Tapton SCHOOL ACADEMY TRUST

Realising the life chances and dreams of every child

SUBJECT ACCESS REQUEST POLICY

Date of issue:	June 2018
Originator	Data Protection Officer
Responsible sub-committee:	Risk & Governance Committee
Linked Policies:	Data Protection Policy Data Breach Policy Data Retention Policy Subject Access Request Policy – Internal Escalation Flowchart Freedom of Information Policy
Next Review Date:	June 2024
Target audience:	All stakeholders in the Trust
Dissemination via:	Email, SharePoint, Website

Version	Section	Amendments	Date	Author
1.0	**n/a**	**New document –** *Effective from 25 May 2018. Prior to that date the GDPR is not in force and the Data Protection Act 1998 applies*	May 2018	Data Protection Officer
1.1	**Annex & Section 10**	**Annex 2,3,4, + 5** - DPO details updated **and all queries to be to the DPO email which both TSAT and outsourced DPO have access to.** **Annex 6** – New Log referenced **Annex 7 – Flowchart of actions reference to separate document on sharepoint for staff only** **Added details on redaction** **Added reference to record of processing activity**	June 2021	Data Protection Officer

Contents

SUBJECT ACCESS REQUESTS POLICY

1. Policy Statement

1.1. All **Data Subjects** have rights of access to their **personal data**. This document sets out the procedure to be followed in relation to any requests made for the disclosure of **personal data processed** by the Trust/School ("Trust").

2. Definition of data protection terms

2.1. All defined terms in this policy are indicated in bold text, and a list of definitions is included in *Annex 1* to this policy.

3. Recognising a subject access request

3.1. As the Trust **processes personal data** concerning **data subjects**, those **data subjects** have the right to access that **personal data** under Data Protection law. A request to access this personal data is known as a subject access request or SAR.

3.2. A **data subject** is generally only entitled to access their own **personal data**, and not to information relating to other people.

3.3. Any request by a **data subject** for access to their **personal data** is a SAR. This includes requests received in writing, by email, and verbally.

3.4. If any member of our **Workforce** receives a request for information they should inform the Data Protection Officer ("DPO") as soon as possible.

dataprotectionofficer@taptontrust.org.uk

3.5. In order that the Trust is properly able to understand the nature of any SAR and to verify the identity of the requester, any individual making a request verbally should be asked to put their request in writing and direct this to the DPO. If an individual is unable to provide their request in writing then support will be provided by the Trust. *An example form of request is included in Annex 5 (please note this is not mandatory and a request may come in any format*).

3.6. A SAR will be considered and responded to in accordance with the Data Protection Law.

3.7. Any SAR must be notified to the DPO at the earliest opportunity. See section 10 for the process on dealing with a SAR.

4. Verifying the identity of a Requester

4.1. The Trust is entitled to request additional information from a requester in order to verify whether the individual is in fact who they say they are.

4.2. Evidence of identity may be established by production of two or more of the following:

- Current Passport
- Current Photo Driving Licence
- Utility bills with current address (dated within the last 3 months)
- Birth/Marriage certificate
- P45/P60
- Latest credit card or mortgage statement (must be dated within the last 3 months)

4.3. If the Trust is not satisfied as to the identity of the requester then the request will not be complied with, so as to avoid the potential for an inadvertent disclosure of **personal data** resulting to a data breach.

5. Fee for Responding to Requests

5.1. The Trust will usually deal with a SAR free of charge.

5.2. Where a request is considered to be manifestly unfounded or excessive a fee may be requested (at a rate of £15 per hour). Alternatively the Trust may refuse to respond to the request. If a request is considered to be manifestly unfounded or unreasonable the Trust will inform the requester why this is considered to be the case. Any refusal decision must be made by the DPO. The DPO may wish to discuss the issue with the ICO to determine whether the case is unfounded or excessive before a response is made to the individual.

5.3. A fee may also be requested in relation to repeat requests for copies of the same information. In these circumstances a reasonable fee will be charged taking into account the administrative costs of providing the information.

6. Time Period for Responding to a SAR

6.1. The Trust has one month to respond to a SAR. This will run from the following (whichever is the later date):
a. The date of the request
b. The date when any additional identification (or other) information requested is received
c. Payment of any required fee.

6.2. This period will not commence unless and until sufficient information has been provided by the requester as to their identity, and in the case of a third party requester the written authorisation of the **data subject** has been received (see below in relation to sharing information with third parties).

