



Children's



Endeavour



Trust

# Subject Access Request Policy

The Children's Endeavour Trust comprises:

- Abbot's Hall Community Primary School
- Bosmere Community Primary School
- Broke Hall Community Primary School
- Chilton Community Primary School
- Combs Ford Primary School
- Freeman Community Primary School
- Springfield Junior School
- Whitehouse Community Primary School

## Document Control

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## 1. Introduction and Aims

The Children’s Endeavour Trust and its schools (collectively referred as “CET” or “Trust”) is committed to protecting the rights and freedom of all individuals in relation to the processing of their data.

In accordance with the UK General Data Protection Regulation and other related legislation, including the Data Protection Act 2018 (DPA 2018) any individual, person with parental responsibility or young person above the age of 13 has the right to ask what data the school/Trust holds about them, and they can make a Subject Access Request (SAR).

## 2. Legislation and guidance

This policy meets the requirements of:

- UK General Data Protection Regulation (UK GDPR) – the EU GDPR was incorporated into UK legislation, with some amendments, by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2020](#)
- [Data Protection Act 2018 \(DPA 2018\)](#)
- [Article 12 of the UK General Data Protection Regulations](#) (GDPR).
- [Article 15 of the UK General Data protection Regulations](#) (GDPR).

## 3. Definitions

Term	Definition
<b>Subject Access Request or SAR</b>	A request for access to data by a living person under the Act is known as a Subject Access Request or SAR. All records that contain the personal data of the subject will be made available, subject to certain exemptions.
<b>Freedom of Information Request or FOI</b>	A request for access to data held is dealt with under the Freedom of Information Act 2000 and is known as a Freedom of Information Request or FOI. Requests for the data of deceased people may be processed under this legislation.
<b>Personal Data</b>	Any information relating to an identified, or identifiable, individual.  This may include the individual’s: <ul style="list-style-type: none"><li>• Name (including initials)</li><li>• Identification number</li><li>• Location data</li><li>• Online identifier, such as a username</li></ul>

	It may also include factors specific to the individual's physical, physiological, genetic, mental, economic, cultural or social identity.
<b>Special Categories of Personal Data</b>	<p>Personal data, which is more sensitive and so needs more protection, including information about an individual's:</p> <ul style="list-style-type: none"> <li>● Racial or ethnic origin</li> <li>● Political opinions</li> <li>● Religious or philosophical beliefs</li> <li>● Trade union membership</li> <li>● Genetics</li> <li>● Biometrics (such as fingerprints, retina and iris patterns), were used for identification purposes</li> <li>● Health -physical or mental or sex life or sexual orientation</li> </ul>
<b>Processing</b>	<p>Anything done to personal data, such as collecting, recording, organising, structuring, storing, adapting, altering, retrieving, using, disseminating, erasing or destroying.</p> <p>Processing can be automated or manual.</p>
<b>Data subject</b>	The identified or identifiable living individual whose personal data is held or processed.
<b>Data controller</b>	A person or organisation that determines the purposes and the means of processing of personal data.
<b>Data processor</b>	A person or other body, other than an employee of the data controller, who processes personal data on behalf of the data controller.
<b>Third Party</b>	Individuals who are not the subject of the data, but may be connected to or affected by it is known as a third party.
<b>Relevant Professional</b>	The practitioners who supply information held on Social Services records, and various other medical and educational records. A relevant professional will consider where disclosure is likely to cause serious physical or mental harm to the applicant or any third party.

#### 4. Responsibilities

The Trust has an overall responsibility to put in place clear policies and procedures and to monitor these processed to ensure that measures have been implemented and remain appropriate and effective.

- **Trust Board**  
The Trust Board has overall responsibility for ensuring that schools within the Trust comply with all relevant data protection obligations.
- **Data Protection Officer**  
The data protection officer (DPO) is the person responsible for overseeing the implementation of this policy, monitoring compliance with data protection law, developing related policies and guidelines where applicable.
- **Central Trust Team**  
On some occasions there maybe records held centrally, in these cases the Central Team will be responsible for providing the relevant schools data champion with the requested information.

Each school within the Trust will ensure that they have designated staff who are appropriately trained to ensure requests made are handled appropriately, in accordance with this policy and processes herein.

- **Data Champions**  
The data champion is usually the office manager within each school, this person acts as the representative of the data controller on a day-to-day basis in each school. To be the first point of contact for GDPR questions (where applicable), to log and action data breeches, subject access requests, freedom of information requests and reports back to the DPO.
- **CEO/Headteachers**  
The CEO/Headteacher has overall responsibly for GDPR and data control within their school.
- **All staff**  
Are responsible for identifying and referring requests to the data champion within each School.

