

<b>Title</b>	COMPLAINT AND APPEAL PROCEDURE	
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## REVISION HISTORY

DATE	VERSION NO.	PREPARED BY	DESCRIPTION OF CHANGES
24 June 2019	1	Nurul Husna bt Khasim	Initial version

## REVIEW RECORDS

VERSION NO.	REVIEWED BY	DATE
1	Nur Shazwani bt Mohd Zakaria	26 June 2019

## DOCUMENT PREPARATION

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## 1 COMPLAINT AND APPEAL PROCEDURE

This procedure describes the process to handle complaints and appeals received from clients, certified organisations, users of services, accrediting body, and other parties in regards to the rules, policies, procedures, certification decisions, or overall ISCB operations.

This procedure shall be made available to the public.

## 2 OBJECTIVE

To identify the process to handle complaint and appeal to ensure they are managed consistently and effectively.

## 3 SCOPE

Applicable to all ISCB certification schemes.

All ISCB personnel with day-to-day operational roles within ISCB, and other CyberSecurity Malaysia and external personnel with ad-hoc operational roles must conform to these instructions where relevant to their responsibilities.

## 4 ROLES AND RESPONSIBILITIES

CEO, CyberSecurity Malaysia	Responsible to appoint the members of the Appeal Panel from the ISCB Scheme Management Board (ISMB).
Scheme Head	Responsible as the change authority of this procedure.
Client Relationship Manager	<ul style="list-style-type: none"> <li>• Review the complaint</li> <li>• Ensure the received complaint is valid</li> <li>• Manage complaint record</li> <li>• Inform complainant on the status of complaint or appeal after the matter has been deliberated by the committee appointed</li> <li>• Assist and appoint third party personnel who has not being involved with the decision process</li> <li>• Secretary of the Appeals Panel</li> </ul>

## 5 DEFINITION

Appeal	<p>Request by the provider of the object of conformity assessment to the conformity assessment body for reconsideration by that body of a decision it has made relating to that object (ISO/IEC 17000:2004, 6.4).</p> <p>Request by applicant, candidate or certified person for reconsideration of any decision made by the certification body related to her/his desired certification status ((ISO/IEC 17024:2012, 3.19).</p>
Appellant	The party who appeals for a legal or official decision to be changed.
Appeals Panel	Appointed from among the members of the ISCB, to be in charge of the appeal process, and is accountable for safeguarding the impartiality with respect to the appeal and the operations of the organisation.
Complaint	Expression of dissatisfaction, other than appeal, by any person or organization to a conformity assessment body, relating to the activities of that body where a response is expected (ISO/IEC 17000:2004, 6.5).
Complainant	The party who makes the complaint in a legal action or proceeding.
ISCB certification	Products certification, management systems certification, and personnel certification.
Type of Complaint	Written objection or disagreement involving the service provided by ISCB.
	Written objection over incorrect references or misleading use of certification mark or certificate or reference to certification and to the services provided under the scope of certification.
	Written objection regarding conduct of ISCB personnel and external resources.
	Written objection regarding conduct of certified persons.



	Written objection over ISCB Client Performance.
	Written objection over the vulnerabilities of the certified product or website.

## 6 PROCEDURE

### 6.1 Complaints and Appeal

#### 6.1.1 Overview

- i) The complaint and appeals process is publicly available in each scheme's website.

### 6.2 Complaints

#### 6.2.1 Receipt of Complaint

- i) Note down the particulars of the complaint by ISCB personnel.
- ii) All complaints are passed to the Customer Relationship Manager who arranges for details of complaint to be recorded in ISCB Control Register. The information recorded as follow:
  - Complaint Identifier
  - Date received
  - Complaint by whom
  - Description of Complaint
  - Action to close out the complaint
  - Date complaint is closed
- iii) Write to complainant to acknowledge receipt of complaint, wherever possible.
- iv) Complaints against the Client Relationship Manager are processed in the same way, but may be addressed by the Scheme Head.

#### 6.2.2 Complaints Handling

i) **Investigate & Validation**

The investigation may take an action as below:

Table 1: Investigation and Validation Process

TYPE OF COMPLAINT	INVESTIGATION AND VALIDATION PROCESS
ISCB service	<p>The Client Relationship Manager will get all the related information and evidence pertaining to the complaint as to validate the complaint.</p> <p>If necessary, the Client Relationship Manager will conduct a discussion with the complainant and/or the section concerned if need to get further information and clarification.</p>
Misused of certification mark	Refer to Handling of Misused of Certification Mark Procedure
ISCB personnel and external resources	<p>The investigation of a complaint may require an unscheduled internal quality audit to determine the action required. The investigation may also result in changes to procedures and/or additional training/counselling for individuals concerned. Any such training, (and follow-up to ensure effectiveness), shall be documented for inclusion with the complaint documentation.</p> <p>Should the investigation indicate misconduct on the part of ISCB Personnel or failure to exhibit the desired behaviours required of ISCB's auditors, suitable disciplinary action shall be taken (and documented) by the appropriate manager in addition to any further training/counselling, as noted above.</p>
ISCB Client performance	<p>The appropriate certified company shall be notified of complaints received regarding its services; and request for explanation from the certified on the complaint received.</p> <p>Upon receive of response from the certified client, review the action taken. If necessary, advice from Head of Department may be sought and conduct audit/site verification.</p>

<p>Vulnerabilities of certified product or website</p>	<p>The individual assigned to investigate the complaint may consider it necessary to check other sources (e.g.: website content, report, test plan, etc.) that may have been affected by related problems and initiate further corrective/remedial action, as necessary.</p>
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ii) **Report**

- a. Upon completion of investigation, the outcome of the audit/testing will be documented in Complaint Report in ISCB Control Register. Recommendations to be made shall be based on the outcome of the investigations and shall be discussed within ISCB concerned.
- b. The corrective action if any, (with a date of completion) on the agreed recommendation shall be taken by the scheme/personnel concerned. It is recommended that the completion date for action is within 3 months.
- c. Inform the complainant on the action taken.

iii) **Review of Complaint**

- a. Any Corrective Action may be delegated to appropriate personnel.
- b. Corrective Action can be reviewed and followed-up during ISCB Management Review chaired by Head of Department.
- c. The status of corrective action completion will be reported during ISCB Management Board meeting.

