Subject Access Request Policy

Policy Monitoring, Evaluation and Review

This policy is effective for all schools within The Mead Educational Trust, the Teaching School, the SCITT and all other activities under the control of the Trust and reporting to the Trust Board.

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Revision History:

Version	Date	Author	Summary of Changes:
4.0	April 2024	CBR	Changed GDPR to UK GDPR because the UK has left the EU and has formed its own data protection legislation.
3.0	April 2022	GDPR Sentry	Adopted new policy from external DPO service to reflect data management practices
2.0	April 2020	CBR	Addition of SAR form in Annex 2 and references to it in section 3. Trust name changed from RMET to TMET and new template used.
1.0	April 2018	DST	New policy

Contents

1 Purpose

The Mead Educational Trust ("the Trust") is required to follow the Data Protection Act (2018) (the Act) in the way that it collects and uses personal data. The Act references and implements the UK General Data Protection Regulation (GDPR) with some specific amendments.

The UK GDPR sets out the rights of data subjects with respect to their personal data. Although the most common right is Subject Access, there are many others. As a group these referred to as 'data subject requests'. The regulations set out the steps that data controllers need to put in place to allow data subjects to exercise these rights.

This policy sets out the approach that the Trust will take to deal with data subject requests. This policy applies to:

- All employees of the Trust
- Academy councillors and Trustees

The Data Protection Officer is GDPR Sentry Limited.

2 Introduction

The UK GDPR describes the responsibilities that organisations have when dealing with personal data. Personal data is defined as any information relating to an identified or identifiable natural person. The person is known as a 'data subject'.

The UK GDPR provides data subjects with rights in respect of their personal data. Not all rights apply in respect of all personal data. Data subjects have the following rights:

- Right of access by the data subject
- Right of rectification
- Right of erasure ('right to be forgotten')
- Right of restriction of processing
- Right of data portability
- Right to object to processing
- Right not to be subject to automated individual decision making, including profiling

The nature of the personal data and the reason for its use determine which of these rights are applicable. Guidance about whether a particular right is applicable should be sought from the Data Protection Officer.

When a data subject seeks to exercise one of these rights it is called a data subject request. The most common data subject request is a subject access request (SAR).

As the Trust deals with young people, there are certain circumstances where a parent or another legal representative may exercise these rights on behalf of the young person. Any situations where there is a question over rights to access personal data or the exercising of these other rights must be referred to the Data Protection Officer.

3 Related policies

This policy is closely linked with other policies which should be referenced when appropriate,

including:

- Data Protection Policy
- Safeguarding and Child Protection Policy
- Any other relevant guidance documents

4 Responsibilities

4.1 The Trust will:

4.1.1 Put in place a clear procedure for dealing with data subject requests. This procedure should take account of the requirements laid down in Annex 1.

4.1.2 Follow any additional guidance from the Information Commissioner's Office (ICO) produced subsequently to this policy.

4.1.3 Inform the Data Protection Officer of all data subject requests (by logging them on GDPR Sentry).

4.1.4 Record the details of data subject requests and make those records available to the Data Protection Officer (via GDPR Sentry).

4.1.5 Ensure that data subject requests are dealt with in line with the statutory time limits and notify the Data Protection Officer as soon as possible if these limits cannot be met.

4.1.6 Ensure that proper account is taken of the risk of disclosing information about a third party in responding to a data subject request and the risk of failing to maintain the availability and integrity of the personal data it processes.

4.1.7 Take advice from the Data Protection Officer with regards to the management of data subject requests.

4.2 The Data Protection Officer will:

4.2.1 Provide guidance and support to the Trust in dealing with a data subject request.

4.2.2 Provide a route of communication to the Information Commissioner's Office in the event of issues with the content or timing of responses to a data subject request.

Annex 1: Procedure for managing data subject requests

1. Data subject request response team

Requests from data subjects can create significant work, especially in the case of subject access requests. Other types of requests, such as objections to processing have the potential to disrupt the normal operation of the Trust.

Failing to meet the requirements of a data subject request can result in enforcement action by Information Commissioner's Office and it is arguable that, for the Trust, the reputational damage is a greater risk than any potential fines.

This being the case, the delivery of data subject requests needs to be managed by staff who are able to collect appropriate data or take the actions requested by the data subject without administrative delay.

The Trust has a Data Protection Lead who will work with appropriate individuals depending on the nature of the request being managed. These may include the Trust IT Team, school Data Protection Lead and other staff (e.g. SENCO, Safeguarding Lead).

