



Bringing people closer to Jesus Christ through His Church
Catholic Diocese of Portsmouth

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**Diocesan Operating Procedures Governance
Policy for Complaints (Non-Safeguarding)**

"If your brother or sister sins, go and point out their fault, just between the two of you. If they listen to you, you have won them over. But if they will not listen, take one or two others along, so that 'every matter may be established by the testimony of two or three witnesses. If they still refuse to listen, tell it to the church."

Matthew 18:15-17

Issued by:

The Bishop of Portsmouth and the Trustees of the Portsmouth Diocesan Trust St Edmund House
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Registered Charity No. 246871





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1. INTRODUCTION

The Diocesan People Operating Procedures (DOPs) are provided as guidance to managers and to employees on how a wide range of issues should be managed in relation to complaints (non-Safeguarding).

The underlying rationale to DOPs is to provide a framework of policies and procedures which provide a way of working within the concept of fairness and justice.

It also provides employees, volunteers and line managers with relevant forms, letters, and documents in a series of appendices for use in the appropriate circumstances.

Policies provide general and practical advice as well as guidance on a range of issues to ensure all employees (and volunteers) act appropriately as required by the Diocese and in adherence to relevant legislation.

Procedures support and supplement the policies by giving a step- by-step account of specific arrangements that apply in particular circumstances.

Forms and Guidance notes are also provided throughout relating to the policies and procedures.

Please note that these policies and the accompanying procedures and forms are for guidance only. They do not have contractual status as they may be amended from time to time.



2. FOREWORD

God’s Church here in the Catholic Diocese of Portsmouth is formed of many and varied communities, held together in the same Truth of Christ both in doctrine life and worship. We need common operating procedures across the Diocese to ensure compliance with the needs of both canon and civil law. In addition, and especially in the light of the church’s call to the work of new evangelisation, we need to ensure harmonised collaboration. We have a responsibility to ensure that people, buildings, and money are treated carefully allowing us to perform our duties “with the diligence of a good householder” (Canon 1284§1).

These Diocesan Operating Procedures (DOPs) have the status of particular law for the Catholic Diocese of Portsmouth. They must be understood and followed in the broad areas of human resource, schools, buildings, and finance.

I am very grateful to all those who have compiled these procedures and ensure their regular review and updating.

In Corde Iesu

+Bishop Egan
Bishop of Portsmouth



3. TERMINOLOGY

Throughout this DoPs, the Portsmouth Roman Catholic Diocese will be referred to as **'the Diocese'**. This expression shall include any representative acting for or on behalf of the Diocese Trustees, for example HR, Line Managers or any other representative appointed to carry out work on behalf of The Portsmouth Roman Catholic Diocese.

Throughout this DOP the expression, **'Line Manager'**, will be used which may be referring to a Co-ordinating Pastor/Parish Priest/Head of Department or any other person with line management responsibilities.

This DOP is subject to changes brought about by relevant legislation, regulations and changes in best practice. Any changes and amendments that may be made to this document will be brought to the attention of line managers and Parishes. They will then be guided towards the current version online:

[Diocesan Operating Procedures | Portsmouth Diocese](#)

Guidance on is available from the relevant department in the Curia:
Governance Tel. 023 9421 6500



4. THE BISHOP'S VISION

The Bishop of Portsmouth and the Trustees are fully aware of their duty of care to all our employees, and to anyone who works within the Catholic Diocese of Portsmouth.

Diocesan policies must comply fully with the current statutory regulations concerning employment, data protection, health and safety and the many regulations which relate to employees and to the workplace.

However, it is our aim that our policies do more than comply with regulations.

It is our aim that our policies provide a framework of guidance for all who work within the Diocese: guidance to support and encourage us all in our work, to enable a working environment that is based on co-operation, respect for each other's gifts, tolerance and support for each other's limitations and above all, fairness and justice in our dealings with each other.

Please read these policies, become familiar with the procedures and the forms, and help us to ensure that our work together fulfils our aims of respect, tolerance, and fairness.

5. APPROVALS

The signatures below certify that this document has been reviewed and accepted demonstrating that the signatories are aware of all requirements contained herein and are committed to ensuring their provision.

