



Chantlers

Primary School

A World of Possibilities

POLICY AND PROCEDURE SUBJECT ACCESS REQUEST POLICY

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1. Introduction and purpose

Article 15 of the UK General Data Protection Regulation (GDPR) gives individuals rights of access to their personal records held by Chantlers Primary School. Subject access is a fundamental right for individuals. It is also an opportunity for the Chantlers Primary School to provide excellent customer service by responding to Subject Access Requests (SARs) efficiently and transparently and by maximising the quality of the personal information you hold. This Policy explains how the Chantlers Primary School will fulfil its obligations under the Act.

2. Scope

All personal data processed by the Chantlers Primary School is within the scope of the subject access request procedure.

This document outlines how an applicant can make a request for their personal information under the Data Protection Act 2018 (the Act) and how it will be processed.

This is not a legal document. It does not confer rights nor override any legal or statutory provisions which either require or prevent disclosure of personal information.

This document takes into account the key features of the Act and outlines how the school will take steps to ensure compliance in relation to requests for personal information.

Data subjects are entitled to obtain the following in addition to a copy of their personal data:

- the purposes of your processing;
- the categories of personal data concerned;
- the recipients or categories of recipient you disclose the personal data to;
- your retention period for storing the personal data or, where this is not possible, your criteria for determining how long you will store it;
- the existence of their right to request rectification, erasure or restriction or to object to such processing;
- the right to lodge a complaint with the ICO or another supervisory authority;
- information about the source of the data, where it was not obtained directly from the individual;
- the existence of automated decision-making (including profiling); and
- the safeguards you provide if you transfer personal data to a third country or international organisation.

3. Responsibilities

3.1. Adhering to the Data Protection Act 2018 is the responsibility of every member of staff acting for or on behalf of the school. Subject Access requests fall within the data protection statutory framework and the ability to identify and appropriately handle a request for information is considered to be part of every employee's role.

- 3.2. Your primary responsibility is to ensure that Subject Access Requests are in the first instance directed to the School Office. The team will log the request, acknowledge it and pass the case to the Mr S Lea for response. It is important that requests are processed as soon as they are received to assist in meeting the statutory deadline.
- 3.3. The Data Protection Officer is responsible for the application and effective working of this procedure, and for reporting to the data controller on Subject Access Requests (SARs) when received directly.
- 3.4. Mrs J Windows is responsible for handling all SARs with advice and guidance provided by the data protection officer.

Headteacher	Mr P Barlow holds overall responsibility for compliance with the Act.
Data Protection Officer (DPO)	Mr S Lea has responsibility for the management of Subject Access Requests; this includes assisting the Headteacher in dealing with complaints from the Information Commissioners Office, general compliance issues and data subject queries and concerns. Ensures that SARs are responded to in a timely manner and that only data that the data subject is entitled to access are sent out. Also responsible for completing a double-check of all SAR's before they are securely dispatched.
Employees	All employees, including temporary staff, must understand their duty of care to ensure the confidentiality of all personal data. In addition, they must have an understanding of this policy and where to direct individuals enquiring about subject access requests.

4. Procedure

- 4.1. Subject Access Requests are and can be made in any format, usually in writing, however they can be made verbally and employees of the school need to be able to recognise this.
- 4.2. The data subject provides the school with evidence of their identity, in the form of a current passport or driving licence, where this is not possible, another method of verifying the data subjects identity must be sought if not known to the school.
- 4.3. The data subject defines to the school any specific set of data held by the school on their subject access request (SAR). The data subject can request all data held about them.
- 4.4. The school records the date that the identification checks were conducted and the specification of the data sought including the date at which the request must be received by the data subject (Within 1 month beginning the day after the request was received).

- 4.5. The school provides the requested information to the data subject within one month from this recorded date. (Where there are no circumstances in which an extension to that one month will be provided, in line with the legislation, failure to provide the requested information within that one month is a breach of the GDPR and Data Protection Act 2018.)
- 4.6. Once received, the subject access request (SAR) is immediately forwarded to the Data Protection Officer, who will ensure that the requested data is collected within the specified time frame in clause 3.4 above.

Collection entails:

- 4.6.1. Collecting the data specified by the data subject, or
- 4.6.2. Searching all databases and all relevant filing systems (manual files) within the school, including all back up and archived files (computerised or manual) and all email folders and archives.
- 4.7. The Data Protection Officer maintains a record of requests for data and of its receipt, including dates.
- 4.8. The Data Protection Officer reviews subject access requests from a child. Before responding to a SAR of a child data subject, the Data Protection Officer considers their ability to make the request by (adequately explaining any implications of sharing their personal data, etc.) also making an assessment of their ability to understand the content and context of the request.
- 4.9. The Data Protection Officer reviews all documents that have been provided to identify whether any third parties are present in it, and either removes the identifying third party information from the documentation or obtains written consent from the third party for their identity to be revealed.
- 4.10. If any of the requested data is being held or processed under one of the following exemptions, it does not have to be provided:
 - National security
 - Crime and taxation
 - Health
 - Education
 - Social Work
 - Regulatory activity
 - Journalism, literature and art
 - Research history, and statistics
 - Publicly available information
 - Corporate finance
 - Examination marks
 - Examinations scripts
 - Domestic processing
 - Confidential references
 - Judicial appointments, honours and dignities
 - Crown of ministerial appointments
 - Management forecasts

- Negotiations
- Legal advice and proceedings
- Self-incrimination
- Human fertilization and embryology
- Adoption records
- Special educational needs
- Parental records and reports

Examples of third party information that cannot be shared routinely without specialist consideration are:

- Safeguarding concerns which may contain information about multiple children including siblings and estranged parents
- Files containing legally privileged information
- Files containing advice from relevant professionals such as doctors, police or probation services
- Employee files containing information identifying managers or colleagues who have contributed to (or are discussed in) that file.

