



Subject Access Request Procedure February 2019

PURPOSE

Data Protection Legislation is an important mechanism in achieving trust and confidence between the Hook Infant School, their Data Processors and Data Subjects. It gives individuals rights of access to their personal records held by the school. This policy explains how the school aims to fulfil its obligations under the GDPR and The Data Protection Act 2018.

This procedure sets out the key features regarding handling or responding to requests for access to personal data made by data subjects, their representatives or other interested parties. This procedure will enable Hook Infant School (from this point called “the school”) to comply with its legal obligations, provide better service, improve transparency, enable individuals to verify that information held about them is accurate, and increase the level of trust by being open with individuals about the information that is held about them.

Under the legislation, data subjects are entitled to submit a Subject Access Request or SAR, which gives individuals the right to obtain a copy of their personal data and supplementary information.

Rights

The rights to data subject access include the following:

- Know whether the school holds any personal data about them.
- Receive a description of the data held about them and, if permissible and practical, a copy of the data. Certain data collected by the school may be exempt under the school’s legal obligations.
- Be informed of the purpose(s) for which that data is being processed, and from where it was received.
- Be informed whether the information is being disclosed to anyone apart from the original recipient of the data; and if so, the identity of those recipients.
- The right of data portability. Data subjects can ask that their personal data be transferred to them or a third party in any format (Word, PDF, etc.).

Responsibilities

- All employees are responsible for forwarding subject access requests to the school’s Data Protection Officer (DPO) and following subsequent instructions provided by the DPO or Senior Leadership Team (SLT).
- The DPO is responsible for the application and effective working of this procedure, and for reporting to the SLT or Governing Body (FGB) on Subject Access Requests (SARs).
- The DPO is responsible for ensuring that all SARs are dealt with according to the legislation, for managing the subject access process and progress/performance reporting.
- The SLT and FGB have the overall responsibility of ensuring SARs are processed efficiently and accurately.
- The school has 30 calendar days to complete the Subject Access Request.

PROCEDURE

A flowchart for this procedure has been included as Appendix 1.

Request

A data subject, or someone acting on their behalf, can make a subject access request to any employee verbally or in writing (including by email or social media) and does not have to be to a specific member of staff or contact point. A request does not have to include the phrase 'subject access request' or Article 15 of the GDPR, as long as it is clear that the individual is asking for their own personal data.

Data subjects do not have to tell Hook Infant School their reason for making the request or what they intend to do with the information requested, although it may help to find the relevant information if they do explain the purpose of the request. Any school employee who receives a request for a subject access request must forward it immediately to the DPO regardless of format it is received in.

Identity Verification

Upon receipt of a SAR, the Data Protection Officer will log and acknowledge the request. The requestor may be asked to complete a 'SAR/FOI Request Form' to better enable the school to locate the relevant information. At this point, the requestor will be asked for evidence of their identity to ensure that they have the right to the data requested. The 'SAR/FOI Request Form' has been included as Appendix 3.

Evidence of acceptable identity must include one of each type of the following documents (these must be valid and in date):

- Photographic evidence: Passport, Driving licence, etc
- Proof of address: Utility bill (from last 3 months), Bank statement (from last 3 months), current Council tax bill, etc

The Data Protection Officer will update the log, record the date that the identification checks were conducted and record the specific data requested.

The GDPR does not prevent an individual 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 needs to be satisfied that the third party making the request is entitled to act on behalf of the 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.

Timeframe

The school must act on the subject access request without undue delay and at the latest within 30 calendar days of receipt. The deadline for responding should be calculated from the day after you receive the request.

The DPO should oversee the SAR from the time of its receipt to when the requested data is supplied to the data subject or their representative making the request. Under the GDPR Article 12 (3), the month deadline may be extended by two further months where necessary, taking into account the complexity and detail of the request. The Data Protection Officer shall inform the data subject of any such extension within one month of receipt of the request, together with the reasons for the delay.

A Subject Access Request Timeline is included as a flowchart as Appendix 1 of this document.

