

Juniper Hill School

Subject Access Request (SAR) Policy Procedure



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Version: 1.02

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Authorised by: DPO

Location: Shared policy, please contact gdpr@turniton.co.uk

1. Purpose

1.1 This document sets out our policy for responding to subject access requests (SAR) under the General Data Protection Regulation 2018.

1.2 It is the General Data Protection Regulation in the UK that explains the rights and responsibilities of those dealing with personal data. All staff are contractually bound to comply with the General Data Protection Regulation and other relevant School\Academy\Trust policies relating to data protection.

2. Introduction - What is the GDPR?

2.1 The GDPR gives individuals the right to know what information is held about them. It provides a framework to ensure that personal information is handled properly.

2.2 The Act works in two ways. Firstly, it states that anyone who processes personal information must comply with eight principles, which make sure that personal information is:

- Fairly and lawfully processed
- Processed for specific and lawful purposes
- Adequate, relevant and not excessive
- Accurate and up to date
- Not kept for longer than is necessary
- Processed in line with the individuals' rights
- Processed securely
- Not transferred to other countries without adequate protection

2.3 Secondly, it provides individuals with important rights, including the right to find out what personal information is held about a data subject.

3. What is the Schools general policy on providing information?

3.1 We welcome the rights of access to information that are set out in the GDPR. We are committed to operating openly and to meeting all reasonable requests for information that are not subject to specific exemptions under the GDPR.

3.2 Information about children may be released to a person with parental responsibility. However, the best interests of the child will always be considered.

Even if a child is very young, data about them is still their personal data and does not belong to anyone else. It is the child who has a right of access to the information held about them.

Before responding to a request for information held about a child, school should consider whether the child is mature enough to understand their rights. If the school is confident that the child can understand their rights, then it will 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 subject access request and how to interpret the information they receive as a result of doing so.

More information on subject access requests are available at:

<https://ico.org.uk/media/for-organisations/documents/2014223/subject-access-code-of-practice.pdf>

4. How do you make a subject access request?

4.1 A subject access request is a written request for personal information (known as personal data) held about you by the school. Generally, you have the right to see what personal information we hold about you, you are entitled to be given a description of the information, what we use it for, who we might pass it onto, and any information we might have about the source of the information. However, this right is subject to certain exemptions that are set out in the GDPR.

For more information on exceptions under the GDPR please see:

<https://ico.org.uk/for-organisations/guide-to-data-protection/principle-6-rights/subject-access-request/>

Please email your request to the Data Protection Lead in the first instance.

Data Protection officer	Email	Phone
School Data protection Lead	Luisa Davis	01628 523536
Data Protection Officer	turniton	01865 597620 (option 3)

When you make a request please make sure you include as much details as possible as indicated below:

- your full name, address and contact telephone number
- any information used by the School to identify or distinguish you from others of the same name (address, unique ID's etc)
- Details of your child if you are requesting educational records
 - details of the specific information you require and any relevant dates, for example:
 - your personnel file
 - emails between 'A' and 'B' (between 1/6/11 and 1/9/11)
 - CCTV camera situated at ('E' location) on 23/5/12 between 11am and 5pm

5. What is personal information and what is the data subject entitled to?

5.1 Personal data is information which is biographical, or which has the individual as its focus.

5.2 Further information on what amounts to personal data can be found at appendix A.

Individuals have the right to obtain the following from you:

- confirmation that you are processing their personal data;
- a copy of their personal data; and

5.3 In addition to a copy of their personal data, you also have to provide individuals with the following information:

- the purposes of your processing;
- the categories of personal data concerned;
- the recipients or categories of recipient you disclose the personal data to;

- your retention period for storing the personal data or, where this is not possible, your 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 you provide if you transfer personal data to a third country or international organisation.

You may be providing much of this information already in your privacy notice.

6. What do we do when we receive a subject access request?

6.1 GDPR does not specify on how to make a valid request. This can be done verbally or in writing. It can also be made to anyone in your school/College. A request does not have to include the words “subject access request” or article 15 of the GDPR. Therefore, it is important staff have regular training to be able to identify and act on these requests.

Checking of identity

6.2 We will first check that we have enough information to be sure of your identity. Often, we will have no reason to doubt a person’s identity, for example, if we have regularly corresponded with them. However, if we have good cause to doubt your identity we can ask you to provide any evidence we reasonably need to confirm your identity. For example, we may ask for a piece of information held in our records that we would expect you to know: a witnessed copy of your signature or proof of your address.

6.3 If the person requesting the information is a relative/representative of the individual concerned, then the relative/representative is entitled to personal data about themselves but must supply the individual’s consent for the release of their personal data. If you have been appointed to act for someone under another act or regulation, you must confirm your capacity to act on their behalf and explain how you are entitled to access their information. If you are the parent/guardian of a child under 16, we will need to consider whether the child can provide their consent to you acting on their behalf.

6.4 Should you make a data subject access request, but you are not the data subject, you must stipulate the basis under the GDPR that you consider makes you entitled to the information.

Collation of information

6.5 We will check that we have enough information to find the records you requested. If we feel we need more information, then we will promptly ask you for this. We will gather any manual or electronically held information and identify any information provided by a third party or which identifies a third party.

