UK General Data Protection Regulation (UK GDPR) Subject Access Request Procedure

Blessed Edward Bamber Catholic Multi Academy Trust

VERSION: 2.0

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Blessed Edward Bamber
Catholic Multi Academy Trust

Corinthians 4:2

Now it is required that those who have been given a trust must prove faithful.

Version Control

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This is a Trust-Wide Policy which applies to all academies within the Trust

Contents

1. Introduction 4
2. Definition 4
3. Personal Data Breach Process 4
4. Timeframe 5
5. Requests Made by Parents/Guardians/Carers 6
6. Requests Made on Behalf of or by Others 6
7. Exemptions 6
8. Disclosures 7
9. Complaints 7

1. Introduction

The UK General Data Protection Regulation (UK GDPR) places a requirement on the School/Academy Trust to comply with the 'right of access' which applies to all personal data that it holds. A detailed definition of personal data is included in the Data Protection Policy.

This procedural guide describes what a subject access request is and the process which must be followed in the event of a request.

Responsibility for complying with a subject access request lies with the School/Academy as a data controller, therefore this guidance applies to its employees and processors. The School/Academy will ensure that they have contractual arrangements in place to guarantee that subject access requests are dealt with properly, irrespective of whether they are sent to the School/Academy or a processor. This guidance applies to all personal data, regardless of whether it is held in a paper or electronic format.

2. Definition

Article 15 of the UK GDPR aka the Right of Access, commonly referred to as subject access, gives individuals the right to obtain a copy of their personal data as well as other supplementary information. It helps individuals to understand how and why you are using their data and check that the School/Academy using it lawfully.

Individuals have the right to obtain the following from the School/Academy:

- Confirmation that the School/Academy are processing their personal data;
- A copy of their personal data; and
- Other supplementary information – (please see below)
    - The purposes of processing;
    - The categories of personal data concerned;
    - The recipients or categories of recipient the School/Academy disclose the personal data to;
    - The School/Academy retention period for storing the personal data
    - 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 the School/Academy provide if they transfer personal data to a third country or international organisation.

The School/Academy provides much of this information already in its Pupil Privacy Notice and Workforce Privacy Notice.

3. Personal Data Breach Process

The UK GDPR does not specify how to make a valid request and a request does not have to include the phrase 'subject access request' or Article 15 of the UK GDPR, as long as it is clear that the individual is asking for their own personal data. *– please see section 5 for more details how this relates to parents requesting their child's records.*

Therefore, an individual can make a subject access request verbally or in writing. It can also be made to any

individual who is connected to the School/Academy (including by social media) and does not have to be to a specific person or contact point.

However, a standard form can make it easier both for the School/Academy to recognise a subject access request and for the individual to include all the details required to locate the information they want. A copy of the standard form is available in Appendix A and if willing, applicants should be directed to use this form in the first instance.

If an employee receives a subject access request, they must **immediately** direct it to the Data Protection Lead.

Your School/Academy Data Protection Lead is:
Mrs Helen Holden
hho@st-mary.blackpool.sch.uk

If the Data Protection Lead is unavailable it should be brought to the attention of a member of the Senior Leadership Team (SLT).

The Data Protection Lead or member of SLT should immediately seek the advice of the School/Academy designated Data Protection Officer (DPO) and report all requests to the BEBCMAT Responsible Person.

The contact details for the School/Academy designated DPO are as follows:

Data Protection Officer, Shard Business Services
dpo@shardbusinessservices.co.uk

The contact details for the BEBCMAT responsible person are as follows:

Mr Stan Mossop, Chief Finance Officer,
Blessed Edward Bamber Catholic Multi-Academy Trust,
Metro House, Metropolitan Business Park, Unit 14-17 Metropolitan Drive,
Blackpool, FY3 9LT
smo@bebcmat.co.uk

If the School/Academy has doubts about the identity of the person making the request, they will ask for more information. If this is the case the School/Academy will let the individual know as soon as possible that they need more information from them to confirm their identity before responding to their request.

