

## DEVELOP A PROCESS FOR DISPUTE RESOLUTION

*This document is an extract taken from the course “Fundamentals of the Personal Data Protection Act” to equip Data Protection Officers with basic knowledge and skills in complying with the PDPA.*

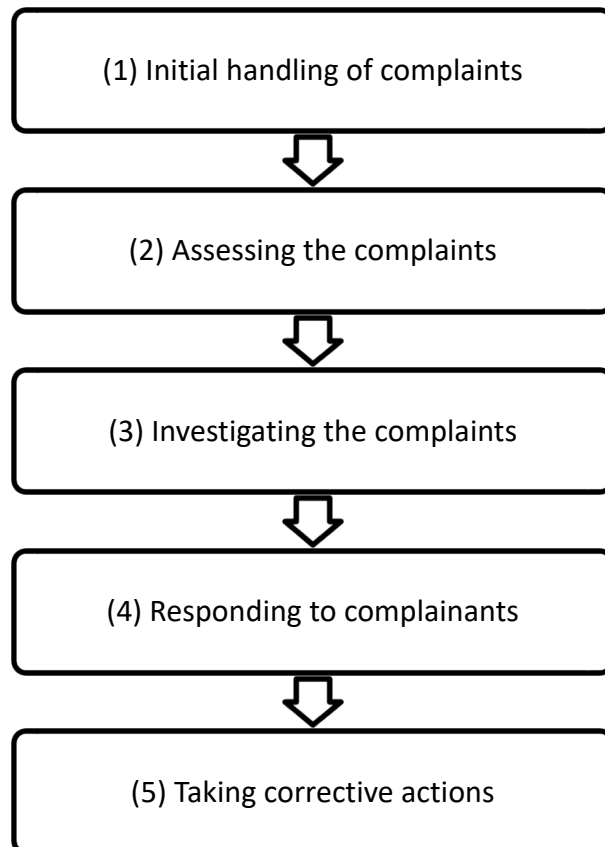
*For more information on the course, please refer to this [link](#)*

**FUNDAMENTALS OF THE PERSONAL  
DATA PROTECTION ACT**

## TYPICAL COMPLAINT HANDLING PROCESS

Objective: To ensure fast and appropriate handling of complaints by customers, so that the result is satisfactory or acceptable to all parties.

Notes



# WHAT TO CONSIDER WHEN DEVELOPING PROCESS FOR HANDLING COMPLAINTS RELATING TO DATA PROTECTION

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## Responding to complainants

Notes

### Mediation

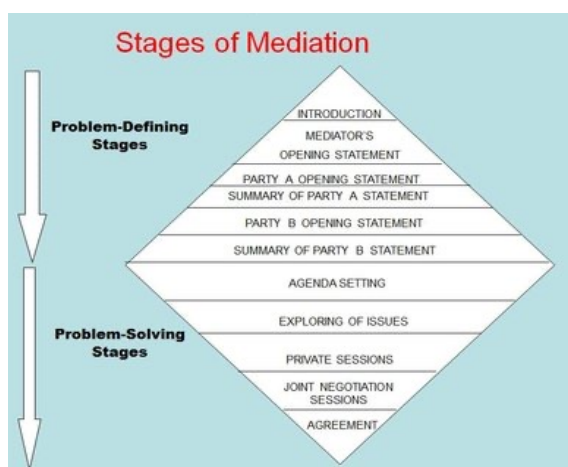
When resolving a dispute, organisations could adopt mediation process between them and complainant as a first step.

#### Mediation Process:

The mediation process will involve the parties, their representatives and/or advisors (if any) and the Mediator(s). The mediation will be conducted in confidence, and all communications will be on a 'without prejudice' basis.

