First Briefing, May 2026
Data (Use and Access) Act – New complaints requirements

The Information Commissioner's Office (ICO) has released guidance setting out new legal duties for organisations when handling data protection complaints. These requirements arise from the **Data (Use and Access) Act (DUAA)**, which comes into force on 19 June 2026.

In this briefing, we outline what is changing, what trustees need to know, and how we are enhancing our complaints-handling process to support you through these developments. This is intended to remove the need for schemes to develop their own standalone processes.

Background

Under existing data protection legislation, individuals already have rights relating to how their personal data is used. The DUAA introduces new, specific obligations around how data protection complaints must be received, acknowledged, investigated and recorded.

A data protection complaint is any concern that an organisation has infringed data protection law in the way it handles personal information. For example, how it collects, stores, secures or responds to requests about personal data.

The ICO's new guidance clarifies the statutory steps organisations must follow, making the complaints process more structured and time-bound.

What is changing?

The DUAA introduces several key legal requirements. In summary, organisations must:

- Inform individuals that they have the right to complain
- Provide a route for individuals to raise data protection complaints
- Accept complaints through any channel, including informal routes such as phone calls or social media
- Acknowledge complaints within 30 days of receipt
- Investigate without undue delay, gathering relevant information promptly
- Provide an outcome without unreasonable delay once the investigation is complete
- Maintain records of all complaints received.

The guidance also states that complaints may not always be clearly labelled. Any expression of dissatisfaction involving the handling of personal data should be treated as a potential data protection complaint.

What does this mean for trustees?

As data controllers, trustees have ultimate responsibility for ensuring that complaints relating to personal data are handled in line with the new legal requirements. These include:

- Ensuring individuals can complain about how their data is handled
- Ensuring complaints are acknowledged, investigated and responded to within the required timeframes
- Ensuring processors (such as administrators) understand their role. Processors must pass complaints on promptly but cannot determine outcomes or use complaints data for their own purposes
- Keeping records only as long as necessary and ensuring they are accurate and accessible.

Our role and what we are doing

First Actuarial already have a comprehensive complaints-handling process. We are now specifically developing a data protection complaints process that will be designed to meet these new requirements. This work includes:

- Establishing a clear process that recognises complaints from any route
- Designing a 30-day acknowledgement process that ensures statutory deadlines are always met

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- Creating investigation standards, templates, and escalation routes to ensure consistency and compliance
- Ensuring we can support trustees in meeting their legal responsibilities as data controllers
- Setting up robust record-keeping processes aligned with ICO expectations.

Our aim is to provide trustees with a process that is fully compliant, as well as proportionate, efficient and easy to follow.

Our assurance to trustees

First Actuarial will be enhancing our existing process to identify and handle these complaints on behalf of all our clients.

As our work develops, we will share further information so you can be confident First Actuarial will act on your behalf to meet your governance responsibilities.

What you may notice in the meantime

As awareness of the new right to complain grows, you may see an increase in queries from members about how their personal data is used. Some of these may be genuine data protection complaints; others may touch on data issues that do not fall within the statutory definition.

There is significant overlap between the DUAA complaints procedure and the existing requirement under the Pensions Act 1995 for trustees to have an internal disputes resolution procedure (IDRP). However, the group of people entitled to bring a complaint under the data protection complaints procedure is potentially wider than under the IDRP.

A person is entitled to bring a complaint under the DUAA complaints procedure if the data controller holds personal information about them. In a pension's context, this could include members and beneficiaries, and also, for example, a person working for the scheme trustees and about whom the trustees hold personal information.

The process we're developing will help distinguish between complaint types, ensuring the correct response is provided in each case.

Next Steps

Between now and June 2026, we will continue refining our internal process and will:

- Provide trustees with updated guidance as the process is finalised
- Share templates for complaint acknowledgements and outcomes
- Clarify roles and responsibilities between trustees and administrators
- Offer support to trustees.

Our view

The DUAA requirements represent a significant shift in how data protection complaints must be managed.

While the new framework is more structured and time-critical, it also provides an opportunity to strengthen transparency, governance and member trust.

Further information

If you have any questions about the new complaints requirements or how we are preparing for implementation, please email us at data.protection@firstactuarial.co.uk.