Data Gathering

The Data Protection Officer will contact and ask the relevant department(s) for the required information as requested in the SAR. This may also involve an initial meeting with the relevant department to go through the request, if required. The department which holds the information must return the required information by the deadline imposed by the Data Protection Officer and/or a further meeting is arranged with the department to review the information.

The Data Protection Officer must ensure that the information is reviewed by the imposed deadline to ensure the 30 calendar day timeframe is not breached. The Data Protection Officer will ask the relevant department to complete a "Data Subject Disclosure Form" to document compliance with the 30 day requirement.

When a department receives a request for data as a result of a SAR they will need to complete the following:

- search and retrieve information from all relevant computer systems, databases and paper filing systems in the school, including all back up and archived files. This will include digital and paper or manual based systems;
- search email communications, folders and archives if required;
- contacting relevant data processors, such as Nessy.com, Tapestry, etc, to obtain data stored on their systems if required;
- Include original source of data, if and where it has been transferred and any safeguards in place.

This information should be listed on the "Data Subject Disclosure Form" and accompany any hard copies retrieved from the data review. The "Data Subject Disclosure Form" has been included as Appendix 4.

Data Reviewing

The Data Protection Officer and/or the Senior Leadership Team will review the data retrieved and determine whether there is any information which may be subject to an exemption and if consent is required to be provided from a third party. Some data collected by the school is legally exempt from release

They will also have to consider whether any data needs to be redacted prior to being released. Refer to the school's training guide for more details on the type of data that may need redacting if required.

Redacting paper/hard copies:

- Print out the document or, if it is a paper record, make a photocopy.
- Using a black marker pen, blank out the exempt information.
- Make a photocopy of the blanked out version. This is the copy that will go to the person making the request.

Redacting digital copies:

- Either save a second copy to make any redactions or take a screenshot, depending on the format.
- Using the highlighter tool highlight the exempt information in black, or print out and redact as for paper copies.
- Save the blanked out version as a separate copy, or print off and follow the instructions for redacting paper copies.
- Print out the document and send to the data subject - do not send the document in electronic format as it is possible the highlighting could be removed.

If the requestor has asked for the data to be supplied in an electronic format, it is important that only copies taken from a printed out, redacted version are used to prevent digital removal of the redactions.

Third Party Data

Responding to a subject access request may involve providing information that relates both to the individual making the request and to another individual. The DPA 2018 says that you do not have to comply with the request if it would mean disclosing information about another individual who can be identified from that information, except if:

- the other individual has consented to the disclosure; or
- it is reasonable to comply with the request without that individual's consent, such as if it is possible to redact information relating to other individuals or events that might identify others.

In determining whether it is reasonable to disclose the information, the school must take into account all of the relevant circumstances, including:

- the type of information that you would disclose;
- any duty of confidentiality you owe to the other individual;
- any steps you have taken to seek consent from the other individual;
- whether the other individual is capable of giving consent;
- any express refusal of consent by the other individual; and
- if redacting, the amount of time and effort required to complete the task (this may require an admin charge or refusal if the task is considered manifestly unfounded or excessive).

Although the school may sometimes be able to disclose information relating to a third party, a decision will be required whether it is appropriate to do so in each case. This decision will involve balancing the data subject’s right of access against the other individual’s rights. If the other person consents to the information about them being disclosed, then it would be unreasonable not to do so. However, if there is no such consent, the school must decide whether to withhold the information or redact where possible. The school cannot refuse to provide access to personal data about an individual simply because the data was obtained from a third party.

If a record was created by a member of staff acting in a private rather than an official capacity, only exceptional circumstances would justify its disclosure without their consent. If they are not prepared to disclose the record, do not disclose it.

Response to Access Requests

The Data Protection Officer will provide the finalised response together with the information retrieved and/or a statement that the school does not hold the information requested, or that an exemption applies. The Data Protection Officer will ensure that a written response will be sent back to the requestor. This will be via email, unless the requestor has specified another method by which they wish to receive the response (e.g. post, email or CD ROM/USB drive). The school will only provide information via channels that are secure. When hard copies of information are posted, they will be sealed securely and sent by recorded delivery.

