

GreenacreAcademyTrust
Skills for Life



Subject Access Request Procedure

This procedure has been approved by the Trust Senior Leadership Team

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1. Definitions

- 1.1. **Trust** - Greenacre Academy Trust and all Trust schools
- 1.2. **Personal Data** - any information relating to a data subject that can be used to identify them.
- 1.3. **Sensitive Personal Data** - information about an individual's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, physical or mental health or condition or sexual life, or genetic or biometric data.
- 1.4. **Data Subject** - an individual on whom the Trust holds or processes Data.
- 1.5. **Data Controller** - the organisation that determines the purposes for and manner in which, any personal data is processed.
- 1.6. **Data Processor** - any company or organisation that processes Data on behalf of the Data Controller.
- 1.7. **Processing** - any activity that involves Personal Data, such as collecting, recording, amending, transferring and destroying.
- 1.8. **Subject Access Request or SAR** - a request by an individual to the Trust requesting access to Personal Data or Sensitive Personal Data about themselves.

2. Legal Framework

- 2.1. Under Article 15 of the GDPR individuals have the right to be informed whether or not their Personal Data is being processed; if so they can request access to their Personal Data, plus the following information.
 - 2.1.1. the purpose(s) of any Processing;
 - 2.1.2. the categories of Personal Data being processed;
 - 2.1.3. with whom their Personal Data is shared;
 - 2.1.4. how long their Personal Data will be stored;
 - 2.1.5. the right to request rectification or erasure of Personal Data;
 - 2.1.6. the right to request restriction of Processing;
 - 2.1.7. the right to lodge a complaint with the Information Commissioner's Office;
 - 2.1.8. the source of Personal Data that has not been collected from the Data Subject.
- 2.2. Data may be withheld where disclosure may cause serious harm to the Data Subject or any other individual.
- 2.3. The Trust is also exempt from disclosing third party Personal Data unless the third party has consented or it is reasonable that their Data to be disclosed without their consent.

2.4. Data exempt from SARs includes:

- 2.4.1. Education, Health, Social Work records
- 2.4.2. Examination marks and scripts
- 2.4.3. Safeguarding records
- 2.4.4. Special educational needs
- 2.4.5. Parental records and reports
- 2.4.6. Legal advice and proceedings
- 2.4.7. Adoption and Court records and/or reports
- 2.4.8. Journalism, literature and art
- 2.4.9. Confidential references

3. Making a Subject Access Request (SAR)

- 3.1. The Trust requests that any SARs are made in writing; the Trust consider 'in writing' to include communications by post, fax, and email.
- 3.2. Contact details and a SAR template has been made available on the Trust website to help individuals submit a request.
- 3.3. The SAR template will enable the Trust to provide an appropriate and sufficient response.
- 3.4. SARs relating to student or parent/carer Data should be sent to the Data Protection Coordinator.
- 3.5. SARs relating to staff Data should be sent to the Trust HR Manager.

4. What information can a parent/pupil request access to?

- 4.1. A parent or pupil, if aged 13 or above, has the right to request access to any information that comes from a teacher or other employee of a local authority or school, the pupil or a parent, and is processed by or for the school's governing body or teacher. Exemptions to this are:
 - 4.1.1. Information the teacher has solely for their own use
 - 4.1.2. Information provided by another parent or pupil
 - 4.1.3. Any reason as listed in section 2.4

5. Confirming the identity of an individual making a Subject Access Request (SAR)

- 5.1. In order to minimise the risk of sending an individual's Personal Data to the wrong individual and to avoid data breaches, the Trust will take steps to confirm the identity of an individual making a SAR if they are not a student or a member of staff.

- 5.2. Where the Trust requires an individual to verify their identity the individual making the request will be asked to attend a specified place with photographic identification, or to send a certified copy of photographic identification such as a passport or driving licence to the individual completing the Subject Access Request.
- 5.3. If the Trust is not satisfied as to the identity of the individual making the request the SAR will not be complied with and the requester informed of the decision in writing.

6. Sharing information with third parties

- 6.1. Data subjects can ask for their personal data to be with another individual such as an appointed representative. Written authorisation, signed by the data subject confirming which of their personal data they would like you to share will be required.
- 6.2. If a request is made seeking the personal data on behalf of a data subject, then a response must not be provided unless and until written authorisation has been provided by the data subject.
- 6.3. If there is any doubt or concerns in providing the personal data to a third party, the Trust will provide the information requested directly to the data subject. It is then a matter for the data subject to decide whether to share this information with any third party.
- 6.4. Personal data belongs to the data subject, and in the case of the personal data of a child regardless of their age the rights in relation to that personal data are theirs and not those of their parents. Parents, in most cases, do not have automatic rights to the personal data of their child.
- 6.5. However, there are circumstances where a parent can request the personal data of their child without requiring the consent of the child. This will depend on the maturity of the child and whether the Trust is confident that the child can understand their rights. Generally, where a child is under 12 years of age they are deemed not to be sufficiently mature as to understand their rights of access and a parent can request access to their personal data on their behalf.
- 6.6. In relation to a child 12 years of age or older, then provided that the Trust is confident that they understand their rights, and there is no reason to believe that the child does not have the capacity to make a request on their own behalf, the Trust will require the written authorisation of the child before responding to the requester, or provide the personal data directly to the child in accordance with the process above.
- 6.7. In all cases the Trust will consider the particular circumstances of the case, and the above are guidelines only.

