

Subject Access Request Policy

Policy Monitoring, Evaluation and Review

This policy is effective for all schools within The

Policy Monitoring, Evaluation and Review 1

1 Purpose

The Mead Educational Trust (" the Trust") is required to follow the Data Protection Act (2018) (the Act) in the way that it collects and uses personal data. The Act references and implements the UK General Data Protection Regulation (GDPR) with some specific amendments.

The UK GDPR sets out the rights of data subjects with respect to their personal data. Although the most common right is Subject Access, there are many others. As a group these referred to as 'data subject requests'. The regulations set out the steps that data controllers need to put in place to allow data subjects to exercise these rights.

This policy sets out the approach that the Trust will take to deal with data subject requests. This policy applies to:

- All employees of the Trust
- Academy councillors and Trustees

The Data Protection Officer is GDPR Sentry Limited.

2 Introduction

The UK GDPR describes the responsibilities that organisations have when dealing with personal data. Personal data is defined as any information relating to an identified or identifiable natural person. The person is known as a 'data subject'.

The UK GDPR provides data subjects with rights in respect of their personal data. Not all rights apply in respect of all personal data. Data subjects have the following rights:

Right of access by the data subject

Right of rectification

Right of erasure ('right to be forgotten')

Right of restriction of procesf1 03EQq 11ID 0.000008871 0 595.32 841.92 reW*ñ0 g0 G[()] TJ0 0 1 150.8

including:

- Data Protection Policy
- Safeguarding and Child Protection Policy
- Any other relevant guidance documents

4 Responsibilities

The Trust will:

- 4.1.1 Put in place a clear procedure for dealing with data subject requests. This procedure should take account of the requirements laid down in Annex 1.
- 4.1.2 Follow any additional guidance from the Information Commissioner's Office (ICO)

Annex 1: Procedure for managing data subject requests

1. Data subject request response team

The complexity and potential issues of responding to a data subject request means that it is not appropriate for staff outside of the Data Protection Lead (Trust or school) to respond. The primary responsibility of staff is to ensure that any request is passed on to the Data Protection Lead (Trust or school). In the case of an enquiry being made in person, arrangements should be made for the person to speak with the relevant Data Protection Lead, whether face to face or remotely.

Contact details for the Data Protection Leads are provided on MINT and The Trust Data Protection Lead can be contacted via dpo@tmet.uk.

It is important to recognise that the delivery time for a response to a subject access request is a maximum of one calendar month. This delivery window does not take account of the academic calendar. For example, a request can be received outside of term time and it is still expected to be delivered in the standard timescale.

The Trust has put measures in place to ensure that these communications routes are monitored outside of term time.

All incoming requests should be logged in a way that is available for the DPO to review (i.e. via GDPR Sentry).

4. Clarify the request

It is possible that this stage is not necessary if the data subject has been very specific in their request. In some cases there is additional information required to ensure that the Trust has an accurate description of the action required.

This is most commonly seen with subject access requests where the lack of specificity by the data subject results in the entire personal data set relating to the individual being required. This can include records from IT Security equipment and entry management systems.

Especially where the potential dataset is very large, a Data Protection Lead may ask the requestor if they have any information that would enable the scope of the request to be reduced.

In the event that the relationship between the school/Trust and the data subject is very poor, this communication may be passed over to the Trust Data Protection Lead or the Data Protection Officer, whose role includes acting as an advocate for the data subject.

Although the Trust may ask the data subject to provide additional information to narrow the scope of the request, the data subject is under no obligation to do so. This may affect decisions about the validity of the request at a later stage in the procedure.

5. Verification of identity

If the Trust should respond to a data subject request, assuming that the person making the request is who they claim to be, and that results in some form of unauthorised disclosure or

communications otherwise. In addition, in many cases a parent making a request is already known to school staff.

For data subjects who are not known, the school/Trust will go through a standard form of identity verification using photo identification and proof of address. In the case that the data subject cannot attend in person to present the documents, copies can be sent to the Trust and a videoconference can be used to check the person against the documents provided.

If this method cannot be used, the Data Protection Officer should be consulted to look at alternatives.

If suitable verification is not possible then the request will not progress further.

Requests from a parent for information about the pupil

Special attention must be paid to any requests coming from a parent of a pupil for information about the pupil. Unless there is a question of the pupil not having the capacity to understand the consequences of the request for personal data, or some other data subject request, it is expected that the request should be referred to the data subject directly.

Alternatively, the data subject can provide permission for the third party to complete the request.

The Trust will consider that, when a SAR is received for a pupil under the age of 12 years, a parent or an individual with parental responsibility may make a request on that person's behalf. For pupils under the age of 12 the school will consider whether the pupil is capable of understanding the request that has been made. If this is the case, the school can choose to consult the pupil and take their views into account when deciding whether to provide the information requested.

For pupils aged 12 years

6. Validate the request

This stage is quite short. The requestor has been verified as an individual who is authorised to make a request. However, it is not the case that all data subject requests are available for all personal data. The key driver of the difference in rights available to a data subject is the legal basis of processing.

If there is uncertainty about the applicability of any particular right to particular items of personal data, the DPO should be consulted. However, it is the case that the right of access and the right to rectification apply irrespective of the legal basis of processing.