Archiving

After the response has been sent to the requestor, the SAR will be considered closed and archived by the Data Protection Officer.

| Record name | Storage location | Person responsible for storage | Controls for record protection | Retention time |
|---|--------------------------------|--------------------------------|------------------------------------|----------------|
| SAR/FOI Request Form (Appendix 3) | DPO Incident file (DPO Filing) | Data Protection Officer | Only DPO/SLT may access the folder | 10 Years |
| Data Subject Disclosure Form (Appendix 4) | | | | |
| SAR/FOI Index (Appendix 5) | | | | |

Exemptions

An individual does not have the right to access information recorded about someone else, unless they are an authorised representative, or have parental responsibility. The school is not required to respond to requests for information unless it is provided with sufficient details to enable the location of the information to be identified, and to satisfy itself as to the identity of the data subject making the request.

In principle, the school will not normally disclose the following types of information in response to a Data Subject Access Request:

- Information about other people – A Data Subject Access Request will only cover information which relates to an individual or individuals other than the data subject in exceptional circumstances and only then with their consent to disclosure of their data.
- Repeat requests – Where a similar or identical request in relation to the same data subject has previously been complied with within a reasonable time period, and where there is no significant change in personal data held in relation to that data subject, any further request made within a six month period of the original request will be considered a repeat request, and the school will not normally provide a further copy of the same data
- Publicly available information – The school is not required to provide copies of documents which are already in the public domain.
- Privileged or confidential documents – Information of this type held by the school can be exempt in response to a SAR. In general, this includes any documents which have been created as part of the school's, or other parties legal obligations in safeguarding staff and pupils.

Complaints

Individuals that wish to make a complaint about the handling of their Subject Access Request (SAR) can raise a concern with the Data Protection Officer or the Senior Leadership Team. They also have a right to raise their concern with the Information Commissioner's Office. The privacy statement on the school's website provides additional information relevant to the school's data use.

To discuss anything in this procedure, please contact the school's Data Protection Officer as listed below.

Data Protection Officer Peter West
 Hook Infant School
 Church View, Hook
 Hampshire. RG27 9NR

Telephone: 01256 764489
 Email: dpo@hook-inf.hants.sch.uk

To discuss your complaint with the school's Senior Leadership Team, make an appointment with the Headteacher at the school office or call 01256 764487