The mediation will be conducted in confidence, and no transcript or formal record will be made of the proceedings. Only the mediator, the parties and/or their authorised representatives and advisors will be permitted to be present during the mediation. There the process is flexible, a mediation will generally include the following stages:

- The mediator will begin with an opening statement to introduce the parties to the process.
- The parties will then be invited to share their concerns.
- The next step in the process will be to draw up a list of all relevant issues to be discussed.
- The mediator will then lead and encourage the parties to consider each issue in turn. At some point in time, the mediator may request to see the parties privately. They may subsequently be brought together again for further joint discussions.
- Where a settlement is reached in the mediation, the terms of the settlement will usually be recorded in writing and signed by or on behalf of the parties.



Source: Singapore Mediation Centre (SMC)

<http://www.mediation.com.sg/about-us/#approach-to-mediation>

## WHAT TO CONSIDER WHEN DEVELOPING PROCESS FOR HANDLING COMPLAINTS RELATING TO DATA PROTECTION

Initial handling of complaints	Notes
Assessing the complaints	
Investigating the complaints	
Responding to complainants	

## EXAMPLE OF COMPLAINT HANDLING PROCESS RELATING TO DATA PROTECTION

Stages of complaint process	Steps that my organisation could take	Turnaround time	Person-in-charge
(1) Initial handling of complaints	<u>Preparatory work</u> <ul style="list-style-type: none"> <li>Make the complaint handling process readily available to the public</li> <li>Develop and maintain a data protection complaint register to keep track of the status of the complaints</li> </ul>		DPO
	<u>Upon receipt of complaint</u> <ul style="list-style-type: none"> <li>Send acknowledgement reply to complainant</li> <li>Record complaint into register</li> <li>Inform Chief DPO of all DP-related complaints</li> </ul>	Within the day that the complaint is filed	DPO
(2) Assessing the complaints	<ul style="list-style-type: none"> <li>Assign an investigation officer to follow up on the complaint</li> <li>Assess the validity of the complaint.</li> <li>If valid, determine which of the Data Protection or Do Not Call provisions has the organisation not complied with and assess the impact and severity of the complaint</li> <li>Escalate to the appropriate level of management based on the escalation level defined</li> </ul>	1 day after the complaint is filed  X days after investigation officer is assigned	DPO  Investigation officer  Investigation officer



## EXAMPLE OF COMPLAINT HANDLING PROCESS RELATING TO DATA PROTECTION

Stages of complaint process	Steps that my organisation could take	Turnaround time	Person-in-charge
	<ul style="list-style-type: none"> <li>Assess the timeframe needed to achieve closure for the complaint and inform complainant accordingly</li> </ul>	X days after investigation officer is assigned	
(3) Investigating the complaints	<ul style="list-style-type: none"> <li>Determine what caused the non-compliance to take place, who were involved and how and why it happened</li> <li>Provide interim updates to the complainant and find out from the complainant how he/she might want his/her complaint to be resolved</li> <li>Submit investigation report to appropriate level of management, including (1) findings made; (2) recommendations on the remedial actions to be taken to achieve resolution of the complaint</li> <li>If need be, report to/inform the relevant authorities such as police and PDPC</li> </ul>	<p>Average turnaround time is based on estimates by investigation officer</p> <p>Average turnaround time is based on estimates by investigation officer</p>	<p>Investigation officer</p> <p>Investigation officer</p>
(4) Responding to complaints	<ul style="list-style-type: none"> <li>Inform complainant about the results of the investigation and the remedial actions to be taken</li> <li>If complainant disagrees with the remedial actions, this could be escalated to the CEO or independent third party for resolution</li> </ul>	X days after the report has been approved	DPO and investigation officer

## EXAMPLE OF COMPLAINT HANDLING PROCESS RELATING TO DATA PROTECTION

Stages of complaint process	Steps that my organisation could take	Turnaround time	Person-in-charge
(5) Taking corrective actions	<ul style="list-style-type: none"> <li>Analyse current and past complaints to determine if there are systemic issues that might cause such complaints to be lodged in the first place.</li> <li>Once these systemic issues are identified, recommend specific actions such as fine-tuning of specific data protection policies and processes, staff training, etc. to prevent future recurrences.</li> </ul>	X weeks after closure of complaint	DPO