	Name	Signature	Position	Date
Reviewed by	Heather Hauschild		Chief Operating Officer	Nov 2021
Reviewed by	Bishop Philip Egan		Bishop of Portsmouth	Nov 2021
Reviewed by	Karena Fulford		Head of People Governance & IT	Nov 2021
Reviewed by	Monsignor Paul Townsend and Wendy Escott		Depart for Clergy Support	Nov 2021
Reviewed by	Father Leo		Bishop's Secretary	Nov 2021
Reviewed by	Bishops Council			December 2021
Approved by	Trustees		Board of Trustees	December 2021

6. AMENDMENT RECORD

This document is reviewed to ensure its continuing relevance to the systems and processes that it describes. A record of contextual additions or omissions is given below.

Page No.	Context	Revision	Date
10	Rewording ref receipt of complaint (Bishop Secretary He or in his absence a member of Bishops office staff will acknowledge the receipt of the complaint within 7 workings days)		January 2022
16	Rewording of Unreasonable Complaints to Persistent, Serial and Vexatious Complaints provided by Catholic Insurance Services		January 2022

9 and 11	Final paragraph of section 12.4 relocated to 9.3 with additional sentence: "Communications of this nature will be formally acknowledged but no correspondence will be entered into."		April 2022
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7. Number and Name of Policy

GOV-POL-002-01 Policy for Complaints (Non-Safeguarding)

7.1. Scripture

If your brother or sister sins, go and point out their fault, just between the two of you. If they listen to you, you have won them over. But if they will not listen, take one or two others along, so that 'every matter may be established by the testimony of two or three witnesses. If they still refuse to listen, tell it to the church.'

Matthew 18:15-17

7.2. Summary

Operative Date:	January 2022
Owner:	<i>Karena Fulford, Head of People, Governance and IT</i>
Review Date	<i>January 2025 (to be reviewed every three years)</i>
For action by:	<i>All employees, volunteers, Clergy, Board of Trustees and interims</i>
Policy Statement:	<i>The purpose of this policy is to confirm the Diocese' complaints process.</i>
Responsibility for dissemination to new employees:	<i>Line Managers</i>
Mechanisms for dissemination:	<i>All new and revised policies are published on the Catholic Diocese of Portsmouth website and are promoted through the employee newsletter.</i>
Training Implications:	<i>All claimants of the Catholic Diocese of Portsmouth will be made aware of this policy as part of the induction process.</i>
Resource Implications:	<i>Complaints may regard financial, human, or property resources</i>

8. INTRODUCTION AND PURPOSE

8.1. The Diocese has adopted this Complaints Policy and Procedure to:

- To provide a fair Complaints Procedure which is clear and easy to use for anyone wishing to make a complaint.
- To make sure all Diocesan Office holders and employees of the Trust know what to do when a complaint is received.

- To make sure all complaints are investigated fairly and in a timely manner.
- To make sure that complaints are resolved at the most immediate and appropriate level.
- To make sure that all complaints are, wherever possible, resolved and that relationships are repaired and reconciliation explored; and
- To gather information which helps us to improve what we do.

9. SCOPE and DEFINITIONS

9.1. Scope

9.1.1. This complaints policy covers complaints from persons in relation to any Catholic Diocese of Portsmouth activity, employees, volunteers, clergy, and interims.

9.1.2. This policy does not cover:

9.1.3. Safeguarding complaints. The following policies should be referred to for Safeguarding complaints: Catholic Safeguarding Standards Agency (CSSA) [Responding to Allegations and Concerns](#) – please contact safeguarding@portsmouthdiocese.org.uk

- [Safeguarding Service Complaints Policy and Procedure](#) (SG-POL-002-01)
- [Community Sponsorship Scheme for Refugees](#) (SG-POL-003-01)

9.1.4. Subject Access Requests. Please see the Diocese website GDPR Portsmouth Diocese for the Subject Access Request process.

9.1.5. Complaints relating to Diocesan schools, where the individual school's Complaints Procedure should be used.

9.2. Complaints from employees of the Trust, who should use the relevant employment policies as set out in the People Policies available on our website. This includes Grievance and Anti-bullying and harassment policies.

