

Excerpt from Complaint and Appeal Procedure

Ref: ISCB-5-PROC-8-CP\_08 COMPLAIN APPEAL-V2D

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## 1. COMPLAINT AND APPEAL PROCEDURE

This procedure describes the process to handle complaints and appeals received from clients, certified organizations, 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

Scheme Director	Responsible to appoint the members of the Appeal Committee from the ISCB Scheme Management Board (ISMB).
Deputy Scheme Director	To assist the Scheme Director.
Scheme Head	Responsible as the change authority of this procedure.
Client Relationship Manager (CRM)	Review the Complaint/Appeal
	Ensure the received Complaint/Appeal is valid
	Manage complaint/Appeal record
	Inform complainant on the status of complaint or appeal after the matter has been deliberated by the committee appointed
	Assist and appoint third party personnel who has not been involved with the decision process
	Secretary of the Complaint/Appeals Committee

## 5. DEFINITION

Appeal	Request by the provider (certified organization) of the object (scope) of conformity assessment (schemes) to the conformity assessment body (CB) for reconsideration by that body of a decision it has made relating to that object (ISO/IEC 17000:2004, 6.4).  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).
Appellant	The party who appeals for a legal or official decision to be changed.
Complaint/Appeals Committee	Appointed from among the members of CyberSecurity Malaysia, to be in charge of the complaint/appeal process, and is accountable for safeguarding the impartiality with respect to the complaint/appeal and the operations of the organization.
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.

## 6. PROCEDURE

### 6.1. Overview

The complaint and appeals process are publicly available in each scheme's website.

### 6.2. Receipt of Appeal and Complaint

CRM will record details in Complaint & Appeal Register. The information to be recorded are as follow:

- Complaint/Appellant Identifier
- Date received
- Complaint/ Appellant by whom
- Description of Complaint/Appeal
- Action to close out the Complaint/Appeal
- Date complaint/appeal is closed

CRM will acknowledge receipt of Complaint/Appeal via email or any other methods.

Complaints/Appeal against the CRM will be addressed by the Scheme Head.

### 6.3. Complaint Validation Process

The investigation and validation process for each complaint will depend on its type. Details are as table 1 below.

Table 1: Investigation and Validation Process

TYPE OF COMPLAINT	INVESTIGATION AND VALIDATION PROCESS
ISCB service	<p>CRM will get all the related information and evidence pertaining to the complaint as to validate the complaint.</p> <p>If necessary, CRM 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</p>

	<p>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>
Vulnerabilities of certified product or website	<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>

## 6.4. Receipt of Complaints and Appeals

### 6.4.1 Interested parties can submit Appeal and Complaint to [certification@cybersecurity.my](mailto:certification@cybersecurity.my).

Notification of the intention to appeal/complaint must be made in writing and received by CyberSecurity Malaysia within ten (10) business days.

Upon acceptance of Complaint/Appeal, CRM will complete the following within 5 business days:

- Acknowledge receipt to Complainant/Appellant
- Notify both Scheme Head and relevant Scheme Manager
- Check the validity of the Complaint/Appeal. If valid, CRM may inform the appellant/complainant that the process will complete within 20 business days.

- Record the Complaint/Appeal in Complain & Appeal Register

**6.4.2** For valid complaint/appeal, CRM will appoint three (3) persons as Committee Member (see Section 6.5).

**6.4.3** Once a decision has been reached, the CRM will inform the client of that decision in writing. This notification will include informing the client that, if they are unsatisfied with the outcome of the complaint/appeal (within 5 business days), they may submit the request to the [certification@cybersecurity.my](mailto:certification@cybersecurity.my). However, the review will only cover the effectiveness of the appeals process and the decision remains unchanged.

**6.4.4** In the event of complaint/appeal made by a client against a decision of the Scheme Head will be notified.

**6.4.5** All correspondence associated with the complaint/appeal are filed and the resolution is recorded in the Complaint & Appeal Register.

## **6.5. Appointment of Committee**

**6.5.1** A committee of three members which consist of Scheme Head and two (2) independent personnel will be appointed by CRM. The Committee will be chaired by the Scheme Head. The Committee shall decide within 20 business days upon receipt of complaint/appeal.

**6.5.2** CRM will be the Secretary for the Committee.

**6.5.3** The complainant/appellant shall be notified the progress.

**6.5.4** The CRM shall ensure that details pertaining to the issue under complaint/appeal are provided to the members of the Committee before the meeting. Results of previous similar appeals will be taken into account whenever possible.

**6.5.5** Decisions made by the Committee including the justification of their decision shall be recorded. The decisions will be final and binding on both parties and shall be determined by a simple majority.

**6.5.6** The complainant/appellant shall be informed of the final decision in writing. The result shall be reported to next meeting of the ISMB and recorded in the minutes.

## **6.6. Criteria for selecting the Committee Members**

- 6.6.1 In the event that a member(s) of the Committee has a conflict of interest, the member(s) will be replaced by another independent and impartial members.
- 6.6.2 All the Committees including CRM must not previously be involved in the subject of the complaint/appeal and have any vested interests in the issues concerned.
- 6.6.3 Committee must have knowledge of the scheme being investigated.

## **6.7. Review of Complaints and Appeals**

- 6.7.1 Complaints and appeals will be discussed in meeting. The progress of pending suspensions / withdrawals / cancellations and appeals are verbally reported by CRM and recorded in the minutes of meeting.
- 6.7.2 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 ISMB Meetings.

## **6.8. Report**

- 6.8.1 Upon completion of investigation, the outcome of the audit/testing will be documented in Complaint/Appeal Report. Recommendations to be made shall be based on the outcome of the investigations and shall be discussed within ISCB concerned.
- 6.8.2 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.
- 6.8.3 Inform the complainant/appellant on the action taken.

## **6.9. Review of Complaint**

- 6.9.1 Any Correction and Corrective Action may be delegated to appropriate personnel.

**6.9.2** Correction and Corrective Action can be reviewed and followed-up during ISCB Management Review chaired by Head of Department.

**6.9.3** The status of correction and corrective action completion will be reported during ISCB Management Board meeting.

## **RELATED DOCUMENTS & RECORDS**

Management Review Minutes Meeting

ISMB Minutes Meeting

Hearing Minutes Meeting

ISCB Complaint & Appeal Register

**REFERENCES:**

- 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.)*
- ISO 9000 Quality Management Systems – Fundamentals and Vocabulary*
- ISO/IEC 17000: 2004, Conformity assessment — Vocabulary and general principles*
- ISO/IEC 17021-1: 2015, Conformity assessment — Requirements for bodies providing audit and certification of management systems - Part 1: Requirements*
- ISO/IEC 17024: 2012, Conformity assessment — General requirements for bodies operating certification of persons*
- ISO/IEC 17065: 2012, Conformity assessment — Requirements for bodies certifying products, processes and services*
- ISO/IEC 17030: 2003, Conformity assessment — General requirements for third-party marks of conformity*
- ISO/IEC Guide 23: 1982, Methods of indicating conformity with standards for third-party certification systems*
- 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*
- ISO/IEC 17020 Conformity assessment — Requirements for the operation of various types of performing inspection*
- ISO/IEC 17025 General requirements for the competence of testing and calibration laboratories*
- ISO/IEC 17067:2013 Conformity assessment -- Fundamentals of product certification and guidelines for product certification schemes*
- ISO/IEC TR 17026:2015 Conformity assessment -- Example of a certification scheme for tangible products*

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