal with these in accordance with the access provisions of the data protection framework and the Freedom of Information Act 2000, it is in the public interest that we are open and transparent and accountable for the work that we do.