9.2.1. A representative can complain on a person's behalf where that person:

- Is under 18 years of age
- Has requested the representative to act, as confirmed in writing to the diocese.
- Lacks mental capacity, as assessed under the Mental Capacity Act 2005¹.
- Has appointed a person as a Lasting Power of Attorney (LPA) for health and welfare.
- Has an appointed Independent Advocate.

9.2.2. Anonymous complaints will always be considered but it may not be possible to fully investigate or resolve complaints where the complainant cannot be contacted for further information. Learning from anonymous complaints will

¹ Lacks capacity to make a specific complaint.

inform service improvement in the same way as learning from complaints from named individuals.

9.2.3. If a person making a complaint needs somebody to help them put their complaint to the diocese, they can ask a friend, family member or somebody else that they know to assist or support them.

9.2.4. The Diocese will not treat you less favourably than anyone else because of your:

- Sex or legal marital or same-sex partnership status: this includes family status, responsibility for dependants, and gender (including gender reassignment, whether proposed, commenced or completed).
- Sexual orientation.
- Colour or race: this includes ethnic or national origin or nationality.
- Disability.
- Religious or political beliefs, or trade union affiliation.
- Any other unjustifiable factors, for example language difficulties, age, pregnancy, and maternity.

9.2.5. Complaints can be made up to 6 months after the date on which the cause for complaint occurred or came to the notice of the person wishing to complain. However, if the Diocese is satisfied that there is good reason for the complaint not having been made earlier and feels that it is still possible to investigate it fairly and effectively, then this time limit may be waived.

9.3. It should be recognised that in some instances matters, particularly those related to differences of opinion, cannot be resolved. However, the aim should be to ensure that the process respects all those involved. Communications of this nature will be formally acknowledged but no correspondence will be entered into.

10. Confidentiality

All complaint information will be handled sensitively and in accordance with prevailing data protection legislation, subject to the need to disclose information as required by statutory authorities. It will be necessary to share information with people who need to know in order that the complaint can be investigated.

10.1. If this includes contacting another organisation, the complainant's written consent to share relevant information with the other organisation will be sought.

10.2. Details of how your personal data may be processed by the diocese, are contained in the main Diocesan Privacy Notice available on the website [GDPR | Portsmouth Diocese](#). The short privacy notice can be found at the end of this policy and on the Complaints form (links provided below).

10.3. It is expected that all personnel involved in managing a complaint will adhere to strict confidentiality in order to ensure that a fair process is applied both to the complainant and the person who is subject of the complaint.

Complaints may be made in writing or by email. Initial complaints received by telephone or in person need to be recorded. The person who receives a complaint made by telephone call or in person should:

- Write down the facts of the complaint.
- Take the complainant's name, address, telephone number and email address.
- Note down the relationship of the complainant to the Diocese.
- Tell the complainant that we have a Complaints Procedure and that they will receive a copy by post or by email.
- Ask the complainant to send a written account by post or by email so that the complaint is recorded in the complainant's own words; and
- Tell the complainant what will happen next and how long it will take.

11. Stages of the complaints process

11.1 Informal Stage

In many cases, a complaint or concern is best resolved by the person responsible for the matter being complained about. If the complaint has been received by that person, they may be able to resolve it swiftly and should do so if possible and appropriate. Most matters can and should be resolved informally and locally.

If the complainant feels that the problem has not been satisfactorily resolved during the informal process, they can escalate the complaint to the formal process.

The following section sets out our policy for dealing with complaints about employees, volunteers, and clergy.

12. Formal Stage 1

12.1 Employees and Volunteers

Complaints about employees or volunteers will be referred to the relevant Head of the Department. They will establish if anybody within the Diocese is already involved in addressing the issues raised, and will allocate an appropriate person to investigate, outside the department or area concerned ('other appointed person'). The complaint will be formally acknowledged within 7 working days of receipt and will confirm who will be investigating the complaint.

The complainant will be asked to confirm before taking any further action that they consent to sharing the concerns with the person/people who are the subject of the complaint. Without permission it may not be possible to continue with the investigation.