6.3. The period for response may be extended by a further two calendar months in relation to complex requests. What constitutes a complex request will depend on the particular nature of the request. The DPO must always be consulted in determining whether a request is sufficiently complex as to extend the response period.

6.4. Where a request is considered to be sufficiently complex as to require an extension of the period for response, the Trust will notify the requester within one calendar month of receiving the request, together with reasons as to why this is considered necessary.

6.5. Where a request is received close to or during school holidays the one month response time still applies. Unlike under the Freedom of Information Act 2000, requests for access to personal data by data subjects do not take into account holiday periods. The one month response time therefore cannot be extended due to holidays taking place during that response period. The Trust will have in place an automated email response from the Data Protection Officer email address during school holidays stating that the school is closed. The Trust will respond to any requests promptly after the school holiday.

7. Form of Response

7.1. A requester can request a response in any form (*Annex 5 provides an example to assist individuals but this is not mandatory*). In particular where a request is made by electronic means then unless the requester has stated otherwise, the information should be provided in a commonly readable format.

8. Sharing Information with Third Parties

8.1. **Data subjects** can ask that you share their **personal data** with another person such as an appointed representative (in such cases you should request written authorisation signed by the **data subject** confirming which of their **personal data** they would like you to share with the other person).

8.2. Equally if a request is made by a person seeking the **personal data** of a **data subject**, and which purports to be made on behalf of that **data subject**, then a response must not be provided unless and until written authorisation has been provided by the **data subject**.

The Trust should not approach the **data subject** directly but should inform the requester that it cannot respond without the written authorisation of the **data subject**.

8.3. If the Trust is in any doubt or has any concerns as to providing the **personal data** of the **data subject** to the third party, then it should 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.

8.4. **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.

8.5. 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 13 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.

8.5.1 Even if a child is too young to understand the implications of subject access rights, data about them is still their personal data and not the parent or guardians. So it is the child who has a right of access, even though in the case of young children these rights are likely to be exercised by a parent. Before responding to a child on a SAR for information held about a child, you should consider whether the child is mature enough to understand their rights. If you are confident that the child can understand their rights, then you should respond to the child rather than the parent. What matters is that the child is able to understand (in broad terms) what it means to make a SAR and how to interpret the information they receive as a result of doing so. When considering borderline cases, you should take into account, among 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 should have access to information about them.

8.6. In relation to a child over 13 years of age 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 (or that the child will not be placed in harm by such a request) , 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 except for information (such as attendance, behaviour and safeguarding children at risk). In all cases the Trust should consider the particular circumstances of the case and the above are guidelines only. Accordingly the Board will either:

a) make the pupil's educational record available for inspection by the parent, free of charge, within 30 days of receipt of the parent's written request for access to that record; or

b) provide a copy of a pupil's educational record to the parent/carer, within 30 days of receipt of the parent's written request for a copy of that record.

9. Withholding Information

9.1. There are circumstances where information can be withheld pursuant to a SAR. These are specific exemptions and requests should be considered on a case by case basis.

9.2. Where the information sought contains the **personal data** of third party **data subjects** then the Trust will:

9.2.1. Consider whether it is possible to redact information so that this does not identify those third parties, taking into account that it may be possible to identify third parties from remaining information;

9.2.2. If this is not possible, consider whether the consent of those third parties can be obtained; and

9.2.3. If consent has been refused, or it is not considered appropriate to seek that consent, then to consider whether it would be reasonable in the circumstances to disclose the information relating to those third parties. If it is not then the information may be withheld.

9.3. So far as possible the Trust will inform the requester of the reasons why any information has been withheld.

9.4. Where providing a copy of the information requested would involve disproportionate effort the Trust will inform the requester, advising whether it would be possible for them to view the documents at the Trust or seeking further detail from the requester as to what they are seeking, for example key word searches that could be conducted, to identify the information that is sought.

9.5. In certain circumstances information can be withheld from the requester, including a **data subject**, on the basis that it would cause serious harm to the **data subject** or another individual. If there are any concerns in this regard then the DPO should be consulted.