The fact that the majority of the personal data processed by the Trust is processed on the basis of performing a task in the public interest, significantly limits the rights available to the data subject.

The decision about validity and any associated communications should be recorded in the log of the request.

7. Fulfilling the request

Depending upon the nature of the data subject request, this stage may be very short or extensive. Where the request is, for example, the correction of an inaccurate item of personal data, this request should be met as soon as possible and requires limited effort. For the remainder of this section we will discuss the fulfilment of a subject access request which represents the greatest potential work.

The request will specify the data that is required to be collected. Details of locating that data can be drawn from the Record of Processing Activities. Data may be collected on paper and electronically. Electronic collection usually means getting an extract from a system containing the relevant information.

There are complex rules about the data that can be released and once the basic data has been collected these rules need to be considered. It is not possible to detail out all the potential exemptions to release and the exemptions to the exemptions.

In addition, any references to third parties should be redacted from the collected data before it can be released. Accidentally releasing information about third parties by failing to redact the response to a subject access request is generally considered a serious breach.

In some cases, where the task of redaction is unfeasible (most often with CCTV footage), a decision may be made that the information cannot be released even though it represents personal data of that data subject.

In some cases, other policies will override the data protection policy in respect of releasing information. This is especially the case with safeguarding information.

Where data is redacted or withheld, a record should be added to the log of the request.

8. Communications with the requester

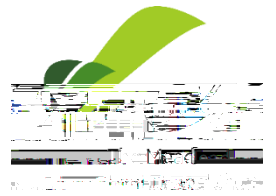
Once the request has been fulfilled, for example a rectification has been done, or the response to a subject access request has been assembled, there is a requirement to communicate the response to the requestor.

In addition to the confirmation of the completion of the request the data subject or requestor should also be sent a copy of the privacy notice that is appropriate to them. This will meet the requirements to provide information about the way that personal data is processed.

Where the request was for subject access, the results must be delivered to the requestor. For electronic responses a secure download, addressed to a validated email account is the preferred method.

On no account should the results be sent by email, a public sharing site, such as Dropbox, or on a removeable drive.

Where the response is provided on paper, then ideally the individual should come in person to pick up the response and sign a receipt to confirm they have received the information. If this is not possible then the results should be sent by recorded delivery to a verified postal address, or



4. Format of Information

Please indicate how you wish to receive the information (select only one)

Receive a copy of the information electronically

Receive printed information via the post

Collect printed information in person

View a copy of the information online

Annex 3 – SAR Acknowledgment Template

[On headed notepaper]

[DATE]

[ADDRESSEE]

[ADDRESS LINE 1]

[ADDRESS LINE 2]

[POSTCODE]

Dear [NAME]

Acknowledgment of your data subject access request dated [DATE]

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

You have requested [DATA REQUESTED].

If you had to identify the requestor - I also acknowledge receipt of your [IDENTIFICATION] as confirmation of your identity.

Your request was received on [DATE] and we expect to be able to give you a response within one calendar month which will by [DATE ONE CALENDAR MONTH FROM DATE OF REQUEST].

Yours sincerely

[NAME]

[POSITION]

[SCHOOL]

Annex 4 – SAR Acknowledgement (for use over holidays when the School is closed for over a month)

[On headed notepaper]

[DATE]

[ADDRESSEE]

[ADDRESS LINE 1]

[ADDRESS LINE 2]

[POSTCODE]

Dear [NAME]

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

I write further to your request for details of personal data which we received on [DATE OF REQUEST]. As advised in [INSERT HERE HOW AND WHEN THE DATA SUBJECT WAS ADVISED OF THE DATES THE SCHOOL WOULD BE CLOSED] the [School] is [closing / closed] from xx July 20xx until xx August 20xx. 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 [School] will be reopening on xx August 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 again5(c)-5(h)74(req-5(u)3(t r9uN3

Annex 5 – SAR Response Template

[On headed notepaper]

[DATE]

[ADDRESS]

[ADDRESS LINE 1]

[ADDRESS LINE 2]

[POSTCODE]

Dear [NAME]

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

I write further to your request for details of personal data which we hold [and our acknowledgment of [DATE WHEN REQUEST FIRST ACKNOWLEDGED BY LETTER]]. You requested [DATA REQUESTED] for [DATA SUBJECT].

We have contacted staff at [INSERT SCHOOL NAME] in order to locate personal data held which is within the scope of a data subject access request under article 15 of the UK GDPR.

We enclose all of the data to which you are entitled under the UK General Data Protection Regulation (GDPR), in [hard copy format/electronic format].

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

[Some information has not been provided as it is covered by the following exemptions:
LIST EXEMPTIONS APPLIED]

You/your son/your daughter have/has the following rights under the UK GDPR.

- The right to request rectification of inaccurate personal data;
- In limited circumstances, the right to:
 - request erasure of the personal information;
 - request restriction of processing of the personal information; or
 - object to the processing of the personal information-

I hope this response satisfies your request. If you are unhappy with this response, and believe that the [Trust/school] has not complied with legislation, please ask for a review by following our complaints process (details can be found on our website at [LINK]) OR by contacting

Contact, Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely

[NAME]
[POSITION]
[SCHOOL]