12.2 Complaints About Clergy

Formal complaints about Clergy even if they are sent directly to the Bishop, will be referred to

the Bishop's secretary (who is a priest); he or a member of Bishop's Office staff will acknowledge the receipt of the complaint within 7 days and refer it to the most appropriate member of the clergy using the hierarchy set out below.

The complainant will be asked to confirm before taking any further action that they consent to sharing the concerns with the person/people who are the subject of the complaint. Without permission it may not be possible to continue with the investigation.

12.3 Referral Hierarchy:

- a. The relevant Parish Priest, where the complaint has been made against an Assistant Priest or Deacon; or
- b. The relevant Co-ordinating Pastor, where the complaint has been made against a Parish Priest or Priest in Charge; or
- c. The Vicar for Clergy, where the complaint has been made against a Co-ordinating Pastor or Episcopal Vicar
- d. The Moderator of the Curia, where the complaint has been made against the Vicar Clergy.
- e. Advice may be taken from officers or external agencies during the investigation depending on the matter of concern. For both Employees and Clergy:

12.4 Response

Ideally at this stage complainants should receive a definitive reply within 28 days. If this is not possible because, for example, an investigation has not been fully completed, a progress report should be sent with an indication of when a full reply will be given.

Whether the complaint is upheld or not, the reply to the complainant should describe the action taken to investigate the complaint, the conclusions from the investigation, and any action taken as a result of the complaint.

13. Formal Stage 2 – Review

If the complainant is dissatisfied with the way the complaint was handled or the outcome of the Stage 1 procedure applies.

13.1 Employees and Volunteers

Complainants should write to the Chief Operating Officer to ask for a formal review of the way the complaint has been managed together with the reasons for the request.

The Chief Operating officer will be responsible for this stage of the process which will consider how the complaint was managed and he/she will either undertake the review or appoint another officer to undertake the review and to provide an outcome for this stage.

Where the Chief Operating Officer has been involved in stage 1 the Secretary to the Trustees will undertake the review.

13.2 Clergy

Complainants should write again to the Bishops Secretary who will advise the Bishop, that a formal review of stage 1 has been received. The Bishop will consult with the Vicar for Clergy and will appoint another member of the Clergy, an appropriate Officer from the department for clergy, or a canon lawyer external to the diocese or a senior and experienced priest also external to the diocese. Advice may be requested from the Chief Operating Officer if the nature of the complaint renders this necessary, always respecting the canonical rights of the cleric to undertake the review on his behalf. The Bishop's secretary will notify the complainant about who will be responsible for this stage within 7 days.

It is expected that the nominated person responsible for undertaking the review at this stage will contact the complainant in writing to confirm the process and the expected timescale for completion of this stage. Ideally this should be within 28 days.

If it is not possible to complete the report within this timeframe, the complainant will be kept updated and informed of the reasons why not and, where possible, advised of a new timeframe for the report. The complainant's views will be considered in defining the new timeframe

The decision taken at this stage is final, unless in exceptional circumstances the Trustee Board decides it is appropriate to seek external assistance with a resolution.

14. External Review

Depending on the nature of the complaint infrequently an external review may be commissioned if the trustees consider this to be the most appropriate way to resolve what may be a complex complaint. In that event a process for procuring specialist support will be employed taking account of the expertise required. The timescales for a responding will be determined based on specific circumstances and in conjunction with the external reviewers. Complainants and the subject of complaints are expected to co-operate with any reviewers appointed by the diocese in order to enable us to respond appropriately.

15. External process

The complainant can complain to the Charity Commission at any stage; however, the Charity Commission requires complaints to be made to the Diocese in the first instance, or for there to be a reason why this could not be done. Information about the kind of complaints that the Commission can involve itself in can be found on their website at: <https://www.gov.uk/government/publications/complaints-about-charities>

16. Register of Complaints

A record of the complaint will be kept. Once a complaint has been resolved and a decision taken, the outcome will be recorded with a copy of the original complaint. The record will be kept in a Register of Complaints and trustees will consider anonymised complaints in order to identify any recurrent themes and requirements for improvement to policies or practice.

17. Persistent, Serial and Vexatious Complaints

17.1 This Complaints Policy serves to address genuine complaints. However, we are mindful that whilst this policy has been established in good faith, there can be rare occasions when complainants may wish to use our procedures inappropriately and/or in ways that are designed to cause distress, disruption, or nuisance.