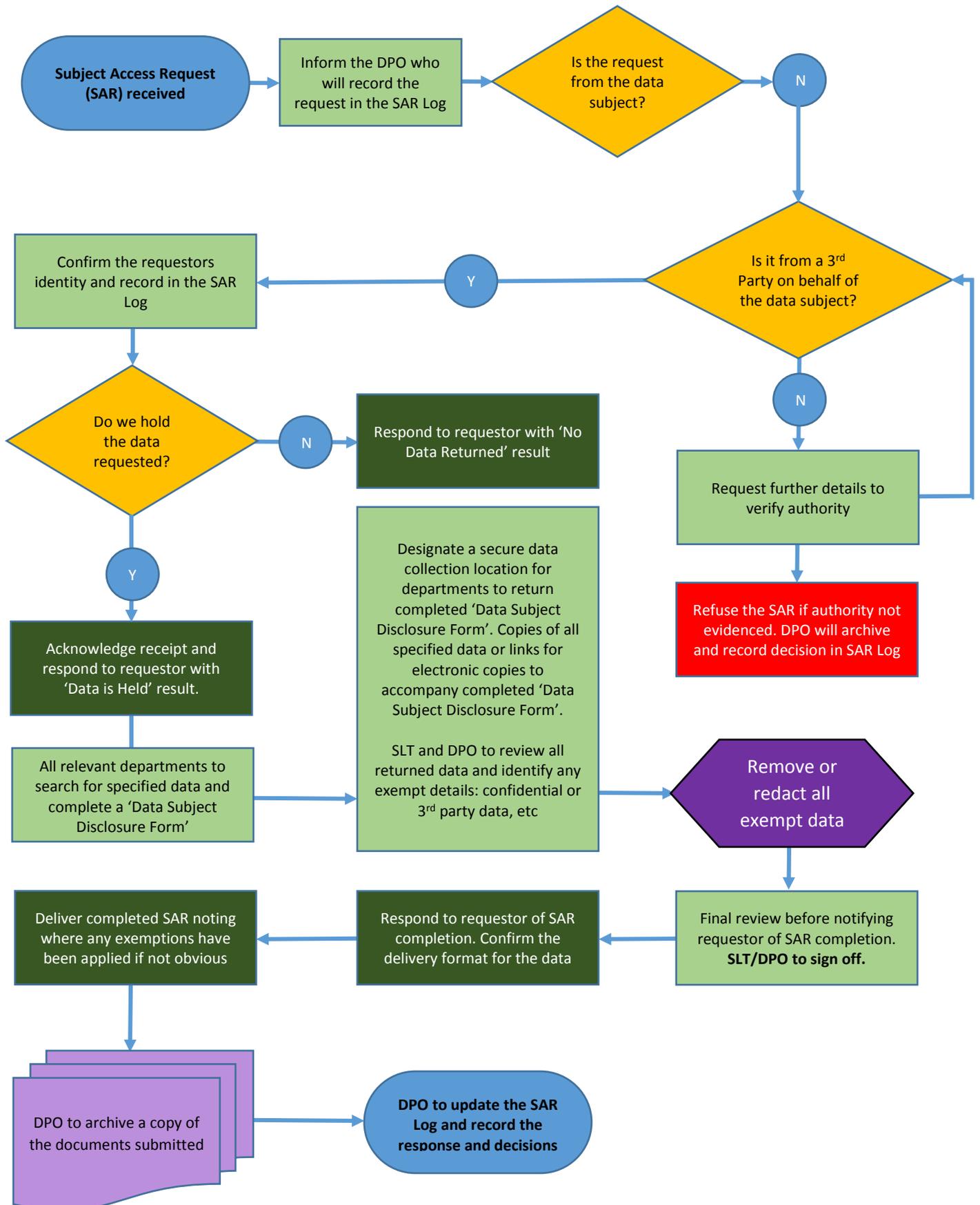
To make a complaint to the Information Commissioner's Office about the school's handling of a Subject Access Request visit <https://ico.org.uk/concerns> or call their helpline on 0303 123 1113

This procedure will be reviewed every two years or following changes to legislation or new guidance.