**6.3 Appeals**

**6.3.1 Appeals**

- i) Any decision made by ISCB can be appealed within five (5) business days to certification@cybersecurity.my
- ii) Any appeal will go to the Client Relationship Manager. CRM may informed the appellant that the process will take within 30 business days.
- iii) The Client Relationship Manager will investigate the validity of the appeal within five (5) business days.

If necessary, the Client Relationship Manager will conduct a discussion with the appellant and/or the section concerned if need to get further information and clarification.

- iv) In event of an appeal made by a client against a decision of the Scheme Head, the CEO of CyberSecurity Malaysia will be notified.
- v) If the appeal is valid, a three-person will be appointed as Appeal Panel, to be in charge of the appeal process (see Section 6.4).
- vi) Once a decision has been reached, the Client Relationship Manager informs the client of that decision in writing. This notification shall include informing the client that, if they are unsatisfied with the outcome of the appeal, they may submit the request to the [certification@cybersecurity.my](mailto:certification@cybersecurity.my). However, the review will only covers the effectiveness of the appeals process and the decision remains unchanged.
- vii) All correspondence associated with the appeal are filed in the job file and the resolution is recorded in the database.

## **6.4 Appeal Panel**

### **6.4.1 Appeal Panel process**

- i) A three-person Appeal Panel consists of Scheme Head, Quality Manager and at least one technical expert (appointed by CRM). The Appeal Panel will be chaired by the Scheme Head. Members of the Appeals Panel including the Secretary shall not have any vested interests in the issues concerned. The panel shall decide within 30 business days of the appeal's date of receipt.
- ii) The Client Relationship Manager (CRM) shall be the Secretary of the appointed panel. If any member of the panel had been involved in the audit or certification decision making, the CRM shall appoint another suitable person in the panel.
- iii) The appellant shall be notified progress of the appeal.
- iv) The Secretary shall ensure that details pertaining to the issue under appeal are provided to the members of the Appeal Panel before the hearing. Results of previous similar appeals shall be taken into account whenever possible.
- v) Decisions made by the Appeal Panel including the grounds of their decision shall be recorded. The decisions of the Appeals Panel shall

be final and binding on both parties and shall be determined by a simple majority.

- vi) The appellant shall be informed of the final decision in writing. The results of the Appeal Panel shall be reported to next meeting of the ISMB and recorded in the minutes.

#### **6.4.2 Criteria for selecting the Appeal Panel Members**

- i) The members of an Appeal Panel can be the same as other independent and impartial members.
- ii) In the event that a member(s) of the Appeal Panel has a conflict of interest, based upon the facts or circumstances of a specific appeal, including employment or other affiliations of the appellant; the member(s) will be replaced by another independent and impartial members.

### **6.5 Management Review**

#### **6.5.1 Review of Complaints and Appeals**

- i) Management Reviews include coverage of complaints and appeals. The progress of pending suspensions / withdrawals / cancellations and appeals are verbally reported by the Client Relationship Manager and recorded in the minutes of meeting.
- ii) Any corrective action further to that already taken, or of a more general nature, may be delegated to appropriate individuals. Actions are followed-up at subsequent Management Meetings and/or Advisory Board/ISMB Meetings.

## **7 RELATED DOCUMENTS & RECORDS**

- Management Review Minutes Meeting
- ISMB Minutes Meeting
- Hearing Minutes Meeting
- ISCB Control Register-Complaint Report

*References:*

1. *ISCB Common Manual, ISCB MSC Manual, ISCB ProC Manual, ISCB ISPC Manual, and the relevant ISCB procedures (Control of Records Procedure, Control of Document Procedure, etc.)*
2. *ISO 9000 Quality Management Systems – Fundamentals and Vocabulary*
3. *ISO/IEC 17000: 2004, Conformity assessment — Vocabulary and general principles*
4. *ISO/IEC 17021-1: 2015, Conformity assessment — Requirements for bodies providing audit and certification of management systems - Part 1: Requirements*
5. *ISO/IEC 17024: 2012, Conformity assessment — General requirements for bodies operating certification of persons*
6. *ISO/IEC 17065: 2012, Conformity assessment — Requirements for bodies certifying products, processes and services*
7. *ISO/IEC 17030: 2003, Conformity assessment — General requirements for third-party marks of conformity*
8. *ISO/IEC Guide 23: 1982, Methods of indicating conformity with standards for third-party certification systems*
9. *ISO/IEC Guide 27: 1983, Guidelines for corrective action to be taken by a certification body in the event of misuse of its mark of conformity*
10. *ISO/IEC 17020 Conformity assessment — Requirements for the operation of various types of performing inspection*
11. *ISO/IEC 17025 General requirements for the competence of testing and calibration laboratories*
12. *ISO/IEC 17067:2013 Conformity assessment -- Fundamentals of product certification and guidelines for product certification schemes*
13. *ISO/IEC TR 17026:2015 Conformity assessment -- Example of a certification scheme for tangible products*

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