



THE ROSE LEARNING TRUST

SUBJECT ACCESS REQUEST POLICY

2019-2020

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1 Purpose

1.1 This document sets out our policy for responding to subject access requests under the EU General Data Protection Regulations (GDPR). The GDPR took effect from 25 May 2018.

1.2 The rights and responsibilities of those dealing with personal data and your rights as a data subject are contained in the GDPR. All staff are contractually bound to comply with the GDPR and other relevant policies.

2 Introduction – what is the GDPR?

2.1 The GDPR replaces and extends the previous data protection framework introduced by the Data Protection Act. 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 GDPR states the following:

2.2.1 Firstly, anyone who processes personal information must comply with eight principles of data protection, 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;
- secure;
- not transferred to other countries without adequate protection

2.2.2 Secondly, it provides individuals with important rights, such as:

- the right to be informed;
- the right to rectification;
- the right to erasure;

- the right to restrict processing;
- the right to data portability;
- the right to object;
- rights related to automated decision-making, including profiling

3 What is Rose Learning Trust's general policy on providing information?

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 exemption in the GDPR.

4 How do you make a subject access request?

A subject access request is a request for personal information (known as personal data) held about you by us. The request can be made verbally, electronically or in writing. We recommend you use our Request Form (Appendix 2) to help us identify the data you request quickly and avoid any delays. 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 on to 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.

See Appendix 2

Please note:

You are entitled to submit subject access requests all year round, but please bear in mind that it may be necessary for us to extend the response period when requests are submitted over the summer holidays. This is in accordance with article 12(3) of the GDPR and will be the case where the request is complex – for example, where we need multiple staff to collect the data.”

Any requests during the summer holidays should be made, where possible, via email to:

DPO@roselearning.co.uk

5 What is personal information?

- 5.1 Personal data is information which has the individual as its focus and is identifiable to the data subject.
- 5.2 Further information on what amounts to personal data can be found at the Appendix 1

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

Checking of identity

- 6.1 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 you for a piece of information held in your records that we would expect you to know: a witnessed copy of your signature or proof of your address.
- 6.2 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 the Mental Capacity Act 2005, 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.
- 6.3 Should you make a data subject access request, but you are not the data subject, you must stipulate on what legal basis you request this information and have access to it.

Collation of information

- 6.4 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 (including emails) and identify any information provided by a third party or which identifies a third party. This includes records created before 25 May 2018.

- 6.5 If we have identified information that relates to third parties, we will 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 legal advice on what action we should take.
- 6.6 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. 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

- 6.7 Once any queries around the information requested have been resolved, copies of the information in a permanent form will be sent to you unless otherwise agreed.
- 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?

Under the GDPR there is no fee payable. However, where we feel the request is 'manifestly unfounded or excessive' we may charge a reasonable administrative costs fee. If more than one copy of the information is required, we will also charge a reasonable administrative costs fee.

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

We have one month starting from when we have received all the information necessary to identify you, to identify the information requested, and any fee required, to provide you with the information

or to provide an explanation about why we are unable to provide the information. We may seek an extension if the request is particularly complex.

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 legal advice if we consider that they might apply. This includes if disclosing the information would adversely affect the rights and freedoms of others (Appendix 3)

10 What if you identify an error in our records?

If we agree that the information is inaccurate, we will correct it and where practicable, destroy the inaccurate information. We will consider informing any relevant third party of the correction. 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 What if you want us to stop processing your data?

Under section 10 of the GDPR, you can object to our processing your data altogether, in relation to a particular purpose or in a particular way through a data subject notice. However, this only applies to certain processing activities and there is a process that you must follow when making such an objection. We must then give you written notice that either we have complied with your request, intend to comply with it or state the extent to which we will comply with it and why. This information will be given to you within 21 days of receiving the data subject notice. Further information on this can be found at www.informationcommissioner.gov.uk

12 Vexatious requests

If a request is deemed vexatious, the Headteacher/Principal consult the Data Protection Officer for their advice. The advice of the DPO should always be followed. In circumstances where the Headteacher and DPO disagree, the matter should be referred to the Chief Executive Officer in writing.

