



An Coimisiún um
Chosaint Sonraí
Data Protection
Commission

Unreasonable Complainants

Introduction

The Customer Charter of the Data Protection Commission (DPC) reflects the mutual expectations of the DPC and its customers and seeks to ensure that our organisation conforms to the highest principles of professional public service. The Charter outlines the entitlements of individuals in their dealings with DPC staff. Equally, it outlines our expectation that people engaging with the DPC will provide all the facts and give full co-operation to enable us to deal effectively with their data protection concerns.

The DPC values the feedback on our services that we receive through our [customer service email](#) and is committed to dealing with all complaints fairly and impartially. However, a small number of individuals pursue their complaints in a manner where the frequency or nature of their contact with us takes up a disproportionate amount of time and resources making it difficult for us to deal with their complaint and affecting our ability to carry out our core functions.

How should I behave when engaging with the DPC?

All customers who interact with the DPC are treated with fairness and respect. Our experience is that most people who engage with our office tend to do so in a reasonable manner. We understand that having concerns in relation to your personal data can be stressful and, from time to time, this stress may show in how you interact with this office.

Our staff will endeavour to assist you but should not be expected to tolerate behaviour that is abusive, offensive, threatening or, due to the frequency of contact, takes up too much time and resources that could be spent dealing with other queries and concerns from the public.

The substance of a query or concern dictates the level of resources dedicated to it, not a complainant's demands or behaviour. Unreasonable complainant behaviour does not preclude there being a valid data protection query or concern.

What kind of behavior is unacceptable from our customers?

The following types of behaviour are unacceptable:

Unreasonable persistence –the actions of persistent customers are unacceptable when they take up a disproportionate amount of time and resources. Some customers may not accept that the DPC is unable to assist them further than the level of service already provided. This can include, but is not limited to, persistent refusal to accept a decision made on a complaint or continuing to pursue a complaint without presenting new information. Customer action may also be considered unreasonably persistent if all review mechanisms have been exhausted and the customer continues to challenge the DPC’s decision relating to their complaint or dispute.

Unreasonable demands – this can include insisting on investigation which falls outside the scope of the DPC’s remit, demanding responses within an unreasonable timescale, continual emails, calls or letters, telling the DPC how to perform an investigation, or looking for a solution that is unrealistic or disproportionate.

Unreasonable lack of co-operation – customers must present their query or concern in an organised manner. Unreasonable lack of co-operation can include: not identifying the issue(s) clearly, presenting too much information and expecting a swift response, a complainant changing the basis of their complaint in the middle of their engagement with the DPC or being misleading with the facts of their concern.

Unreasonable arguments – customers may not make unreasonable arguments. Examples include, but are not limited to, exaggerating issues, presenting irrelevant or unreasonable arguments, a complainant insisting that their version of events is accepted as fact where there is no objective evidence to support it, refusing to consider other versions of events, or being guided by desire for revenge or a grudge against another person or organisation.

Unreasonable behaviour – this may include but is not limited to threats of violence, abuse of DPC staff, and rude or aggressive conduct.

Only a small number of our complainants engage in unreasonable conduct; the majority of our customers are courteous, forthcoming, and respectful of our staff.

What happens if a customer behaves in an unreasonable or unacceptable way?

If we consider your behaviour to be unreasonable, we will tell you why and ask you to change it. If it might be useful, we will consider changing our service in a way that may help you avoid unreasonable behaviour in the future.

If the unreasonable behaviour continues, we will take action to put limits on your contact with our office. This decision will normally only be taken after a senior staff member has reviewed the situation. Restrictions will be appropriate and in line with the nature of the behaviour. The options we are most likely to consider are:

- asking you to contact us by letter only
- asking you to only make contact with a named staff member
- asking you to call by telephone only on certain days and times
- asking you to enter into an agreement about your future conduct
- as a final option, bringing to an end all contact with you if this behaviour shows no sign of stopping (senior staff will make this decision)

In all cases, we will write to tell you why we believe your behaviour is unreasonable and what action we propose to take. If the behaviour is so extreme that it threatens the immediate safety and welfare of our staff or others, we will consider other options. These could include, reporting the matter to An Garda Síochána or instigating legal action. In such cases, we may not give you prior warning of that action.

Regardless of your behaviour, our staff will act respectfully towards you and take an impartial attitude to your complaint.