7. Clarification of the request

- 7.1. Where it is unclear what Data is being sought by way of the SAR, the Trust will ask for further clarification of the information being requested.
- 7.2. In clarifying the request, the Trust will contact the Requester by telephone, writing or email and ask for additional information to assist in determining whether any Data is being held and, if so, locating where that Data is being held.

8. Fees

- 8.1. The Trust will usually deal with a SAR free of charge.
- 8.2. Where the request is considered to be manifestly unfounded or excessive a fee may be requested or the Trust may refuse to respond to the request completely. In both cases the Trust will contact the individual making the request to explain why this is the case.

9. Time limits

- 9.1. The Trust will respond to a SAR promptly and in any event no later than one calendar month from the date of the request, or receipt of appropriate identification or clarification of a request where appropriate.
- 9.2. Where it is not possible to respond within one calendar month, the Trust will contact the Requester in writing to advise that it will not be possible to respond fully within the one calendar month time scale and provide a new timescale for responding to the SAR.
- 9.3. In relation to complex requests the response period may be extended by two calendar months. What constitutes a complex request will depend on the particular nature of the request. Where a request is considered to be sufficiently complex as to require an extension of the period for response, the individual making the request will be notified within one calendar month of receiving the request, with an explanation as to why an extension is considered necessary.

10. Responding to a SAR

- 10.1. In responding to a SAR, the Trust will search the following databases for the Data of the Data Subject:
 - 10.1.1. Paper records held by the Trust or the Academy.
 - 10.1.2. Electronic records including management information systems, databases and email correspondence, where appropriate.
- 10.2. The Trust will consider whether any of the Data held is subject to any of the exemptions set out in the Data Protection Legislation or whether the Data requested should otherwise be withheld.
- 10.3. In responding to a SAR and as stated in all privacy notices, the Trust will:
 - 10.3.1. Give a description of data held
 - 10.3.2. Explain why it is being held and processed and how long it will be kept
 - 10.3.3. Explain how it was collected
 - 10.3.4. Give details of how it has been shared
 - 10.3.5. Explain whether any automated profiling has been applied to the data
 - 10.3.6. Give a copy of the data in an intelligible form and make it available in a common electronic format

- 10.4. If the Trust does not hold any Data of the Requester, it will respond to the SAR to this effect.
- 10.5. If Personal Data is withheld due to an exemption, the individual making the request will be contacted explaining reasons as to why the exemption applies.
- 10.6. Where the Trust receives a SAR and some Data is exempt from disclosure and other Data not, the Trust will redact any information that is exempt from disclosure and provide the remainder.
- 10.7. If it is not possible for the exempt information to be redacted appropriately, then the information that is not exempt will be extracted and forwarded to the individual making the request.
- 10.8. Where the Trust cannot provide the Data requested in a permanent format, necessary arrangements will be made for an individual to inspect the Data being processed.

11. Third party information

- 11.1. Where the Trust receives a SAR and the Data of the individual making the request contains Personal Data belonging to a third party, the Trust will not disclose the third party's Personal Data unless the third party consents to the disclosure or it is reasonable in all the circumstances to disclose the Personal Data of third party without their consent.
- 11.2. In determining whether it is reasonable in all the circumstances to disclose third party Personal Data in responding to a SAR, the Trust will consider the following:
 - 11.2.1. Any duty of confidentiality owed by the Trust to the third party.
 - 11.2.2. The steps taken in trying to obtain the consent of the third party.
 - 11.2.3. Whether the third party is capable of providing consent for their Personal Data to be released.
 - 11.2.4. Any express refusal of the third party to not disclose their Personal Data.
 - 11.2.5. Whether any of the third party Personal Data is already known by the Requester.
 - 11.2.6. The circumstances which gave rise to the request.

12. Disproportionate Effort

- 12.1. The Trust may decide not to provide Data in response to a SAR if it is likely to involve a disproportionate effort.
- 12.2. In determining whether responding to a SAR is likely to involve disproportionate effort, the Trust will consider the time, costs and any technical expertise required to respond to the SAR.
- 12.3. Where responding to the SAR will involve a disproportionate effort, the Trust will consider refusing to deal with the request unless the individual making the request amends their request.

13. Repeated Requests

- 13.1. The Trust cannot limit the number of SARs made by an individual, however where there has been no reasonable interval between a previous request and the new request the Trust may refuse to respond.
- 13.2. In determining whether a request has been made at a reasonable interval, the Trust will consider the following:
 - 13.2.1. Whether any new data about the data subject has been Processed by the Trust and how often any data being processed is altered.
 - 13.2.2. The nature of the data being requested.
 - 13.2.3. Whether any processing is likely to cause harm to the individual making the request.
- 13.3. If the Trust does not intend to deal with the request on grounds that a reasonable interval has not passed since the previous request, it will inform the Requester of this in writing within the time limit set out in section 9.
- 13.4. Where additional copies are requested of information then the Trust may charge a reasonable fee based on material and administrative costs.

14. Complaints

- 14.1. If an individual is unhappy with how the Trust has handled their request they should follow the complaints guidance as stated in all privacy notices.