2. Procedure overview

The procedure for managing data subject requests needs to take account of the following stages and requirements. The actions described in this section are by no mean exhaustive.

a. Receiving a data subject request

b. Clarifying a request

c. Verifying the identity of the requestor

d. Validating the request

e. Fulfilling the request

f. Communications with the requestor

3. Receiving a data subject request

There are no restrictions on how a person can register a request in respect of personal data belonging to them or a third party. Any member of staff of the Trust could be approached to commence a request.

It is, therefore, essential that all staff are made aware that they may receive the initiation of a request. This can come through any communications channel that the Trust provides, and this does include a verbal request made to member of staff.

For the avoidance of doubt these channels include any social media accounts managed by the Trust, web-based enquiry forms and any voicemail systems in operation. Where email messages are distributed from accounts that are unmonitored, they must clearly state that no action will be taken on any messages sent to that address.

The Trust encourages the use of the school general email address or **info@tmet.uk** for making data subject requests, although it recognises the right of individuals to make requests through any available route.

The complexity and potential issues of responding to a data subject request means that it is not appropriate for staff outside of the Data Protection Lead (Trust or school) to respond. The primary responsibility of staff is to ensure that any request is passed on to the Data Protection Lead (Trust or school). In the case of an enquiry being made in person, arrangements should be made for the person to speak with the relevant Data Protection Lead, whether face to face or remotely.

Contact details for the Data Protection Leads are provided on MINT and The Trust Data Protection Lead can be contacted via dpo@tmet.uk.

It is important to recognise that the delivery time for a response to a subject access request is a maximum of one calendar month. This delivery window does not take account of the academic calendar. For example, a request can be received outside of term time and it is still expected to be delivered in the standard timescale.

The Trust has put measures in place to ensure that these communications routes are monitored outside of term time.

All incoming requests should be logged in a way that is available for the DPO to review (i.e. via GDPR Sentry).

4. Clarify the request

It is possible that this stage is not necessary if the data subject has been very specific in their request. In some cases there is additional information required to ensure that the Trust has an accurate description of the action required.

This is most commonly seen with subject access requests where the lack of specificity by the data subject results in the entire personal data set relating to the individual being required. This can include records from IT Security equipment and entry management systems.

Especially where the potential dataset is very large, a Data Protection Lead may ask the requestor if they have any information that would enable the scope of the request to be reduced.

In the event that the relationship between the school/Trust and the data subject is very poor, this communication may be passed over to the Trust Data Protection Lead or the Data Protection Officer, whose role includes acting as an advocate for the data subject.

Although the Trust may ask the data subject to provide additional information to narrow the scope of the request, the data subject is under no obligation to do so. This may affect decisions about the validity of the request at a later stage in the procedure.

5. Verification of identity

If the Trust should respond to a data subject request, assuming that the person making the request is who they claim to be, and that results in some form of unauthorised disclosure or action, a breach has occurred that the Information Commissioner would view as having been avoidable.

The UK GDPR requires the data controller to use all reasonable efforts to verify the identity of the person making the request. This is particularly the case when the initial request is not received in person. The means of identification should also account for the existing relationship between the school/Trust and the data subject. In the case of a current student or member of staff then it is easy to establish their identity in person and through the use of the Trust provided

communications otherwise. In addition, in many cases a parent making a request is already known to school staff.

For data subjects who are not known, the school/Trust will go through a standard form of identity verification using photo identification and proof of address. In the case that the data subject cannot attend in person to present the documents, copies can be sent to the Trust and a videoconference can be used to check the person against the documents provided.

If this method cannot be used, the Data Protection Officer should be consulted to look at alternatives.

If suitable verification is not possible then the request will not progress further.

Requests from a parent for information about the pupil

Special attention must be paid to any requests coming from a parent of a pupil for information about the pupil. Unless there is a question of the pupil not having the capacity to understand the consequences of the request for personal data, or some other data subject request, it is expected that the request should be referred to the data subject directly.

Alternatively, the data subject can provide permission for the third party to complete the request.

The Trust will consider that, when a SAR is received for a pupil under the age of 12 years, a parent or an individual with parental responsibility may make a request on that person's behalf. For pupils under the age of 12 the school will consider whether the pupil is capable of understanding the request that has been made. If this is the case, the school can choose to consult the pupil and take their views into account when deciding whether to provide the information requested.

For pupils aged 12 years or older, if there is a judgement that the individual is not sufficiently mature to understand the request being made, the school (in agreement with the Trust Data Protection Lead) can choose to proceed with the request without consulting the pupil. Otherwise, the pupil will be consulted and their information will be provided either directly to them or to their parent (with the pupil's written permission to do so).

