

Subject Access Request Policy

Document control		POLICY LEVEL:	
Approved by	Full Trustees	Approved Date	17 March 2022
Portfolio	GDPR	Next Review	01 March 2025
Published Location	www.dartmoormat.org		
Version	Date issued	Author	Update information
V1.0	23 May 2018	DPO	First published
V1.1	18 Jul 2018	DPO	Review date updated
V1.2	Jul 2019	DPO	Reference online form and URL added. Added Guide Schools.
V1.3	03 Mar 2022	J Coundon	Revised procedure for schools. Updated DPO details

Introduction

Dartmoor Multi Academy Trust collects and uses personal information about staff, pupils, parents and other individuals who come into contact with the school. This information is gathered in order to enable it to provide education and other associated functions. In addition, there may be a legal requirement to collect and use information to ensure that the trust and its schools comply with their statutory obligations.

Under the General Data Protection Regulations, individuals have the right to access their personal data. This is commonly referred to as subject access.

Individuals can make a subject access request verbally or in writing. We have created a form for individuals to use which is on our Trust website.

We will respond to requests within one month. We will not charge a fee to deal with requests in most circumstances. In some cases, where the request is more complex, we may comply within three months, but in that case, we will write to the individual and explain why we need longer. Individuals will be made aware that we may find it harder to access this information and respond during the summer holidays.

Rights of Access to Information

Individuals are only entitled to their own personal data and not information relating to other people, unless the information is also about them, or they are acting on behalf of someone.

In addition to their personal data, we will provide the information below. Our Privacy Notice provides further details about this information:

- the purposes of our processing
- the categories of personal data concerned
- the recipients or categories of recipient we disclose the personal data to
- our retention period for storing the personal data or, where this is not possible, our criteria for determining how long you will store it;
- the existence of their right to request rectification, erasure, or restriction or to object to such processing

- the right to lodge a complaint with the ICO or another supervisory authority
- information about the source of the data, where it was not obtained directly from the individual
- the existence of automated decision-making (including profiling); and
- the safeguards we provide if you transfer personal data to a third country or international organisation.

Children and Subject Access Requests

Personal data about a child belongs to that child, and not the child's parents or carers. For a parent or carer to make a subject access request with respect to their child, the child must either be unable to understand their rights and the implications of a subject access request or have given their consent.

Primary Schools

Children below the age of 12 are generally not regarded to be mature enough to understand their rights and the implications of a subject access request. Therefore, most subject access requests from parents or carers of pupils at our school may be granted without the express permission of the pupil. This is not a rule and a pupil's ability to understand their rights will always be judged on a case-by-case basis.

Secondary Schools

Children aged 12 and above are generally regarded to be mature enough to understand their rights and the implications of a subject access request. Therefore, most subject access requests from parents or carers of pupils at our schools may not be granted without the express permission of the pupil. This is not a rule and a pupil's ability to understand their rights will always be judged on a case-by-case basis.

Responding to subject access requests

Requests for information may be received verbally or in writing (including by email). Key staff such as administrators, head teachers, pastoral staff, tutors, and class teachers should be aware of this.

We have a form on our Trust website to make this easier for individuals.

<https://www.dartmoormat.org.uk/subject-access-request-form.html>

Staff receiving requests should use the online form to record subject access requests received by any other means.

The Data Protection Lead in each school is responsible for coordinating the response to the request although they may delegate this as appropriate.

When responding to requests, we:

- Will contact the individual via phone to confirm the request was made
- Reply in writing to confirming the date by which we will respond. Clarification may be sought if the request is unclear or vague.
- Will respond within 1 month of receipt of the request
- May respond 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.
- Will provide the information free of charge
- Will request two forms of identification on collection of the final response and check proof of relationship to the child.

We will not disclose information if it:

- Might cause serious harm to the physical or mental health of the pupil 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.

Requests may be made on behalf of others, often a solicitor acting on behalf of a client. Schools must be satisfied the third party making the request is entitled to act on behalf of the individual. It is the third party's responsibility to provide evidence of this entitlement. This might be a written authority to make the request or a more general power of attorney. Schools should request the third party to confirm what identity checks have been carried out prior to releasing documents.

The Data Protection Act 1998 allows exemptions as to the provision of some information; therefore, all information will be reviewed prior to disclosure.

Third party information is that which has been provided by another authority or agency, such as the Police, Local Authority, Health Care professional or another school. Before disclosing third party information, third parties will be notified, and consent will be obtained where possible. However, Health, Educational and Social Work records are governed by special rules and in practice, these rules mean that relevant information should be disclosed in response to a SAR. Disclosure will be considered on a case-by-case basis.

Where redaction (information blacked out/removed) has taken place then a full copy of the information provided will be retained to establish, if a complaint is made, what was redacted and why.

