LEGAL OMBUDSMAN

Data Subject Access Requests, complex complaints and AI

Model Complaints Resolution Procedure

Version

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1.0	First release of guidance	29 July 2026

Introduction

Most service providers are built to handle a straightforward complaint, involving a single or a small number of identifiable allegations about the service. However, we understand more complaints are coming from consumers with additional factors, some of which is borne of the use of artificial intelligence (AI) tools to help with the drafting of the complaint.

When used to best effect, these tools can be a force for good, meaning the chance of resolving the dispute under the first-tier complaints procedure increases. However, AI isn't always used to best effect, and the consequences of this include significant increases in the length of the complaint, significant escalations in the formality and tone, and the inclusion of DSARs. This guidance looks to help service providers navigate those waters.

Data Subject Access Requests

The first thing to note is LeO won't look at a complaint specifically about a service provider's failure to comply with a DSAR. When we receive those complaints, we will always tell the complainant that their course of action is with the Information Commissioner's Office.

On receipt of a request, service providers will need to be alive to their obligations, so any DSAR should be taken seriously and the appropriate protocols followed. This will sometimes mean the service provider has two different timescales to comply with, and we appreciate that can cause some challenges.

Where there is a service element attached, or where it is unclear whether the consumer actually intends to make a DSAR, it is perfectly reasonable from a service perspective to check with the consumer what they actually want. The release of personal data might not be the true aim, but it could be a product of a request of an AI tool to formulate a complaint. In that context, it could help resolve the dispute to talk to the consumer and find out what they really want.

If in any doubt at all, we encourage you to check with the consumer. Be conscious of the timescales in play, but establishing which path you are being asked to follow should make your work more economical.

Example – a complaint and a DSAR combined

Barrister A received a complaint from Mr B. It was ostensibly a service complaint, detailing a series of allegations about the quality of service Mr B had received from Barrister A. At the end of the complaint email, under a section marked *Desired outcome*, one of the bullet points read *A full copy of any personal information you hold about me and my case.*

Barrister A rightly initiated the complaints procedure for his chambers, but, noting the possible DSAR, his clerk contacted Mr B and asked whether he intended to make a separate request to the complaint under that process. Mr B asked what the difference is and, after the clerk explained it, Mr B decided he did. The chambers ensured that both the DSAR and the complaint were handled.

Had Mr B said No, and that he really wanted a copy of some documents for his records, although his main aim with the complaint was a reduction of fees, Barrister A's clerk could, by agreement, treat the matter as being a complaint and follow the normal complaints procedure. The clerk should ensure all of this is properly recorded, should those interactions ever be needed to be evidenced.

Highly detailed complaints

We hear from service providers that the complaints they are receiving are getting longer and more detailed. This naturally presents an operational challenge, because it takes longer for staff to deal with them.

There isn't a substitute for reading a consumer's complaint, so our advice is always going to start with a strong encouragement to read what has been sent in. However, there is guidance we can offer on how to manage the response, and this ties in with the Model Complaints Resolution Procedure itself:

- If the complaint has a request that you are willing to fulfil, the resolution of that complaint could be as simple as compliance.
    - ➢ Do check with the consumer that they also treat this as a resolution to the complaint and use our written confirmation template to record it.
- If the complaint has a request or a number of requests and you are willing to fulfil some of them, or all to some extent, make best use of the Early Resolution process.
    - ➢ A long letter of complaint doesn't always require a long written response.
    - ➢ It might be possible to discuss the complaint and its resolution over the telephone, in person, or in an exchange of emails. Getting to the heart of what the consumer is unhappy about and what they want can help move the conversation from a series of allegations to a more pragmatic dialogue about resolution.

- If the Early Resolution attempt hasn't worked, or if it is clear that the complaint isn't suitable for that, consider what is needed to address the entirety of the complaint under the Full Investigation process.
  - A clear list of defined issues of complaint is a helpful starting point, giving you a specific allegation to address.
  - The default position will be to deal with each point in turn.
  - However, where the list is very long and it is clear that the consumer's complaint can fairly be categorised efficiently, it is acceptable to do so.

Example – complex complaints

Firm C received a complaint from Mrs D that had 45 separate allegations in it, with the complaint stretching to 35 pages, and a unrealistic desired outcome of a waiver of all fees, plus compensation. On review, it seemed clear to Firm C's complaint handler that Early Resolution was unsuitable, so the matter went straight to Full Investigation, after acknowledgement.

After considering the complaint, Firm C's complaint handler wrote to Mrs D, identifying that the complaint could fairly be put into three groups:

1. The length of time the work had taken to complete;
2. The level of communication Firm C had given Mrs D in that time; and
3. The amount of money charged for the work.

He proposed dealing with the complaint under those banners and then did so in his 10-page written response to the complaint. Whilst the response to the complaint didn't resolve the matter, when Mrs D escalated her complaint to us, we found that the response was a reasonable one and dismissed the complaint, on the basis that a reasonable offer had been made at first tier.

We also considered the complaint handling to have been reasonable, with the firm addressing the substantive issues in good time, in line with its complaints procedure. Importantly, the approach had not been reductive, making clear the firm's position on the substantive complaint Mrs D had brought to it. The consequence of dismissal and the finding of reasonable complaint handling was the LeO case fee was waived.

  - It is important to show the consumer you have considered all the issues they are raising.
    - Whatever approach you take in responding to a complaint, be rigorous in your analysis, show your working and display empathy. These features will give confidence to consumers that you have taken the complaint seriously and that there has been a fair assessment of the complaint.
  - If in doubt, the default position should always be to be comprehensive, so agree the list of allegations in starting the Full Investigation process (if they haven't

already been agreed) and then follow through with that list in the written response.

For more information on the Early Resolution process and the Full Investigation process, please see our guidance on these parts of the MCRP.

1. Complaints with a high level of input from artificial intelligence

Some consumers are using AI tools like they might have used a friend in the past, benefiting from the friend's perceived extra knowledge or letter-writing ability. Just as it's a bad idea to respond in a way to try to persuade the human representative (rather than the consumer), service providers should avoid mirroring the tone and language of an AI-written complaint in their response.

Instead, try to cut through the noise created by the AI tool and focus on the human being at the heart of the retainer. Where possible, try to speak to the consumer, treating their letter as the trigger for a conversation about their dissatisfaction.

Example – an approach to dealing with complaints written with the support of AI

Firm E received a complaint from Mr F that caught it by surprise. Mr F had been a genial client, paying his interim bills on time and not making any noises to suggest he was unhappy with the service he was receiving. However, the complaint at the end of the retainer was strongly worded, cited five parts of the regulator's code of conduct and three legal cases (two of which don't exist). The letter called for a "full and thorough investigation into all aspects of the service, with appropriate proposals for redress."

Although the option existed for Firm E to respond in kind, the firm chose instead to telephone Mr F.

"Mr F, I'm calling from Firm E. We've got your email. I'm so sorry to hear you're unhappy with the service. Can we talk about it?"

Rather than matching the hostility and formality of the complaint letter, Mr F was found to be the mild-mannered person the firm had known during the retainer. He was unhappy with some aspects of the service, and Firm E was able to establish what had caused him to complain and what he was willing to accept to consider the matter resolved, which was a reduction of some of the last bill and an apology for some identified mistakes.

The result of this was an hour of work for Firm E and a client who was able to get the outcome he actually wanted. He had used AI to help him formulate the complaint letter and, because Firm E recognised the difference in author, the risk that the complaint could get out of hand was avoided.