17.2 Where complainants are persistent with their complaints despite having exhausted the stages set out in this policy, we reserve the right to refuse to engage in further correspondence or other communications with the complainant. In addition to refusing to deal with a persistent complainant, we reserve the right to reject a vexatious complaint.

17.3 Vexatious complaints may be characterised as (but are not limited to) the following:

- complaints which are obsessive, persistent, harassing, prolific, repetitious.
- insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason.
- insistence upon pursuing meritorious complaints in an unreasonable manner (examples in Appendix 1 below)
- complaints which are designed to cause disruption or annoyance; and/or
- demands for redress that lack any serious purpose or value.

17.4 We will consider each complaint on a case-by-case basis before determining that it is vexatious. We will inform complainants if we believe their actions are in contravention of this policy and, if appropriate, give them an opportunity to change their conduct and/or the terms under which they seek to pursue their complaint.

17.5 We will be mindful of the following when deciding whether a complaint is vexatious and, if any of these features are present in an individual case, it will weigh more heavily in favour of deciding to refuse to engage any further with the complainant:

- communications through various means are often or consistently aggressive and abusive.
- insulting personal comments, aggression, or threats to take action, or cause harm are targeted against individuals; and/or
- there is clear reason to believe that the complainant is contacting us with the intention to cause disruption or inconvenience.

17.6 Where we have determined that a complaint, or an element of a complaint, is vexatious we will confirm that we are not dealing with the complaint on that basis and will set out the reason for our determination.

17.7 If a vexatious complainant persists with their allegations despite a determination having been made under this section of our Complaints Policy, the complainant may be engaging in a course of conduct that amounts to harassment. We reserve the right to refer such matters to the Police and/or our legal advisors in order to consider whether the provisions of the Protection from Harassment Act 1997 have been triggered and/or there has been any other contravention of the law.

18. Abusive or threatening behaviour

18.1. The Diocese will not tolerate unacceptable behaviour and will take action to protect Clergy, employees, office holders and volunteers ('diocesan personnel') from such behaviour, including that which is abusive or threatening.

18.2. In response to abusive or threatening behaviour towards 'diocesan personnel,' the Bishop or the Chief Operating Officer will write to the complainant, explaining that their behaviour is unacceptable.

19. Serious incidents of violence or aggression

19.1. In response to any serious incident of aggression or violence, the Diocese will immediately inform the police and communicate these actions in writing to the complainant. This may include barring an individual from any premises of the Diocese.

20. Variation of this Policy and Procedure

The Trustees may vary the Complaints Policy and Procedure for good reason. For example, this may be necessary to avoid a conflict of interest. Reasons for varying the Complaints Policy and Procedure should be recorded in writing on the case file relating to each complaint for which the Policy and Procedure is varied.

21. Amendment of this Policy and Procedure

The Diocese reserves the right to amend this Policy at its discretion.

22. Roles and Responsibilities

All employees, volunteers, clergy and interims must adhere to this policy.

23. Training

No specific training is required in relation to this policy.

24. Monitoring and Learning From Complaints

Complaints are reviewed annually by the Trustees, to identify any trends which may indicate a need to take further action.

25. Review



This document may be reviewed at any time at the request of either the staff or management, or in response to changes in legislation, but will automatically be reviewed after three years.

26. References and Links To Other Documents (where applicable)

The text of this policy was based on the Catholic Safeguarding Advisory Service (CSAS) *Safeguarding Service Complaints Policy and Procedure*, edited to apply to the Catholic Diocese of Portsmouth non-safeguarding complaints. The text for the 'Serial, Persistent and Vexatious Complaints' section was provided by the Catholic Insurance Service.

27. Other related policies

- 27.1.1. Catholic Safeguarding Standards Agency (CSSA) [Responding to Allegations and Concerns](#) – please contact safeguarding@portsmouthdiocese.org.uk
- 27.1.2. [Safeguarding Service Complaints Policy and Procedure](#) (SG-POL-002-01)
- 27.1.3. [Community Sponsorship Scheme for Refugees](#) (SG-POL-003-01)
- 27.1.4. For the Subject Access Request process please see the Diocese website [GDPR | Portsmouth Diocese](#)
- 27.1.5. For grievance, capability, or disciplinary matters, or whistleblowing please refer to the People policy on the [Diocesan Operating Procedures | Portsmouth Diocese](#) website.

