



Federation of Bedenham and Holbrook Primary Schools

SUBJECT ACCESS REQUEST POLICY AND PROCEDURE

Purpose

This document sets out our policy and procedure for responding to Subject Access Requests (SAR) under the Data Protection Act (DPA) 2018 which is the UK's implementation of the General Data Protection regulation (GDPR). It is the Act in the UK that explains the rights and responsibilities of those dealing with personal data. All staff are contractually bound to comply with the Act and other relevant school policies.

How do you make a subject access request?

A SAR is a written request for personal information (known as personal data) held about you by the school. Generally, you have the right to see what personal information we hold about you, you are entitled to be given a description of the information, what we use it for, who we might pass it onto, and any information we might have about the source of the information. However, this right is subject to certain exemptions that are set out in the Data Protection Act.

What is personal information/data?

Personal information or data means any information relating to an identified or identifiable individual. An identifiable individual is one who can be identified, directly or indirectly by reference to details such as a name, an identification number, location data, an online identifier or by their physical, physiological, genetic, mental, economic, cultural or social identity. Personal data includes (but is not limited to) an individual's, name, address, date of birth, photograph, bank details and other information that identifies them.

How would we respond?

Confirming identify:

- On receiving a request, the Executive Headteacher, Head of School or DPO will contact the individual to confirm the request was made. We must also verify the identity of the person making a request using 'reasonable means'. (Generally, this means we should ask for two forms of identification, although this won't always be necessary - for example, staff, governors and pupils will be known to the school, so we could simply ask another staff member to verify their identity.)

Collation of information:

- We will check that we have enough information to find the records requested. If we feel we need more information, then we will promptly ask for further clarification. We will gather any manual or electronically held information (including emails) and identify any information provided by a third party or which identifies a third party.
- If we have identified information that relates to third parties, we will write to them asking whether there is any reason why this information should not be disclosed. We do not have to supply the information unless the other party has provided their consent or it is reasonable to do so without their consent. If the third party objects to the information being disclosed, we may seek legal advice on what action we should take.
- Before sharing any information that relates to third parties, we will where possible anonymise information that identifies third parties not already known to the individual

(e.g. the school employees), and edit information that might affect another party's privacy. We may also summarise information rather than provide a copy of the whole document. The DPA requires us to provide information not documents.

Issuing our response

- Once any queries around the information requested have been resolved we will collate the information.
- In most cases we must provide the information within 30 calendar days, and free of charge. However, where the request is manifestly unfounded or excessive we may charge a "reasonable fee" for the administrative costs of complying with the request. We may also charge a reasonable fee if an individual requests further copies of their data following a request. We will base the fee on the administrative costs of providing further copies. If the request is complex or numerous, we can comply within 90 calendar days, but we must inform the individual of this within 30 calendar days and explain why the extension is necessary
- If the request is made electronically, we should provide the information in a commonly used electronic format, unless the individual requests an alternate method. Otherwise, copies of the information in a permanent form will be sent, except where it is impossible, or where it would involve undue effort. In these cases, an alternative would be to allow you to view the information on screen at the school.
- We will explain any complex terms or abbreviations contained within the information when it is shared. Unless specified otherwise, we will also provide a copy of any information that has been seen before.

Are there any grounds we can rely on for not complying with a subject access request?

We can refuse to comply with a subject access request if it is manifestly unfounded or excessive, taking into account whether the request is repetitive in nature. If we consider that a request is manifestly unfounded or excessive we can:

- request a "reasonable fee" to deal with the request; or
- refuse to deal with the request.

Usually 'unfounded or excessive' means that the request is repetitive or asks for further copies of the same information.

We will base the reasonable fee on the administrative costs of complying with the request. If we decide to charge a fee we will contact the individual promptly and inform them. We do not need to comply with the request until we have received the fee.

What we will do if we refuse to comply with a request?

We will inform the individual without undue delay and within one calendar month of receipt of the request.

We will inform the individual about:

- the reasons we are not taking action;
- their right to make a complaint to the ICO or another supervisory authority; and
- their ability to seek to enforce this right through a judicial remedy.

Exemptions

The Act contains a number of exemptions to our duty to disclose personal data and we may seek legal advice if we consider that they might apply. Possible exemptions would be: information

covered by legal professional privilege, information used for research, historical and statistical purposes, and confidential references given or received by the school.

What if an error in our records is identified?

If we agree that the information is inaccurate, we will correct it and where practicable, destroy the inaccurate information. We will consider informing any relevant third party of the correction. If we do not agree or feel unable to decide whether the information is inaccurate, we will make a note of the alleged error and keep this on file.

Our complaints procedure

We take any complaints about our collection and use of personal information very seriously. If you think that our collection or use of personal information is unfair, misleading or inappropriate, or have any other concern about our data processing, please raise this with us in the first instance.

If you remain dissatisfied, you have the right to refer the matter to the Information Commissioner. The Information Commissioner can be contacted at:

Information Commissioner’s Office

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Telephone: 0303 1231113

Fax: 01625 524 510

Enquiries can be made by email by completing the online form at:

<https://ico.org.uk/global/contact-us/email/>

Contact:

If you would like to discuss anything in this policy / procedure, please contact:

- The school’s Data Protection Officer.

Signed _____
Headteacher

Signed _____
Chair of Governors

Date: _____

To be reviewed: June 2020 or sooner should regulations change

Subject Access Request - 30 Day Timeline

Week
1

Week
2

Week
3

Week
4

SAR (Subject
Access Request)
received

Verify data
subject's
identify

Log request in
SAR register

Notify all
relevant
processors

**Information gathering
(internal departments & external processors)**

Combine all
information at
central point

Redact
commercial
sensitive
information as
appropriate

Remove 3rd
party personally
identifiable
information

Submit for
sign-off by EHT or
DPO

Reviewed and
signed off
internally

Upload to secure
file sharing
location or print

Notify data
subject to collect
or access SAR
information

Record data and
time of receipt in
SAR log