

Appeals Policy

1. Brighton & Hove BCRP makes every effort to ensure that the data it processes is accurate and that the decisions it makes, based on that data, are fair, robust and justified.
2. However, it also accepts that there may sometimes be legitimate grounds for data subjects to challenge the accuracy of the data it processes [under GDPR Article 16] and also to challenge the decisions it makes. Any data subject has the right to appeal against our decision to:
 - a. process their data,
 - b. share that data with Members and other partner agencies
 - c. exclude them from our Member's premises
3. The objectives of the appeals policy and procedures are to:
 - a. Ensure everyone knows how to appeal and how that appeal will be handled
 - b. Ensure that appeals are dealt with consistently, objectively, fairly and sensitively within clear time frames
 - c. Provide individuals with a fair and effective way to appeal about the BCRP's decision making processes
 - d. Ensure that appeals are used to improve our services
4. There are four types of appeal:
 - a. An appeal against the accuracy of the data we have processed which might include mistaken identity or false reporting
 - b. An appeal against your data being processed or shared with members on our secure intranet.
 - c. An appeal against being excluded from our members venues
 - d. An appeal to have your exclusion period shortened

Appeal Procedure for inaccuracy of our data or your data being shared or for being excluded

5. There are three stages to the appeal procedure:

- Stage One – the appeal
- Stage Two – investigation
- Stage Three – outcome

Stage One – the appeal

6. Ideally, the appeal should be in writing to ensure that there is no confusion about the nature of the appeal or the data subject[s] involved. An appeal by email will also be acceptable.
7. Individuals wishing to make an appeal should contact the address at the bottom of this document. An email address is also supplied. You can phone us if you want clarification about the appeal process but note that we won't be able to discuss any details over the phone because data privacy laws demand that we are able to identify who you are before we discuss your data. We can't verify that over the phone.
8. You should include your name and address, why you are appealing e.g. mistaken identity or challenging the circumstances that led to you exclusion etc. and also what you would like to happen next.

Stage Two – Investigation

9. Appeals will be fully investigated by the Crime Manager and a written response provided to the data subject within ten working days.

10. Occasionally investigations may take longer, particularly if the appeal is complex or witnesses are unavailable due to holidays or sickness or it requires review of CCTV etc. Should this be the case a holding letter will be sent after ten working days and a final date given for a conclusion to be reached.
11. The Appeals Register will be updated, and any pending appeals flagged so they are followed up.

Stage Three – Outcome

12. The appellant will receive written confirmation of the outcome of any investigation and any recommendations/remedies made, such as reviewing our policies, staff development and training or appropriate improvement to our services.
13. Where the appeal is upheld an apology will be offered and a correction will be circulated to all our Members if your data has been shared with them.
14. If the data subject is not satisfied by the outcome of the appeal they can further appeal to the Data Controller to review the case. The data controller will respond to the data subject within 14 working days.

Appeals to reduce the length of exclusion

15. Exclusions from our member's premises last for 12 months. But you can appeal to have this shortened.
16. If, after six months from the start of your exclusion, we have received no further reports about your behaviour you can appeal to have your exclusion terminated. You must appeal in writing stating why you think your exclusion should be ended. An appeal by email will also be acceptable.
17. You must be prepared to appear in person before the BCRP's Board of Management to explain your case.
18. You may be required to undertake an anger management course or alcohol diversion course at your own expense if your original exclusion involved alcohol or aggression.
19. You may be accompanied by a friend or your social worker or case worker [if you have one] but not by a solicitor.