4.11. In the event that a data subject requests the school to provide them with the personal data stored by the controller/processor, then the school will provide the data subject with the requested information in electronic format, unless otherwise specified. A record will be maintained to demonstrate the date at which the data was sent to the data subject.

4.12. In the event that a data subject requests what personal data is being processed by the school, the school provides the data subject with the following information:

- The purpose of the processing
- Categories of personal data
- Recipient(s) of the information, including recipients in third countries or international organisations
- How long the personal data will be stored
- The data subject's right to request rectification or erasure, restriction or objection, relative to their personal data being processed.
- Information on the source of the personal data if it hasn't been collected from the data subject.
- Inform the data subject of any automated decision-making (if applicable).
- If and where personal data has been transferred and information on any safeguards in place.

The school must also consider the following;

4.12.1. School removes personal data from systems and processing operations as soon as a request for erasure has been submitted by the data subject, unless a specific exemption or legislation prevents the school from doing so.

4.12.2. School will contact and communicate with other organisations, where the personal data of the data subject is being processed, to cease processing information at the

request of the data subject, unless a specific exemption or legislation prevents the school from doing so.

- 4.12.3. School will take appropriate action, without undue delay, in the event that the data subject has: withdrawn consent; objects to the processing of their personal data in whole or part; no longer under legal obligation and/or has been unlawfully processed, unless a specific exemption or legislation prevents the school from doing so.
- 4.12.4. Inform the data subject of their right to lodge a complaint with the supervisory authority and a method to do so in accordance with legislative requirements and that set out in the school Privacy Notice.

5. Refusing a request

- 5.1. Under certain circumstances school may refuse to comply with a subject access request in line with ICO guidance. In these instances, school will take advice from the registered DPO and provide the data subject with an explanation as to why the request has been refused.

6. Complaints

- 6.1. The school will provide a right of complaint to all applicants in the event they are dissatisfied with the handling of their request. If an applicant is unhappy with the service they have received they should firstly contact Mr P Barlow.
- 6.2. If an applicant remains dissatisfied with the outcome of their Stage 1 complaint, the school should seek advice from their Data Protection Officer.
- 6.3. The Data Protection Officer will make an independent assessment of the case. If the applicant remains dissatisfied, they may ask the Information Commissioners Office to carry out an independent investigation.

7. Complaining to the Information Commissioners Office

- 7.1. If an applicant is not satisfied with the outcomes of the schools decisions they have the right to submit a complaint to the Information Commissioners Office. The Information Commissioners Office will make an initial assessment of the case before carrying out an investigation.

The Information Commissioners Office has written guidance notes for applicants on how to complain to the Information Commissioners Office, this is published on their website, www.ico.gov.uk.

8. Key Definitions

Subject Access Request or SAR	A request for access to data by a living person under the Act is known as a Subject Access Request or SAR. All records that contain the personal data of the subject will be made available, subject to certain exemptions.
Freedom of Information Request or FOI.	A request for access to data held is dealt with under the Freedom of Information Act 2000 and is known as a Freedom of Information Request or FOI. Requests for the data of deceased people may be processed under this legislation.

Personal Data	<p>Personal data means data which relates to a living individual who can be identified directly or indirectly from the data, particularly by reference to an identifier.</p> <p>Personal data can be factual (such as a name, address or date of birth) or it can be an opinion (such as a performance appraisal).</p>
Special Category Data	<p>Certain personal data, special category data, is given special protections under the Act because misuse could create more significant risks to a person's fundamental rights and freedoms. For example, by putting them at risk of unlawful discrimination. Special category data includes:</p> <ul style="list-style-type: none"> • a person's racial or ethnic origin; • political opinions; • religious or similar beliefs; • trade union membership; • physical or mental health or condition or sexual life; • biometric or genetic data.
Data Controller	<p>The organisation which determines the purposes and the manner in which, any personal data is processed is known as the data controller. The school is the data controller of all personal data used and held within each part of the school</p>
Data Processors	<p>Organisations or individuals who process personal data on behalf of a data controller are known as data processors. Employees of data controllers are excluded from this definition but it could include suppliers which handle personal data on our behalf.</p>
Data Subject	<p>A living individual who is the subject of personal data is known as the data subject. This need not be a UK national or resident. Provided that the data controller is subject to the Act, rights with regards to personal data are available to every data subject, wherever their nationality or residence.</p>
Third Party	<p>An individual who is not the subject of the data but may be connected to or affected by it is known as a third party.</p>
Relevant Professional	<p>The practitioners who supply information held on Social Services records, and various other medical and educational records. A relevant professional will consider where disclosure is likely to cause serious physical or mental harm to the applicant or any third party.</p>