

HOLT COMMUNITY PRIMARY SCHOOL

SUBJECT ACCESS REQUESTS POLICY

Individuals have a right to make a 'subject access request' to gain access to personal information that the school holds about them.

Individuals have the right to obtain the following from the school:

- confirmation that we are processing their personal data;
- a copy of their personal data; and
- other supplementary information, including the purpose for processing their data; the retention period for storing their data; and the existence of their right to request rectification, erasure or restriction or to object to such processing. This list is not exhaustive, and further guidance can be found on the ICO website.

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.

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.

Recognising the request

An individual can make a subject access request either verbally, or in writing – the latest legislation does not specify how a request should be made. All school staff will receive training so that they are able to identify a request. All requests will be directed to the Headteacher for review. The school should also contact the Data Protection Officer for guidance if required.

The school will keep a record of all received requests. It is also good practice to liaise regularly with the requestor, to provide clarity on the exact data required – this will prevent unnecessary work, and ensure only the required data is retrieved.

Managing the request

- The school will confirm the identity of the requestor before proceeding with the request. If the school has reasonable doubts over the identity of the requestor, we can request further evidence of identity, such as a passport or driving licence.
- The school will act on the subject access request within one calendar month of receipt. However, if the request is excessive, or a number of requests have been received from the individual, the timescale may be extended for a further two-month period when necessary.
- There will be no fee for dealing with a request, unless the request is 'manifestly unfounded or excessive.'

Refusing to comply with a request

The school can refuse to comply with a subject access request if it is classed as 'manifestly unfounded or excessive'. The school can either charge a reasonable fee for completing the action requested, or refuse to act on the request.

If the school refuse a request, the school will tell the individual why, and advise them that they have the right to complain to the ICO.

Providing the information

- The school will provide the information in writing, or by other means including, where appropriate, electronic means. If a request was made electronically, the school will ensure it has appropriate measure in place to provide the data in a commonly used electronic format.
- The school may have to blank out parts of a document which are not liable for disclosure – for example, is reference is made to another school pupil. This data can only be released in full if consent has been received from the third party involved. Where redaction has taken place then a full copy of the information provided should be retained in order to establish, if a complaint was made, what was redacted and why.
- The school will ensure disclosed information is clear and concise – any codes or technical terms will be clarified and explained.

Data exemptions

- There may be occasions where the School are unable to provide the requested information. Personal information may be withheld from disclosure to the applicant if it falls under any of the exemptions described in the latest Data Protection legislation. Therefore, all information will be reviewed prior to disclosure.

Complaints

Any complaints about the above procedure should be addressed to the Headteacher, in line with the usual school complaints policy.

Further advice and information can be obtained from the Information Commissioner's Office website – www.ico.gov.uk

Checklist – things to consider:

Is the person entitled to the data they're requesting? Obtain proof of identity if required.

Is it clear what data is being requested? If not, seek clarity – confirming exactly what data is required can save schools lots of time.

Identifying the data – work out where the required data is being held.

Collecting the data – work within the timescales to collect all the required data.

Exempt or redact – ensure that only the relevant, disclosable data is provided.

Inform the requestor – stay in contact, provide updates with how the data collecting is progressing.

Create the data set – collate all the relevant data for the requestor.

Deliver the data – send the data to the requestor in the relevant format

Reviewed May 2019