4. Timeframe

The School/Academy must act on the subject access request without undue delay and at the latest within one month of receipt. This must be no later than one calendar month, starting from the day the request is received. If the School/Academy needs something further to be able to deal with the request (such as ID documents), the time limit will begin once they have received this.
The School/Academy can extend the time to respond by up to a further two months if the request is complex or they have received a number of requests from the individual. The School/Academy should let the individual know within the one month of receiving their request and explain why the extension is necessary. The request is complex generally if there is large amounts of data to be extracted and collated from a number of different systems and redactions to be applied. Whether a case is deemed complex is determined on a case-by-case basis by discussion with the DPO Service and applying the specific ICO criteria to the request.

5. Requests Made by Parents/Guardians/Carers

Before responding to a subject access request for information held about a pupil, the School/Academy should consider whether the child is mature enough to understand their rights. This is usually at around the age of 12 or over. If we are confident that the child can understand their rights, then we will usually respond directly to the child. The School/Academy may however allow the requester to exercise the child's rights on their behalf if the child authorises this, or if it is evident that this is in the best interests of the child.

The child should able to understand (in broad terms) what it means to make a subject access request and how to interpret the information they receive as a result of doing so. When considering borderline cases, the School/Academy (with DPO advice) will take into account, amongst other things:

- the child's level of maturity and their ability to make decisions like this;
- the nature of the personal data;
- any court orders relating to parental access or responsibility that may apply;
- any duty of confidence owed to the child or young person;
- any consequences of allowing those with parental responsibility access to the child's or young person's information. This is particularly important if there have been allegations of abuse or ill treatment;
- any detriment to the child or young person if individuals with parental responsibility cannot access this information; and
- any views the child or young person has on whether their parents/guardian should have access to information about them.

The School in partnership with the DPO will seek the advice of appropriate professionals when considering the above factors

6. Requests Made on Behalf of or by Others

The UK GDPR does not prevent an individual/parent making a subject access request via a third party. Often, this will be a solicitor acting on behalf of a client, but it could simply be that an individual feels comfortable allowing someone else to act for them. In these cases, the School/Academy will need to be satisfied that the third party making the request is entitled to act on behalf of the parent or individual, but it is the third party's responsibility to provide evidence of this entitlement. This might be a written authority to make the request or it might be a more general power of attorney.

7. Exemptions

In some circumstances, the Data Protection Act 2018 (DPA 2018) provides an exemption from particular UK GDPR provisions. If an exemption applies, the School/Academy may not have to comply with all the usual rights and obligations. There are several different exemptions; these are detailed in Schedules 2-4 of the DPA 2018. They add to and complement a number of exceptions already built in to certain GDPR provisions.

Common examples of exemptions fall in the following categories:

- Prevention & Protection of Crime.
- Legal Professional Privilege or Court documentation
- Protection of the Rights of Others.
- Health, social work, education and child abuse data.

The DPO will advise on the application of any exemptions with redactions being kept to a minimum and the context of information retained where possible. The exemptions applied will also clearly be outlined in the response letter issued in response to any request.

8. Disclosures

In most cases, School/Academy cannot charge a fee to comply with a subject access request. However, where the request is manifestly unfounded or excessive the School/Academy may charge a 'reasonable fee' for the administrative costs of complying with the request. School/Academy can also charge a reasonable fee if an individual requests further copies of their data following a request.

The School/Academy will include an individual's right to appeal decision in all response letters, in the first instance this will be an internal review of any decision and then if the applicant is still dissatisfied they can appeal directly to the ICO.

9. Complaints

Data subjects have the right to make a complaint to the trust if they are unhappy with our compliance with data protection legislation. Any complaints regarding data protection can be directed towards our DPO (dpo@shardbusinessservices.co.uk)

We will acknowledge any complaint within 30 days of receiving this and take appropriate steps to address the complaint. We will inform you of the progress of your complaint and provide details regarding the outcome.

If you are still dissatisfied with the outcome of your request, you have the right to complain to our regulator – the Information Commissioners' Office (ICO).