10. Process for dealing with a Subject Access Request

10.1. Annex 7 details a flowchart of the process.

10.2. When a subject access request is received, the Trust workforce/ staff member receiving the request will, on the date of receipt:

10.1.1. Notify the School Privacy manager or Deputy DPO or the DPO

10.1.2. The School Privacy managers will notify the DPO dataprotectionofficer@taptontrust.org.uk

10.1.3. The DPO will be responsible for managing the response from this stage through to completion;

10.1.4. [subject to para 6.5 above,] Acknowledge receipt of the request and provide an indication of the likely timescale for a response within 5 working days (*see template at Annex 3*);

10.1.5. Take all reasonable and proportionate steps to identify data by referring to **the Record of Processing Activity** to identify locations and coordinate appropriate searches with assistance from staff and disclose the data relating to the request;

10.1.6. Never delete information relating to a subject access request, unless it would have been deleted in the ordinary course of events – it is an offence to amend or delete data following receipt of a SAR that would not have otherwise been so amended or deleted;

10.1.7. Consider whether to seek consent from any third parties which might be identifiable from the data being disclosed;

10.1.8. Redact information that is returned in the search but meets an exemption in the Data Protection Act 2018

10.1.9. Seek legal advice, where necessary, to determine whether the Trust is required to comply with the request or supply the information sought;

10.1.10. Provide a written response, including an explanation of the types of data provided and whether and as far as possible for what reasons any data has been withheld (see template at Annex 4); and

10.1.11. Ensure that information disclosed is clear and technical terms are clarified and explained.

Annex 1 - Definitions

Term	Definition
Data Subjects	for the purpose of this policy include all living individuals about whom we hold personal data. This includes pupils, our workforce, staff, and other individuals. A data subject need not be a UK national or resident. All data subjects have legal rights in relation to their personal information. eg John Smith the pupil; Jane Smith the teacher
Personal Data	means any information relating to an identified or identifiable natural person (a data subject); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person. eg John Smith was born on 01/01/1990.; The head teacher's salary is £60,000.
Data Controllers	are the people who or organisations which determine the purposes for which, and the manner in which, any personal data is processed. They are responsible for establishing practices and policies in line with Data Protection Law. We are the data controller of all personal data used in our business for our own commercial purposes
Processing	is any activity that involves use of the data. It includes obtaining, recording or holding the data, or carrying out any operation or set of operations on the data such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction. Processing also includes transferring personal data to third parties
Workforce	Includes, any individual employed by Trust such as staff and those who volunteer in any capacity including Members, Board Directors, Governors and parent helpers
Data Protection Officer (DPO)	The person within the Trust responsible for compliance with Data protection legislation. The DPO will respond to any subject access requests and breaches. The Trust outsource the DPO to Bruce & Butler and the contact details are: dataprotectionofficer@taptontrust.org.uk 0800 9995550
Deputy Data Protection Officer	Assists the DPO. The Trust Deputy DPO is John Dean and contact details are dataprotectionofficer@taptontrust.org.uk
School Privacy Managers	First point of contact for school queries. This is usually the school or office manager at each school. School Privacy managers escalate access requests, breaches andqueries to the DPO.
Subject Access Request (SAR)	This is where a person (data subject), requests access to the information you hold about them. Timescales for responding, as well as reasons why you must comply or may refuse, as set out in law. A Subject Access Request is often used to describe "tell me all my data you hold". Eg "I want to know the attendance data you hold about my child"

Annex 2 – SAR Acknowledgement
(For use when the School is closed for over a month)

[ADDRESSEE]

[ADDRESS LINE 1]

[ADDRESS LINE 2]

[POSTCODE]

[DATE]

Dear [DATA SUBJECT],

Acknowledgement of your data subject access request dated [DATE OF REQUEST] and notification that the Trust is currently closed.

We write further to your request for details of personal data which we received on [DATE OF REQUEST]. As detailed on our school websites and calendars the Trust is closed on the following dates (add school holiday dates). Accordingly, the information you have requested is not accessible, and we will unfortunately not be able to comply with your request within one month. [OR We are unfortunately only able to provide you with the enclosed information as the remainder of the information is not accessible]

The Trust will be reopening on xx September 20xx when your request will be formally acknowledged, and you will be informed about the timeframe in which a full response to your request will be provided. We apologise for any inconvenience this may cause and will contact you again on xx September 20xx.

Yours sincerely,

Data Protection Officer

For and on behalf of Tapton School Academy Trust

Annex 3 – SAR Acknowledgment Template

[|ADDRESSEE]

[ADDRESS LINE 1]

[ADDRESS LINE 2]

[POSTCODE]

[DATE]

Dear [NAME OF DATA SUBJECT],

Acknowledgment of your data subject access request
Reference: [DATA SUBJECT ACCESS REQUEST REFERENCE NUMBER]

I write to acknowledge receipt of your request for personal information which we are responding to under article 15 of the General Data Protection Regulation.

[I also acknowledge receipt of your [IDENTIFICATION] as confirmation of your identity.]