Next review date: February 2021

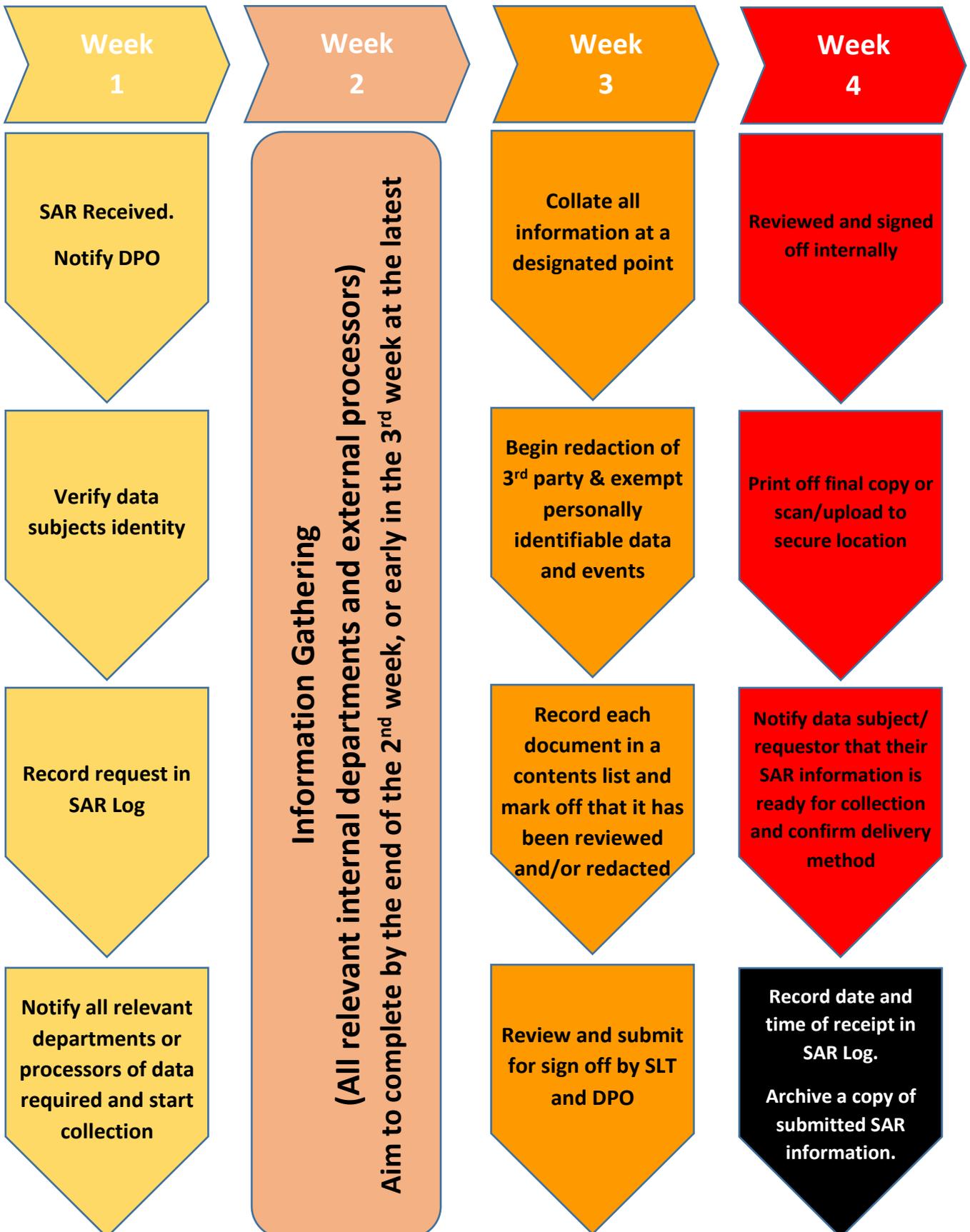
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Subject Access Request Procedure Flowchart



SAR – 30 Day Timeline

A guide to help plan your tasks and deadlines in meeting a Subject Access Request.
 In the event of larger volumes of data to be collected, you may need to request more time to complete.



Subject Access Request Log: SAR/FOI Request Form

| | |
|--|--|
| Date of request: | |
| Name of Requestor: | |
| Address: | |
| Telephone Number: | |
| Email Address: | |
| Data Subject(s) if different from above: SAR only | |
| Authorisation details if 3 rd Party: SAR only | |
| Format required? | |

| | | |
|---|-----------------------|---|
| Do we hold the data being requested? | Yes/No | Notify relevant departments of the data required if the answer is 'Yes'. List departments/staff overleaf. |
| Have we received suitable proof of identification or authorisation? SAR only | Yes/No | Identification provided: |
| If the answer to both of the above questions is "Yes" record the date and begin the procedure | Date request started: | Date requestor was notified that the request is in progress: |

Additional comments:

See overleaf for additional details

Subject Access Request Log: Data Subject Disclosure Form

To be used by school staff and departments to record documents and data retrieved as part of a Subject Access Request. Attach copies of all documents etc that contain the specified data and index these below.

| | | | |
|-------------------------------|--|---|-----------------------|
| Data Subject(s): | | | |
| Date Form Raised: | | Date for completed form to be returned: | Date Returned to DPO: |
| Staff Name: | | Department: | |
| Specified data to search for: | | | |

Data Index

Please include a copy of all the documents/items you find containing the specified data and mark each document with the corresponding Ref No from the below index.

| Ref No | Document/Item Name | Comments <small>(include file path if stored on the server)</small> |
|-----------|--------------------|---|
| 1 | | |
| 2 | | |
| 3 | | |
| 4 | | |
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| 14 | | |
| 15 | | |

Please continue overleaf or on a separate sheet of paper if required and continue with the reference numbering.

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Subject Access Request/Freedom of Information Index

| Request No | Date | Brief description SAR/FOI |
|-------------------|-------------|----------------------------------|
| 001 | | |
| 002 | | |
| 003 | | |
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