

COMPLAINT TO THE INFORMATION COMMISSIONER'S OFFICE (ICO)

Complainant: Kyle Mallon, 6/15 Hesperus Crossway, Edinburgh, EH5 1GH

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Organisation Complained About: Murray & Currie Property Sales & Lettings, 60 Queen Street, Edinburgh, EH2 4NA

Property Address: 68 (4F2) Constitution Street, Edinburgh, EH6 6RR

Complaint Details

1. Nature of Complaint

I am submitting a formal complaint against Murray & Currie Property Sales & Lettings for multiple breaches of the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018 in relation to my Subject Access Request (SAR).

2. Timeline of Events

Date	Event
Early April 2025	Verbal Subject Access Request (SAR) made via telephone to Murray & Currie
April 4, 2025	Written follow-up to verbal SAR sent via email
June 6, 2025	

	Call to Murray & Currie requesting verification of SAR logging
June 6, 2025	Email received without evidence of SAR being formally recorded
June 6, 2025	Email sent highlighting failure to provide evidence of SAR logging
June 6, 2025	Partial records provided without confirmation of completeness

3. Specific Breaches of UK GDPR and Data Protection Act 2018

3.1 Failure to acknowledge and record a SAR (Article 12 UK GDPR)

Murray & Currie failed to properly acknowledge, record, or provide a reference number for my SAR made verbally in early April 2025 and confirmed in writing on April 4, 2025. This demonstrates a failure to facilitate the exercise of my rights as a data subject.

"The controller shall take appropriate measures to provide any information referred to in Articles 13 and 14 and any communication under Articles 15 to 22 and 34 relating to processing to the data subject in a concise, transparent, intelligible and easily accessible form, using clear and plain language..." (Article 12(1) UK GDPR)

3.2 Failure to respond within the statutory timeframe (Article 12(3) UK GDPR)

The UK GDPR requires data controllers to provide information on action taken on a SAR without undue delay and in any event within one month of receipt of the request. Murray & Currie failed to respond to my SAR until June 6, 2025, approximately two months after my initial request, and only after I followed up. They did not inform me of any extension to the one-month timeframe or provide reasons for the delay.

3.3 Lack of transparency (Article 12(1) UK GDPR)

Murray & Currie failed to communicate with me in a concise, transparent, intelligible, and easily accessible form regarding the processing of my SAR. When challenged on June 6, 2025, they could not provide evidence that my request had been properly logged or processed.

3.4 Incomplete response (Article 15 UK GDPR)

While Murray & Currie eventually provided some records on June 6, 2025, they did not confirm whether this constituted all the information I had requested, including recordings, reports, and all documentation mentioning me or my property. They also failed to provide the supplementary information required under Article 15(1).

3.5 Lack of proper data subject request procedures (Article 24 UK GDPR)

Murray & Currie demonstrated a lack of appropriate technical and organizational measures to ensure and demonstrate that processing is performed in accordance with the UK GDPR, specifically regarding the handling of SARs. Their inability to provide evidence that my SAR was properly logged or tracked indicates a failure to implement appropriate data protection policies.

4. Impact of the Breaches

The breaches have had the following impact:

1. **Delay in accessing my personal data:** The two-month delay in receiving a response to my SAR has prevented me from fully understanding what personal data Murray & Currie holds about me, how it is being processed, and whether it is accurate.
2. **Stress and inconvenience:** I have had to spend considerable time following up on my SAR, making additional phone calls, and sending emails to try to get Murray & Currie to comply with their legal obligations.
3. **Financial impact:** The time spent dealing with this matter has taken me away from my professional work, resulting in financial loss.
4. **Undermined trust:** The handling of my SAR has severely undermined my trust in Murray & Currie's data protection practices and raised concerns about how my personal data is being managed.

5. Prior Attempts to Resolve

I have made multiple attempts to resolve this matter directly with Murray & Currie:

1. I made the initial SAR verbally and followed up in writing on April 4, 2025.

2. After receiving no response, I called their office on June 6, 2025, to request verification that my SAR had been logged.
3. I sent a follow-up email on June 6, 2025, highlighting their failure to provide evidence of proper SAR handling.

Despite these attempts, Murray & Currie has failed to adequately address my concerns or demonstrate compliance with their data protection obligations.

6. Requested Outcome

I am seeking the following outcomes from this complaint:

1. A formal investigation by the ICO into Murray & Currie's data protection practices, particularly their procedures for handling SARs.
2. A determination that Murray & Currie has breached the UK GDPR and Data Protection Act 2018 as outlined above.
3. A direction from the ICO requiring Murray & Currie to:
 - Provide a complete response to my SAR, confirming whether all requested information has been provided
 - Improve their SAR handling procedures to ensure compliance with the UK GDPR
 - Provide appropriate staff training on data protection obligations
4. Consideration of appropriate regulatory action, including potential enforcement action or monetary penalty, given the serious nature of these breaches.
5. Compensation for the time, stress, and financial impact caused by Murray & Currie's non-compliance with data protection law.

7. Supporting Evidence

I have retained copies of all relevant correspondence, including:

- Email to Ben Appleson dated April 4, 2025
- Email exchanges with Murray & Currie dated June 6, 2025
- Records provided by Murray & Currie on June 6, 2025

I am prepared to provide these documents to the ICO upon request to support my complaint.

8. Declaration

I confirm that the information provided in this complaint is true to the best of my knowledge and belief. I understand that the ICO may need to share details of my complaint, including my identity, with Murray & Currie in order to investigate this matter.

Kyle Mallon

Date: June 10, 2025