Information disclosed should be clear, thus any codes or technical terms will be clarified and explained. If information contained within the disclosure is difficult to read or illegible, then it will be retyped.

Information may be provided at the school with a member of staff on hand to help and explain matters if requested, provided at face-to-face handover, or sent by secure email. We will not send secure information by post.

Complaints

We take any complaints about our collection and use of personal information very seriously.

If you think that our collection or use of personal information is unfair, misleading, or inappropriate, or have any other concern about our data processing, please raise this with us in the first instance.

To make a complaint, please contact our data protection officer

Alternatively, you can make a complaint to the Information Commissioner's Office:

- Report a concern online at <https://ico.org.uk/concerns/>
- Call 0303 123 1113
- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Contact us

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please contact our data protection officer:

- Education Data Hub
- Email: dpo@dmatschools.org.uk
- Call: 01629 532888

Subject Access Request Procedure for Schools

Receiving a Valid SAR

Format

A SAR does not need to be in writing, it can be in any format, including a letter, email, text message, over social media, over the telephone, or face to face, and can be made to any representative of the school.

However, in order to process the request as efficiently as possible, and to help us comply with statutory timeframes, we ask that the Trust form is completed: <https://www.dartmoormat.org.uk/subject-access-request-form.html>

Content

A SAR does not need to refer to data protection legislation or be described as a subject access request. Any request for access to personal information from, or on behalf of, a data subject, should be treated as a SAR.

Identity & Authority

We must verify the identity of the person making the SAR, and if the SAR is being made on behalf of someone else, we must confirm they have authority to act on their behalf in exercising their rights. Checking identity should not be used as a delaying tactic, and how to verify identity will depend on who is making the SAR, and how well they are known to the person handling the request. For example, a staff member will not usually be required to confirm their identity, but a request from a former staff member, or on behalf of someone else, would need to be verified using proof of identity, signature, and address.

A parent / person with parental responsibility does not automatically have the right to make a SAR on behalf of their child, as the child has the right, and in all circumstances should be, considered in handling a SAR from a parent. A child of 13 or over will generally be considered able to consent to the SAR being made, or make a SAR on their own behalf, unless there are reasons to consider an older child cannot make that decision, or to consider a younger child able to make that decision. Also see the section on 'Content – Exemptions' under 'Responding to a SAR' below.

No Charge

In most cases, a SAR will be responded to free of charge. In limited circumstances, where a request is manifestly unfounded or excessive an appropriate charge can be made.

Refusing to fulfil a SAR

In limited circumstances, the request or elements of it, may be refused:

- if the requestor cannot confirm their identity or authority to make the request on behalf of another person, the request will be refused until confirmation is provided
- where a request is manifestly unfounded or excessive
- information that might cause serious harm to the physical or mental health of the data subject or another individual

Elements of the data held may be withheld or redacted, where:

- information that would reveal that a child is at risk of abuse, where disclosure of that information would not be in the child's best interests
- information contained in adoption and parental order records
- certain information given to a court in proceedings concerning a child
- **All information relevant to the SAR must be securely transferred to the DPO for redaction before release**

Responding to a SAR

Timescales

SARs must be responded to as soon as possible, and within one month at the latest. In the case of complex or multiple requests an extension of up to an extra two months can be applied, but the requestor must be informed of the extension within the first month from the SAR. The calculation of time will commence once the SAR is determined as valid. An acknowledgement should be sent to the requestor as soon as possible to inform them that the SAR has been received, the start date, and that it is being processed.

For SARs, school holidays, bank holidays and weekends are all included within the month. For example, a valid SAR received on 20th July should be fulfilled by 20th August despite the school closure.

Format

The DPO will decide with the requestor, the most appropriate and preferred method of providing information.

Content

The 'right to access' allows the requestor to receive information held about them, as a Data Subject. The requestor will not necessarily receive every version of information if it is held in different ways or duplicated. Access is to the data, not the particular documents.

Third Party Data

Where the person's data is combined with another person's data, which does or could identify that other person (third party), that data may be redacted, or withheld if redaction would not fully prevent the other person being identified. Data can be disclosed that identifies the third party if, that person has given their consent to disclose it, or it is judged to be reasonable to disclose the information without that person's consent. Deciding if it is reasonable should take into account things such as the type of information, any duty of confidentiality owed, the role of the other person, whether the person is capable of giving consent, and whether they have expressly refused consent.

Exemptions

Exemptions apply under the DPA 2018, allowing us to withhold data from a SAR in some circumstances, including amongst others: where legal professional privilege applies, where management forecasts or negotiations could be prejudiced by disclosing the data, confidential references, and where exam results are requested but they are not yet due to be published.

The application of exemptions should be approved by the DPO, but **if in doubt do not disclose information**, as it can always be disclosed at a later date.