Your request was received on [DATE] and, unless there are grounds for extending the statutory deadline of one calendar month, we expect to be able to give you a response by [DATE].

The reference for your request is [REFERENCE NUMBER], please quote this on all correspondence concerning this request.

Yours sincerely,

Data Protection Officer

For and on behalf of Tapton School Academy Trust

Annex 4 – SAR Response Template
(to respond in the form requested by the individual – paper or secure email)

[ADDRESSEE]
[ADDRESS LINE 1]
[ADDRESS LINE 2]
[POSTCODE]

[DATE]

Dear [DATA SUBJECT],

Response to your data subject access request dated [DATE OF REQUEST]

We write further to your request for details of personal data which we hold [and our acknowledgment dated xxxx].

We enclose all of the data to which you are entitled under the General Data Protection Regulation (GDPR), in the following format [paper/electronic copy/new document setting out the data].

We have contacted the following departments and individuals in order to locate personal data held which is within the scope of a data subject access request under article 15 of the GDPR:	• Departments: • Individuals:
We can confirm the following purposes for which the personal data is processed in relation to the areas covered under article 15 of the GDPR and data existing on the date when your request was made:	• Purpose: Employment/Education of student etc
The recipients or classes of recipients of personal data to whom the data has been or will be disclosed and the location of any recipients outside the EEA:	• Recipient name or generic class • Non EEA recipients
The categories of personal data concerned:	• Categories of Data:
The envisaged period for which the personal data will be stored, or the criteria used to determine that period	• List retention periods
Any information as to the source of the data:	• List sources of data
The following automated decision making is applied to the personal data:	• List automated decision making eg "Anyone recorded as attendance >99% will get a voucher for X"
[Some information has not been provided as it is covered by the following exemptions:	• List exemptions

You have the right to request rectification of inaccurate personal data and in limited circumstances, the rights to request erasure of the personal information; request restriction of processing of the personal information; or to object to the processing of the personal information.-

[You will note that some of the information has been redacted. The reason for this is that the redacted information relates to third part[y/ies] who have not consented to the sharing of their information with you].

If you are unhappy with this response, and believe the Trust has not complied with legislation, please ask for a review by following our complaints process; details can be found on our website www.taptontrust.org.uk **OR** by contacting the DPO at dataprotectionofficer@taptontrust.org.uk

If you still remain dissatisfied following an internal review, you can appeal to the Information Commissioner, who oversees compliance with data protection law. You should write to: Customer Contact, Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely,

Data Protection Officer

[For and on behalf of Tapton School Academy Trust

Annex 5 – Subject Access request form
This form is not mandatory but individuals may wish to use the form to assist in making a subject access request

[Your full address]
[Phone number]
[The date]

Tapton School Academy Trust
Darwin Lane
Sheffield
S10 5RG

dataprotectionofficer@taptontrust.org.uk

Dear Sir or Madam

Subject access request

[Your full name and address and any other details to help identify you and the information you want.]

Please supply the information about me I am entitled to under the GDPR Regulations relating to: [give specific details of the information you want, and for what period you require the information for example

- your personnel file;
- your student record;
- emails between 'A' and 'B' (between 1/6/17 and 1/9/17);
- your images on promotional material since 1/9/2017;
- copies of statements (between 2006 & 2009) held in account number xxxxx).

If you need any more information from me please let me know as soon as possible.

It may be helpful for you to know that a request for information under the GDPR should be responded to within one month.

If you do not normally deal with these requests, please pass this letter/email to your Data Protection Officer.

Yours faithfully
[Signature]

Annex 6 – Subject Access Log

TSAT SAR log

This document is a summary of all SARs and the current status. The report will be reviewed by the Executive team on a quarterly basis and by Trustees at least annually.

Logs are maintained on Trust sharepoint - DSAR Record Register.xlsx (sharepoint.com)

Request ID	Internal/ External	Request from	Request on behalf of (if different from requester) Does the requester have consent from the data subject? (if applicable)	Date the DSAR was received	Channel the DSAR was received	School the request relates to	Does the data subject have capacity? (Aged 13 or over)	Verification of identity confirmed?	Reason for DSAR, if known	DSAR deadline	Are we a Data Processor?	If yes, have we notified the Data Controller?	Is the request unfounded, repetitive or excessive?	Information requested	Date acknowledgement Sent	Request fulfilled	Reason for delay (if applicable)	If not fulfilled, justification	Any further communication received?	Redaction notes, if required	Notes	Completed