13 Our complaints procedure

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

Deborah Temperton, DPO, will deal with any written complaint about the way a request has been handled and about information has been disclosed. Deborah Temperton can be contacted at:

The Rose Learning Trust
c/o Richmond Hill Primary Academy
Melton Rd
Sprotbrough
Doncaster
DN5 7SB
Email: DPO@roselearning.co.uk

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 545745
Fax: 01625 524510
Email: enquiries@ico.gsi.gov.uk



APPENDIX 1

Personal Data

- 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

- 2 Provided the information in question can be linked to an identifiable individual, the following are 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, 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

- 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 name appears on a document or email indicating only, they 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

- 4 If a document has been sent by a third party, that contains information about an individual, which relate to their personal or professional life, it is personal data. An outline of an organisation's standard procedure, relevant to an individual's complaint/section 29 case will not be personal data

Appendix 2

Subject Access Request Form

The person who the personal data is about is known as the data subject and the person who is making the request is known as the applicant. These can of course be the same person depending on the personal data sought. If you are a parent seeking access to your child's official educational records, please contact the school office. The information you provide on this form will be used only for the purposes of processing your request.

Section 1

Details of applicant/representative

Title	
Forename	
Surname	
Address	
Phone Number	
Email address	
I am also the data subject	
Yes	Go to section 3
No	Go to section 2

Section 2
Details of Data Subject

Title	
Forename	
Surname	
Address	
Telephone number	
Email address	

Section 3
Details of information being requested

Please provide a clear description of the information you are requesting, dates, Safeguarding and/or any addition information which will enable us to locate it

Section 4

Proof of identity / consent

Please send us copies of two documents that prove who you are

- One must be photographic (such as a valid passport or driving licence)
- One must prove your current address (such as a recent utility bill, or council tax bill)

Alternatively, if you are in regular contact with the school, you may wish to arrange an appointment to confirm identification in person. However, proof of address will be required regardless unless collection of the information will be in person also: -

Please tick either: -

- The information request is about me
- I am the parent / guardian requesting access to my child's personal data

Section 5

Declaration

I am the person named in Section 1 of this form and the information I have supplied is accurate.

Signed

Print Name

Date

FOR OFFICE USE

Receipt Date	
Reference	
ID received	
Proof of address received	

Appendix 3

Exemptions

Before responding to any request, we shall check whether there are any exemptions that apply to the personal data that are the subject of the request. Exemptions may apply where it is necessary

Exemptions from Subject Access

Exemption	Summary
Prevention or detection of crime or the apprehension or prosecution of offenders, or assessment or collection of any tax or duty	This can only be applied if there is a real likelihood that the disclosure would prejudice those purposes.
Disclosure would result in serious harm to the physical or mental health or condition of the individual or some other person	This can only be applied where a 'health professional' has made this prognosis and there needs to be a real likelihood that the disclosure would cause serious harm to the individual. This applies to information held for education welfare, social work and health purposes only.
Third Party Data / Information about 'other individuals'	Data subjects are only entitled to information held about them. Schools are not obliged to comply with a request if it would identify someone else, unless the other individual has consented to the disclosure of the information, or it is reasonable in all the circumstances to comply with the request without the consent of the other individual.
Legal Professional Privilege	This relates to the confidentiality between a client and their legal adviser. Any advice which comes from a legal adviser may be exempt from disclosure and should not be disclosed without the legal adviser's permission

Confidential references given by the data controller	Schools are not obliged to disclose references which they have provided. However, they are obliged to disclose references which they have received. Any information which would identify the referee must be removed unless the referee consents to the release their information
Cost of complying exceeds the appropriate limit	Unstructured, paper held documents and records are exempt from disclosure if it would take longer than 18hrs to locate and extract the information the data subject is entitled to, from within those documents and records. This exemption cannot be applied to educational records, social services records, health records or any other information held electronically
Self-incrimination	If by complying with any subject access request the school would reveal evidence of the commission of any offence, other than an offence under GDPR, exposing them to proceedings for that offence, the school need not comply with the subject access request
Prohibited or restricted by law	Where an act of law or an order from a court prohibits the disclosure
Negotiations	Where the information contains the intentions of the school in relation to any negotiations with the data subject, that information is exempt from disclosure, if disclosure would prejudice those negotiations

Confidentiality

All records are securely held in paper files or on computer and have strict rules for staff dealing with them. Only authorised staff can access and see records, and only in order to carry out their work. We also have strict rules about who we can pass information on to and what can be passed on.