In the case that information is disclosed for a pupil aged 12 years or older without their consent, a record must be kept of the reasons for this action and that record should be retained with the other records about the response to the request.

The same level of checking should be applied to the permission provided by the requestor and without suitable evidence the request cannot move forward.

Requests from third parties

For the avoidance of doubt, third parties such as Solicitors, Local Authorities and the Police Service cannot make a subject access request on behalf of a third party without appropriate consent. As an example, a letter from a solicitor saying that they are acting on behalf of an individual would not be sufficient without additional evidence.

There is no requirement to retain the evidence of identity gathered at this stage of the process, but the work done to establish identity should be recorded in the log of the request.

6. Validate the request

This stage is quite short. The requestor has been verified as an individual who is authorised to make a request. However, it is not the case that all data subject requests are available for all personal data. The key driver of the difference in rights available to a data subject is the legal basis of processing.

If there is uncertainty about the applicability of any particular right to particular items of personal data, the DPO should be consulted. However, it is the case that the right of access and the right to rectification apply irrespective of the legal basis of processing.

The fact that the majority of the personal data processed by the Trust is processed on the basis of performing a task in the public interest, significantly limits the rights available to the data subject.

The decision about validity and any associated communications should be recorded in the log of the request.

7. Fulfilling the request

Depending upon the nature of the data subject request, this stage may be very short or extensive. Where the request is, for example, the correction of an inaccurate item of personal data, this request should be met as soon as possible and requires limited effort. For the remainder of this section we will discuss the fulfilment of a subject access request which represents the greatest potential work.

The request will specify the data that is required to be collected. Details of locating that data can be drawn from the Record of Processing Activities. Data may be collected on paper and electronically. Electronic collection usually means getting an extract from a system containing the relevant information.

There are complex rules about the data that can be released and once the basic data has been collected these rules need to be considered. It is not possible to detail out all the potential exemptions to release and the exemptions to the exemptions.

In addition, any references to third parties should be redacted from the collected data before it can be released. Accidentally releasing information about third parties by failing to redact the response to a subject access request is generally considered a serious breach.

In some cases, where the task of redaction is unfeasible (most often with CCTV footage), a decision may be made that the information cannot be released even though it represents personal data of that data subject.

In some cases, other policies will override the data protection policy in respect of releasing information. This is especially the case with safeguarding information.

Where data is redacted or withheld, a record should be added to the log of the request.

8. Communications with the requester

Once the request has been fulfilled, for example a rectification has been done, or the response to a subject access request has been assembled, there is a requirement to communicate the response to the requestor.

In addition to the confirmation of the completion of the request the data subject or requestor should also be sent a copy of the privacy notice that is appropriate to them. This will meet the requirements to provide information about the way that personal data is processed.

Where the request was for subject access, the results must be delivered to the requestor. For electronic responses a secure download, addressed to a validated email account is the preferred method.

On no account should the results be sent by email, a public sharing site, such as Dropbox, or on a removeable drive.

Where the response is provided on paper, then ideally the individual should come in person to pick up the response and sign a receipt to confirm they have received the information. If this is not possible then the results should be sent by recorded delivery to a verified postal address, or if appropriate the results can be hand delivered, double enveloped.

In the case that the request cannot be met in the stipulated calendar month, a communication must be sent to the data subject setting out the reasons for the delay and the expected timescale for the completion of the request, this communication should be sent by the data protection officer.

Subject Access Request Form

1. Data Subject Details
Title:
Name:
Date of birth:
Address:
Email address:
Daytime telephone number:
Capacity in which we hold the data: pupil / parent / staff *(please indicate)*
Location of data (school name or Trust):

2. Applicant's Details (if not Data Subject)
Title:
Name:
Date of birth:
Address:
Email address:
Daytime telephone number:
Relationship to Data Subject:

3. Personal Information Requested
Please tell us in the box below what information you are requesting, e.g. specific documents, pupil's school file, staff file. If relevant, include the period of time for which you want information and/or the subject matter for the information, e.g. a specific incident.

4. Format of Information	
Please indicate how you wish to receive the information (select only one)	
Receive a copy of the information electronically	☐
Receive printed information via the post	☐
Collect printed information in person	☐
View a copy of the information	☐
Please be aware that, if you wish us to post the information to you, we will take every care to ensure that it is addressed correctly. However, we cannot be held liable if the information is lost in the post or incorrectly delivered or opened by someone else in your household.	

