



Data Protection Act 2018

2018 CHAPTER 12

PART 6

ENFORCEMENT

Complaints

165 Complaints by data subjects

- (1) Articles 57(1)(f) and (2) and 77 of the [F1UK GDPR] (data subject's right to lodge a complaint) confer rights on data subjects to complain to the Commissioner if the data subject considers that, in connection with personal data relating to him or her, there is an infringement of the [F1UK GDPR].
- (2) A data subject may make a complaint to the Commissioner if the data subject considers that, in connection with personal data relating to him or her, there is an infringement of Part 3 or 4 of this Act.
- (3) The Commissioner must facilitate the making of complaints under subsection (2) by taking steps such as providing a complaint form which can be completed electronically and by other means.
- (4) If the Commissioner receives a complaint under subsection (2), the Commissioner must—
 - (a) take appropriate steps to respond to the complaint,
 - (b) inform the complainant of the outcome of the complaint,
 - (c) inform the complainant of the rights under section 166, and
 - (d) if asked to do so by the complainant, provide the complainant with further information about how to pursue the complaint.
- (5) The reference in subsection (4)(a) to taking appropriate steps in response to a complaint includes—
 - (a) investigating the subject matter of the complaint, to the extent appropriate, and

Changes to legislation: Data Protection Act 2018, Section 165 is up to date with all changes known to be in force on or before 07 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (b) informing the complainant about progress on the complaint, including about whether further investigation or co-ordination with [^{F2}a] foreign designated authority is necessary.

^{F3}(6)

(7) In this section—

“foreign designated authority” means an authority designated for the purposes of Article 13 of the Data Protection Convention by a party, other than the United Kingdom, which is bound by that Convention;

^{F4} ...

Textual Amendments

- F1** Words in s. 165(1) substituted (31.12.2020) by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 2 para. 66(2)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Word in s. 165(5)(b) substituted (31.12.2020) by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 2 para. 66(3)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F3** S. 165(6) omitted (31.12.2020) by virtue of The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 2 para. 66(4)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in s. 165(7) omitted (31.12.2020) by virtue of The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 2 para. 66(5)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 3 para. 8(1)(y) added by [2022 c. 18 \(N.I.\) Sch. 3 para. 78\(3\)](#)