



# **Subject Access Request Policy**

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## 1. Introduction

The UK General Data Protection Regulation (UK GDPR) and Data Protection Act 2018 (DPA) gives individuals the right of access to their personal information held by Plashet School (the School). Subject access is a fundamental right for individuals, but it is also an opportunity for the School to provide excellent customer service by responding to Subject Access Requests (SARs) efficiently and transparently and by maximizing the quality of the personal information you hold. This Policy explains how the School will fulfil its obligations under the Act.

The Act works in two ways. Firstly, it states that anyone who processes personal information must comply with the principles (Article 5(1) of the UK GDPR), which make sure that personal information is:

- processed lawfully, fairly and in a transparent manner
- collected and processed for specified, explicit and legitimate purposes and not further
- processed in a manner that is incompatible with those purposes
- adequate, relevant, and limited to what is necessary for the purpose
- accurate and kept up to date
- not kept for longer than is necessary and subject to appropriate technical and organisation
- measures to safeguard the rights and freedoms of individuals
- processed in a manner that ensures appropriate security of personal data, including protection against unauthorised or unlawful processing; and Article 5(2) adds that 'the controller shall be responsible for, and be able to demonstrate compliance with Article 5(1) ('accountability') and;

Secondly, it provides individuals with important rights (Articles 13 and 14); these are the:

- Right to be informed
- Right of access
- Right to rectification
- Right to erasure (right to be forgotten)
- Right to restrict processing
- Right to data portability
- Right to object
- Rights related to automated decision-making including profiling

## 2. Policy Statement

The School regards the Act as an important mechanism in achieving an honest, safe and open relationship with its students and employees.

Subject access is most often used by individuals who want to see a copy of the information the School holds about them. However, subject access goes further than this and an individual is entitled to be:

- Told whether any personal data is being processed;
- Given a description of the personal data, the reasons it is being processed, and whether it will be given to any other organisations or people;
- Given a copy of the personal data; and

- Given details of the source of the data (where this is available). An individual can also request information about the reasoning behind any automated decisions taken about him or her, such as a computer-generated decision for assessment of performance at work.

The aim of this policy is to ensure that the School complies with its legal obligations under the General Data Protection Regulation and Data Protection Act 2018 and can provide evidence that the School has done so. It also aims to ensure that the School:

- has robust processes in place for dealing with SARs, saving time and effort;
- increases levels of trust and confidence by being open with individuals about the personal information the School holds;
- improves the transparency of the School's activities in line with public policy requirements.

This policy should be read in conjunction with the Subject Access Request Procedure.

### **3. Scope**

This Policy outlines how an applicant can make a request for their personal information under 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 considers the key features of the Act and outlines how the School will take steps to ensure compliance in relation to requests for personal information.

Requests for access to the records of people who are deceased are not within scope of this Policy as the Act only applies to the data of living individuals. Such requests will be treated as requests for access to information under the Freedom of Information Act or as miscellaneous requests, depending on the nature of the data and the reason the data is being requested.

### **4. What Is the School's General Policy on Providing Information?**

The School welcomes the rights of access to information that are set out in the UK GDPR and DPA. The School is committed to operating openly and to meeting all reasonable requests for information that are not subject to specific exemptions in the Act.

It 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.

The primary responsibility of every employee is to ensure that Subject Access Requests are in the first instance directed to the School's Data Protection Officer. It is important that requests are processed as soon as they are received to assist in meeting the statutory deadline.

## **5. Responding to Subject Access Requests**

When responding to requests, we:

- May ask the individual to provide 2 forms of identification
- May contact the individual via phone to confirm the request was made
- Will respond without delay and within 1 month of receipt of the request
- Will provide the information free of charge
- May tell the individual we will comply within 3 months of receipt of the request, where a request is complex or numerous. We will inform the individual of this within 1 month, and explain why the extension is necessary

We will not disclose information if it:

- Might cause serious harm to the physical or mental health of the student or another individual
- Would reveal that the child is at risk of abuse, where the disclosure of that information would not be in the child's best interests
- Is contained in adoption or parental order records
- Is given to a court in proceedings concerning the child

If the request is unfounded or excessive, we may refuse to act on it, or charge a reasonable fee which takes into account administrative costs.

A request will be deemed to be unfounded or excessive if it is repetitive, or asks for further copies of the same information.

When we refuse a request, we will tell the individual why, and tell them they have the right to complain to the ICO (see - Complaining to The Information Commissioner's Office)

## **6. Collation of information**

The School will check that there is sufficient information to find and collate the records requested. Further information may be required in order to do so.

Although a Subject Access Request can be submitted in various formats (verbally, electronically, etc,) the School will subsequently ask for the SAR request form to be completed so that it has as much information as possible to facilitate the retrieval of data in question.

If the data gathered reveals information on any third parties, the School does not have to comply with the request if to do so would mean disclosing information about another individual who can be identified from that information, except where:

- The other individual has consented to the disclosure; or
- It is reasonable in all the circumstances to comply with the request without that individual's consent

However, if there is no consent, the School will decide whether it is 'reasonable in all the circumstances' to disclose the information and will consider the following:

- Is there any duty of confidentiality owed to the third-party;
- Any steps the School has taken to try and obtain third-party consent;
- Whether the third-party is capable of giving consent; and
- Any stated refusal of consent by the third-party.

Before sharing any information that relates to third parties, the School may anonymise information that identifies third parties not already known to the individual and edit information that might affect another party's privacy. The School may also summarise information rather than provide a copy of the whole document.

Once any queries have been resolved and all relevant data has been gathered, the School will send the data in the format requested by the applicant. If it is not possible for everything to be sent electronically, paper copies will be provided. Any reference to third parties will have been redacted and anonymised where possible unless the third party has consented to their data to be shared.

## **7. Complaints Procedure**

If you are not satisfied by the way the request has been handled, the applicant can submit a written complaint. The first point of contact will be the School's Data Protection Officer (DPO), who can be contacted by email: [DPO@plashet.newham.sch.uk](mailto:DPO@plashet.newham.sch.uk).

If the School refused to provide information requested, in response to an SAR, the applicant may be offered an opportunity to appeal the initial decision.

If the applicant believes that an error has been made in the response to their subject access request, they are able to appeal the School's decision by seeking an internal review.

## **8. Complaining to The Information Commissioner's Office**

Should the applicant remain dissatisfied with the outcomes of the School's responses, they have the right to refer the matter to the Information Commissioner's Office (ICO). The ICO will assess the case before carrying out an investigation. The ICO has written guidance notes for applicants on how to complain; this can be found on their website.

## **9. Policy Review**

The DPO is responsible for monitoring and reviewing this policy as per the School's policies review cycle. Changes to legislation, national guidance, codes of practice or commissioner advice may also trigger interim reviews.

## **10. Links with Other Policies**

This subject access request policy is linked to the School's:

- Data Protection Policy
- Freedom of information Policy
- Records Retention and Deletion Policy

Organisations and the public have access to the ICO's free helpdesk on their website which also contains an extensive range of resources and guidance on all aspects of Information Law for use by. See website - [www.ico.org.uk](http://www.ico.org.uk).