6.6 If we have identified information that relates to third parties, we will redact the information or write to them asking whether there is any reason why this information should not be disclosed. We do not have to supply the information to you unless the other party has provided their consent, or it is reasonable to do so without their consent. If the third-

party objects to the information being disclosed, we may seek advice on what action we should take.

6.7 Before sharing any information that relates to third parties, we will where possible anonymise information that identifies third parties not already known to the individual (e.g. the School employees and edit information that might affect another party's privacy. We may also summarise information rather than provide a copy of the whole document. The GDPR requires us to provide information not documents.

Issuing our response

6.8 Once any queries around the information requested have been resolved, copies of the information in a permanent form will be sent to you except where you agree, where it is impossible, or where it would involve undue effort. In these cases, an alternative would be to allow you to view the information on screen at the School.

6.9 We will explain any complex terms or abbreviations contained within the information when it is shared with you. Unless specified otherwise, we will also provide a copy of any information that you have seen before.

7. Will we charge a fee?

7.1 In most cases we will not charge a fee, unless it is,

- manifestly unfounded, excessive; or
- a repeated request

If we do decide to charge a reasonable fee to cover the administrative costs set out in the above points we will notify you promptly.

8. What is the timeframe for responding to subject access requests?

8.1 We have one calendar month starting from the day of receipt – for example, if the request is received on the 3rd of September, the response must now by the 3rd October. If this falls on a bank holiday or weekend, it should be sent over the next working day. In many cases, it will be possible to respond in advance of the standard time scale and we will aim to do so where possible.

9. Are there any grounds we can rely on for not complying with a subject access request?

Previous request

9.1 If you have made a previous subject access request we must respond if a reasonable interval has elapsed since the previous request. A reasonable interval will be determined upon the nature of the information, the time that has elapsed, and the number of changes that have occurred to the information since the last request.

Exemptions

9.2 The GDPR contains a number of exemptions to our duty to disclose personal data and we may seek advice if we consider that they might apply. Possible exemptions would be: information covered by legal professional privilege, information used for research, historical

and statistical purposes, and confidential references given or received by the School. A full list of the exemptions can be found [here](#)

10. What if you identify an error in our records?

10.1 If we agree that the information is inaccurate, we will correct it and where practicable, destroy the inaccurate information. We will consider informing any other relevant third party of the correction if necessary. If we do not agree or feel unable to decide whether the information is inaccurate, we will make a note of the alleged error and keep this on file

11. Our complaints procedure

11.1 If you are not satisfied by our actions, you can seek recourse through our internal complaint's procedure, the Information Commissioner or the courts.

11.2 The school will deal with any written complaint about the way a request has been handled and about what information has been disclosed. Please contact the School at:

In the first instance please contact the School lead below:

Position	Name	Email	Phone
School Data Protection lead	Luisa Davis	sbm@juniper.school	01628 523536
Data Protection Officer	turniton	dpo@turniton.co.uk	01865 597620 (option 3)

12.3 If you remain dissatisfied, you have the right to refer the matter to the Information Commissioner.

The Information Commissioner can be contacted at:

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

Telephone: 01625 545 745 Fax: 01625 524 510

Message: <https://ico.org.uk/global/contact-us/email/>

Appendix A

14.1 Personal data is information that relates to a living individual who can be identified from the information and which affects the privacy of that individual, either in a personal or professional capacity. Any expression of opinion about the individual or any indication of the intentions of any person in respect of the individual will be personal data.

14.2 Provided the information in question can be linked to an identifiable individual, the following are likely to be examples of personal data:

- an individual's salary or other financial information
- information about an individual's family life or personal circumstances, employment or personal circumstances, any opinion about an individual's state of mind
- sensitive personal information – an individual's racial or ethnic origin, political opinions, religious beliefs, physical or mental health, sexual orientation, criminal record and membership of a trade union.

14.3 The following are examples of information, which will not normally be personal data:

- mere reference to a person's name, where the name is not associated with any other personal information
- incidental reference in the minutes of a business meeting of an individual's attendance at that meeting in an official capacity
- where an individual's names appears on a document or email indicating only that it has been sent or copied to that individual
- the content of that document or email does not amount to personal data about the individual unless there is other information about the individual in it.

14.4 If a document has been sent by a third party, that contains information about an individual, which relates to their personal or professional life, it is personal data.

14.5 Further information on personal data can be found here;

https://ico.org.uk/media/for-organisations/documents/1549/determining_what_is_personal_data_quick_reference_guide.pdf

Further information

Contact

If you would like to discuss anything in this Subject Access Request policy\procedure, In the first instance please contact the School lead below:

Position	Name	Email	Phone
School lead	Luisa Davis	sbm@juniper.school	01628 523536
Data Protection Officer	turniton	dpo@turniton.co.uk	01865 597620 (option 3)

Policy\procedure update information (policy number GDPR-118)

This Subject Access Request policy\procedure is reviewed annually and updated in line with data protection legislation.

Policy\procedure template review information

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Policy\procedure template update information

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02-05-2018	1.00	Draft release	turn IT on
03-05-2018	1.00	Full release	turn IT on
16/08/2019	1.01	Policy review	turn IT on
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02-08-2022	1.02	Full release	turn IT on