

Individuals (or a body or organisations acting on their behalf) have the right to lodge a complaint with the Commissioner. *(Articles 77 and 80 Applied GDPR & Regulation 122 of the Implementing Regulations)*

Establishing facts

It is the Commissioner's task to handle complaints and investigate the subject matter of complaints to the extent appropriate. *(Article 57(1)(f) Applied GDPR & Regulation 77 of the Implementing Regulations)*

This can depend, among other things, on the damage that is likely to be caused to an individual, the extent to which the complaint raises a matter of substance, any undue delay by the individual in making the complaint, and whether they have exercised, or tried to exercise, their rights already.

The Commissioner will decide on the most appropriate manner in which to investigate the complaint and has a range of **investigative powers** to do so.

Progress and outcome of complaint

All evidence and information provided by the individual, the controller, processor and any obtained, or observations made, through other means will be considered to decide whether any infringement has occurred. Information provided to the Commissioner in the exercise of tasks by the complainant, controller, or processor, is confidential.

The individual will be advised of the outcome or, if the matter is not concluded, the progress of the investigation into the complaint within three months, together with details of other remedies available to them (see below).

The controller (or processor) will be advised of the outcome, and any corrective action considered necessary in the particular circumstances.

Information about the Commissioner's investigative powers and corrective powers is on the website: <https://www.inforights.im/organisations/data-protection-law-2018/powers-of-the-commissioner/>

Remedies of the individual

If the individual considers that the Commissioner has **'failed to take appropriate steps to respond to the complaint'** or has failed to provide them with information about the outcome or progress of the complaint within three months, they can apply to the Data Protection Tribunal for an order requiring the Commissioner to progress the complaint. *(Regulation 123 of the Implementing Regulations)* More information about appeals to the Data Protection Tribunal is on the website at:

<https://www.inforights.im/organisations/data-protection-law-2018/the-data-protection-tribunal/>

The Commissioner **cannot award compensation**; however, individuals have the right to seek compensation for damage from the controller through the court. (*Article 82 of the Applied GDPR and Regulation 125 of the Implementing Regulations*)

An individual may, at any time, apply directly to court for a "compliance order" against the controller. (*Article 79 Applied GDPR and Regulation 124 of the Implementing Regulations*)

More information about the remedies for individuals is on the website at:

<https://www.inforights.im/individuals/data-protection/remedies-for-individuals/>

Appeals against notices issued by the Commissioner

Controllers or processors can appeal notices issued by the Commissioner to the Data Protection Tribunal. (*Article 78(1) of the Applied GDPR and Regulation 120 of the Implementing Regulations*)

More information about appeals to the Data Protection Tribunal is on the website at:

<https://www.inforights.im/organisations/data-protection-law-2018/the-data-protection-tribunal/>

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