Appendix 1

Guidance on Unreasonable Behaviour

Definition of unreasonable behaviour

Unreasonable and unreasonably persistent complainants are those complainants who, because of the nature or frequency of their contacts with an organisation, hinder the organisation's consideration of their, or other people's, complaints including where managing the complaint means a disproportionate use of time and charitable resources.

Examples of unreasonably persistent behaviour

This list is not exhaustive, nor does one single characteristic on its own imply that the person will be considered as being in this category:

- Refusing to specify the grounds of a complaint, despite offers of help.
- Refusing to cooperate with the complaints investigation process.
- Refusing to accept that certain issues are not within the scope of the Trust's jurisdiction or within the scope of a complaints procedure.
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Making unjustified complaints about staff who are trying to deal with the issues and seeking to have them replaced.
- Changing the basis of the complaint as the investigation proceeds.
- Denying or changing statements made by them at an earlier stage.
- Introducing trivial or irrelevant new information at a later stage.
- Raising many detailed but unimportant questions, and insisting they are all answered.
- Submitting falsified documents from themselves or others.
- Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with various members of staff and/or different policies.
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous officers, or detailed letters and emails every few days, and expecting immediate responses.
- Submitting repeat complaints with minor additions/variations, which the complainant insists make these 'new' complaints.
- Refusing to accept the decision; repeatedly arguing points with no new evidence.
- Pursuing a complaint, regardless of its merits, solely to harass, annoy or subdue somebody.
- Pursuing a complaint that is unreasonable, without foundation, frivolous, repetitive, burdensome, or unwarranted.



Appendix 2

Privacy Notice

- The lawful basis for collecting and sharing the data in the Complaint form is the consent of the complainant on the Complaints form.
- The Complaint form will collect personal data of the complainant: name and contact details. Other details collected, the nature of the complaint including names, dates, locations and any other supporting evidence provided, will be the personal data of the complainant and of the person(s) concerned.
- In the event of a Subject Access Request by the complainant, only the personal data identifying and in relation to the complainant will be provided. The personal data of anyone else (such as the person concerned) cannot be given to the complainant unless the person concerned gives their consent, unless there is an exemption.
- The data in the Complaint form will be logged in a Complaints Register by staff in the Governance department for non-clergy complaints, and by the Bishop's Secretary (or in his absence a member of Bishops office staff) for clergy complaints.
- The personal data in the complaint form will be used to investigate the complaint and to inform the complainant of the outcome.
- The complaint form will be shared with senior members of the Diocese in the department or area the complaint concerns, and persons appointed to investigate the complaint.
- The complaint form will be shared with the person the complaint concerns to enable them to respond, unless the complainant objects. Complaints where the complainant does not wish to share their name will still be investigated, but it may limit the scope of the investigation.
- Anonymised complaints statistics received by the Diocese (stating how many complaints were about employees, clergy, volunteers, or interim members of the Diocese) will be reported to the Trustee Board annually.
- The personal data will not be shared with any external persons or organisations without the express consent of the data subject, unless there is a legal obligation or the lawful basis of vital interests (i.e., matters of life and death).
- The personal data in the complaint form and investigation will be stored on the Diocese secure sever accessed by password login. Any paper records will be stored in a lockable cabinet in lockable office. Sensitive personal data will be saved in a password encrypted file.
- The complaint form and investigation data, and the complaint register, will be kept for six years after the case is closed and then electronic files will be deleted securely, and any paper files will be shredded securely.
- The personal data collected in the complaint form and investigation will not be used for any other purpose than stated.
- As part of their data subject rights, if complainants wish to withdraw their consent for the complaint to be investigated or for their personal data to be shared, or they wish



to access, amend or delete any of their personal data provided, please contact complaints@portsmouthdiocese.org.uk or clergycomplaints@portsmouthdiocese.org.uk as appropriate.

- The full Diocese Privacy Notice is available on <https://www.portsmouthdiocese.org.uk/gdpr>