5. Data Subject Declaration
***Note**: Generally, where a child is under 12 years of age, they are deemed not to be sufficiently mature as to understand their rights of access, and a parent can request access to their personal data on their behalf. In such a case, the parent/carer should complete section 6.*
I certify that the information provided on this form is correct to the best of my knowledge and that I am the person to whom it relates. I understand that the school/The Mead Educational Trust is entitled to confirm proof of identity/authority and it may be necessary to obtain further information in order to comply with this subject access request.
Name:
Signature:
Date:

6. Authorised Person Declaration (if applicable, e.g. parent/carer)
***Note**: for a child 12 years of age or older, provided that the school is confident that they understand their rights, and there is no reason to believe that the child does not have the capacity to make a request on their own behalf, the school will require the written authorisation of the child before responding to the request, or provide the personal data directly to the child.* *In such a case, the child should complete section 5.*
I confirm that I am legally authorised to act on behalf of the data subject. I understand that the school/The Mead Educational Trust is entitled to confirm proof of identity/authority and it may be necessary to obtain further information in order to comply with this subject access request.
Name:
Signature:
Date:

Annex 3 – SAR Acknowledgment Template

[On headed notepaper]

[DATE]

[ADDRESSEE]
[ADDRESS LINE 1]
[ADDRESS LINE 2]
[POSTCODE]

Dear [NAME]

Acknowledgment of your data subject access request dated [DATE]

I write to acknowledge receipt of your request for personal information which we are responding to under article 15 of the UK General Data Protection Regulation.

You have requested [DATA REQUESTED].

If you had to identify the requestor - I also acknowledge receipt of your [IDENTIFICATION] as confirmation of your identity.

Your request was received on [DATE] and we expect to be able to give you a response within one calendar month which will by [DATE ONE CALENDAR MONTH FROM DATE OF REQUEST].

Yours sincerely

[NAME]
[POSITION]
[SCHOOL]

Annex 4 – SAR Acknowledgement (for use over holidays when the School is closed for over a month)

[On headed notepaper]

[DATE]

[ADDRESSEE]
[ADDRESS LINE 1]
[ADDRESS LINE 2]
[POSTCODE]

Dear [NAME]

Acknowledgement of your data subject access request dated [DATE] and notification that the [School] is currently closed.

I write further to your request for details of personal data which we received on [DATE OF REQUEST]. As advised in [INSERT HERE HOW AND WHEN THE DATA SUBJECT WAS ADVISED OF THE DATES THE SCHOOL WOULD BE CLOSED] the [School] is [closing / closed] from xx July 20xx until xx August 20xx. Accordingly, the information you have requested is not accessible, and we will unfortunately not be able to comply with your request within one month. [OR We are unfortunately only able to provide you with the enclosed information as the remainder of the information is not accessible].

The [School] will be reopening on xx August 20xx when your request will be formally acknowledged, and you will be informed about the timeframe in which a full response to your request will be provided. We apologise for any inconvenience this may cause and will contact you again on xx August 20xx.

Yours sincerely

[NAME]
[POSITION]
[SCHOOL]

Annex 5 – SAR Response Template

[On headed notepaper]

[DATE]

[ADDRESS]
[ADDRESS LINE 1]
[ADDRESS LINE 2]
[POSTCODE]

Dear [NAME]

Response to your data subject access request dated [DATE OF REQUEST]

I write further to your request for details of personal data which we hold [and our acknowledgment of [DATE WHEN REQUEST FIRST ACKNOWLEDGED BY LETTER]]. You requested [DATA REQUESTED] for [DATA SUBJECT].

We have contacted staff at [INSERT SCHOOL NAME] in order to locate personal data held which is within the scope of a data subject access request under article 15 of the UK GDPR.

We enclose all of the data to which you are entitled under the UK General Data Protection Regulation (GDPR), in [hard copy format/electronic format].

[You will note that some of the information has been redacted. The reason for this is that the redacted information relates to [a] third part[y/ies] who have not consented to the sharing of their information with you].

[Some information has not been provided as it is covered by the following exemptions:
LIST EXEMPTIONS APPLIED]

You/your son/your daughter have/has the following rights under the UK GDPR.

- The right to request rectification of inaccurate personal data;
- In limited circumstances, the right to:
    - request erasure of the personal information;
    - request restriction of processing of the personal information; or
    - object to the processing of the personal information.

I hope this response satisfies your request. If you are unhappy with this response, and believe that the [Trust/school] has not complied with legislation, please ask for a review by following our complaints process (details can be found on our website at [LINK]) **OR** by contacting the Trust's Data Protection Lead Cathy Brown at dpo@tmet.uk.

If you still remain dissatisfied following an internal review, you can appeal to the Information Commissioner, who oversees compliance with data protection law. You should write to: Customer

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

Yours sincerely

[NAME]
[POSITION]
[SCHOOL]