Telephone: 0303 123 1113
Link: https://ico.org.uk/concerns/
Address: Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Appendices to Subject Access Request

Appendix 1 – Subject Access Request form

SECTION 1: Details of the person making the request	
First name	
Surname	
Address	
Phone number	
Email Address	

Please fill in the following section if requesting data on behalf of a data subject. If this does not apply, please continue to section 3.

SECTION 2: Details of the data subject (if different from requester)	
First name	
Surname	
Date of birth	
Relationship between requester and data subject	
Authority by which the request is made (e.g. parental responsibility)	

SECTION 3: Describe the information being requested. Please be specific where possible and include any relevant information such as unique identifiers in order to assist us in finding your personal data.

Completed forms should be returned to: xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

Appendix 2 – Response and ID verification template

Dear **********

Data Protection Act 2018 and the UK GDPR – Subject Access Request

Thank you for your request for personal information that was received by the School/Academy on insert date.

You have submitted a request for:

- insert here what they have asked for e.g. a copy of your child's education records.

This will be dealt with under Article 15 of the UK GDPR. This places on obligation upon the School/Academy to reply as promptly as possible but within one calendar month. This time period can be extended by another two calendar months if the request is complex.

If appropriate or need to verify identity/address please use this paragraph:

To ensure that we provide the correct information to the correct person we will require proof of identity and address of each person/child. Pending receipt of these, we will conduct a search for the records you have requested.

The School/Academy has an obligation to protect the identity of others (third parties) unless they have given their consent for disclosure, or it is appropriate to disclose. Therefore, you are advised that some information may be withheld and if this applies, you will be informed at the time of disclosure.

If you have any queries please do not hesitate to contact me on the number or email address above. Yours

sincerely

Appendix 3 – Deadline extension template

Data Protection Act 2018 and the UK GDPR – Subject Access Request;

Thank you for your request for personal information that was received by the School/Academy on insert date.

You have submitted a request for:

- insert here what they have asked for e.g. a copy of your child's education records.

I can confirm that after careful consideration we will unfortunately need to extend the timescale in which we are able to respond to your request by an additional two months. This is because we deem the request to be complex. We have considered your request against the complex request criteria as specified in the Information Commissioner Guidance on the UK GDPR's Rights of Access – the criteria used for your request is stated below;

- The Academy/School will be required to collate a large volume of information both electronic and paper.

In addition to this and to satisfy the criteria for the extension; please pick at least one – can add individual description as per the case.

- The request requires the School to retrieve a large amount of historical information, some of which is contained within several electronic and/or paper recording systems for information such as emails/first aid records.
- There has been/will be technical difficulties in retrieving the information – add reason i.e. archived on old systems
- The Academy/School has applied an exemption that involves large volumes of particularly sensitive information
- The Academy/School has had to/will have to clarify potential issues around disclosing information about a child to a legal guardian
- Any specialist work involved in redacting information or communicating in an intelligible format

Therefore, a response will be issued no later than: xxxxxxxxxxx. If you have any queries about this letter, you can contact us by email at: xxxxxxxxxxxxxxxxxxx

Yours sincerely

Appendix 3 – SAR issue template

Data Protection Act 2018 and the UK GDPR – Subject Access Request

Thank you for your request for personal information that was received by the School/Academy on insert date.

You submitted a request for:

- insert here what they have asked for e.g. a copy of your child's education records.

The information is enclosed/attached. You will notice that there have been some redactions made (blacking out). This is because the following exemptions apply:

Insert exemptions – DPO will provide a list of these.

The School/Academy processes this personal data for the primary purpose of provision of Education. For more information on this please see our Privacy Notice, which can be found on our website – provide link.

Under the UK GDPR, you have a number of rights, including the right to have any incorrect data rectified or erased, or the right to restrict or object to processing. We publish information about these rights on our website at provide link.

If you are dissatisfied with the handling of your request, you have a right to submit a complaint or request a review. You should submit this in writing to Data Protection Officer ********** or by email to **********.

If you are not happy with the outcome of our review, you have the right to apply to the Information Commissioner's Office (ICO) for an assessment. You can contact the ICO at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF, (www.ico.org.uk).

If you have any queries about this letter you can contact me by writing to: **********.

Yours sincerely