



Reviewed April 2024

St Bertelina's C of E Primary School

Subject Access Request Policy

Requests for access to personal information under the Data Protection Act 2018

Scope of Policy

This policy relates only to the right of access to information held by the school about individuals (Subject Access Request) covered under data protection legislation.

Requests for curricular and education records relating to a child as defined within the Education (Pupil Information) (England) Regulations 2005 are **not in scope** in this policy.

Rights of access to information

1. Under the Data Protection Act 2018 / UK General Data Protection Regulation 2018, an individual has a right to request access to their own personal information. In certain circumstances requests may be made by a parent on behalf of their child (see below).
2. The legislation clarifies that the reason for allowing individuals to access their personal data is so that they are aware of and can verify the lawfulness of the processing.

Dealing with a subject access request

1. Requests for personal information should be sent or directed to the school. If the initial request does not clearly identify the information required, then further enquiries should be made.
2. The identity of the requestor must be established before the disclosure of any personal information, and checks should also be carried out regarding proof of relationship to the child.

Evidence of identity where necessary can be established by requesting production of, eg

- passport
 - driving licence
 - utility bills with the current address
 - Birth / Marriage certificate
 - P45/P60
- Credit Card or Mortgage statement

3. Any individual has the right of access to information held about them. However with children, this is dependent upon their capacity to understand. As a general rule, a child aged 12 or older is expected to be mature enough to understand the request they are making. If the child cannot understand the nature of the request, someone with parental responsibility can ask for the information on the child's behalf.

The Headteacher should discuss the request with a child aged 12 or over where applicable and take their views into account when making a decision.

4. The school must provide a copy of the information **free of charge for subject access requests**. However, the school can charge a 'reasonable fee' when a request is manifestly unfounded or excessive, particularly if it is repetitive.

The school may also charge a reasonable fee to comply with requests for further copies of the same information. This does not mean the school can charge for all subsequent access requests. The fee must be based on the administrative cost of providing the information.

5. The response time for subject access requests, once officially received, is a **calendar month from the date the request has been validated**.
6. There are some exemptions to the right to subject access that apply in certain circumstances or to certain types of personal information. Therefore, all information must be reviewed prior to disclosure.
7. Responding to a request may involve providing information relating to another individual (a third party). Third party information is that which identifies another pupil/parent or has been provided by another agency, such as the Police, Local Authority, Health Care professional or another school. Before disclosing third party information consent should normally be obtained. There is still a need to adhere to the calendar month timescale.

8. Any information which may cause serious harm to the physical or mental health or emotional condition of the pupil or another individual involved should not be disclosed, nor should information that would reveal that the child is at risk of abuse, or information relating to criminal or court proceedings.
9. If there are concerns over the disclosure of information then additional advice should be sought from the school's Data Protection Officer.
10. Where redaction (information edited/removed) has taken place, the relevant exemption applicable should be quoted in a covering note with the records being given to the requester and a full copy of the information provided should be retained by the school in order to establish, if a complaint is made, what was redacted and why.
11. Information disclosed should be clear, thus any codes or technical terms should be clarified and explained.
12. Information can be viewed at the school with a member of staff on hand to help and explain matters if requested, or provided at face to face handover. The views of the applicant should be taken into account when considering the method of delivery. If the applicant has asked for the information to be posted then special next day delivery or recorded delivery postal service must be used. Where an applicant has made the request electronically, the school should consider providing the records electronically, by secure email, unless the applicant has expressed a preference for records by post or collection.

Complaints

Complaints about the above procedures should be made to the Chair of the Governing Body who will decide whether it is appropriate for the complaint to be dealt with in accordance with the school's complaint procedure.

Complaints which are not appropriate to be dealt with through the school's complaint procedure can be dealt with by the Information Commissioner. Contact details of both will be provided with the disclosure information.

Contacts

If you have any queries or concerns regarding access to records or the Data Protection Act, then please contact the school's Data Protection Officer.

Further advice and information on the right of access can be obtained from the Information Commissioner's Office, www.ico.gov.uk