## 5. Subject access requests and other rights of individuals

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

- Confirmation that their personal data is being processed
- Access to a copy of the data
- The purposes of the data processing
- The categories of personal data concerned
- Who the data has been, or will be, shared with
- How long the data will be stored for, or if this isn't possible, the criteria used to determine this period
- The source of the data, if not the individual
- Whether any automated decision-making is being applied to their data, and what the significance and consequences of this might be for the individual

Exemptions to a SAR may include:

- Education, Health, Social Work records
- Examination marks and scripts
- Safeguarding records
- Concern that may cause serious harm to the physical or mental health of the child or another individual
- Special educational needs
- Parental records and reports
- Legal advice and proceedings
- Adoption and Court records and/or reports
- Regulatory activity and official requests e.g. DfE statistical information
- National security, Crime and taxation
- Journalism, literature and art
- Research history, and statistics
- Confidential references

For full details of exemptions to a SAR please visit the [ICO website](#)

## **6. 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 13 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 schools and Trust 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.

## **7. Responding to a subject access request**

The GDPR does not specify how a valid SARs request should be made. An individual can make a subject access request verbally or in writing. "In writing" is defined as by letter or email. It can also be made to any part of the organisation and does not have to be directed to a specific person or contact point.

The School/Trust has a legal responsibility to identify when an individual has made a valid subject access request and handle it accordingly. This may require the School/Trust to request further

information to properly understand the nature and extent of a SAR, and to provide an appropriate and sufficient response.

It is good practice to have a standard form to record details of any written or verbal subject access requests received by the school in order to identify any barriers to an effective response; Each school will provide a standard SAR form. Once filled in, this will be given to the school's data champion, who will log and respond, we:

- Will ask the individual to provide 2 forms of identification
- May contact the individual via phone to confirm the request was made
- Will respond without delay and within 1 month of receipt of the request
- Will provide the information free of charge
- May tell the individual we will comply within 3 months of receipt of the request
- May ask for proof of parental responsibility, this should include a birth certificate, court order or adoption certificate. If there has been a change of name, please supply relevant documents evidencing the change.

Where a SAR is made by a legal representative, it may be necessary for proof of professional relationship to be provided, such as a letter of instruction. Where the school/Trust is not satisfied that the requester has such professional relationship, the school/Trust may not be able to proceed with the request.

Where a request is complex or numerous. We will inform the individual of this within 1 month and explain why the extension is necessary.

If the request is unfounded or excessive, we may refuse to act on it, or charge a reasonable fee which takes into account administrative costs.

A request will be deemed to be unfounded or excessive if it is repetitive or asks for further copies of the same information.

Requests may also be refused in part or full for the following reasons:

- Insufficient evidence of identity (see above criteria)
- Insufficient evidence of relationship to the data subject
- Insufficient evidence of authorisation from the data subject
- Lack of clarification
- Exempt data
- Disproportionate effort

If a request is refused, the school/Trust will inform the requestor, and explain that they have the right to complain to the ICO.

## **8. Other data protection rights of the individual**

In addition to the right to make a subject access request (see above), and to receive information when we are collecting their data about how we use and process it, individuals also have the right to:

- Withdraw their consent to processing at any time.

- Ask us to rectify, erase or restrict processing of their personal data, or object to the processing of it (in certain circumstances)
- Prevent use of their personal data for direct marketing
- Challenge processing which has been justified on the basis of public interest
- Request a copy of agreements under which their personal data is transferred outside of the European Economic Area
- Object to decisions based solely on automated decision making or profiling (decisions taken with no human involvement, that might negatively affect them)
- Prevent processing that is likely to cause damage or distress
- Be notified of a data breach in certain circumstances
- Make a complaint to the ICO
- Ask for their personal data to be transferred to a third party in a structured, commonly used and machine-readable format (in certain circumstances).

Individuals should submit any request to exercise these rights to the data champion for their school. If staff receive such a request, they must immediately forward it to the data champion for their school.

## **9. Parental/carer requests to see the educational record**

Parents, or those with parental responsibility, have a legal right to free access to their child's educational record (which includes most information about a pupil) The school/Trust must respond within 15 Trust days of receipt of the request.

There are certain circumstances where the school can withhold an educational record; for example, where the information might cause serious harm to the physical or mental health of the child or another individual. The request for access would also be denied if it would mean releasing examination marks before they are officially announced.

## **10. Appealing a decision to refuse disclosure of information**

If the school/Trust refuses to disclose information in response to a subject access request, the school/Trust should offer the applicant an opportunity to appeal the initial decision. If the applicant believes that an error has been made in the response to their SAR, they are able to appeal the school/Trust's decision by seeking an internal review.

Once an appeal has been received, the complainant will receive an acknowledgment receipt and the request and response to will be reconsidered. The applicant will be notified of the outcomes of the internal review as soon as possible. All internal reviews should be concluded within 20 working days.

If an applicant's appeal is successful, they will receive the information they requested as soon as possible. If the appeal is unsuccessful the school will provide a detailed explanation of the findings.

## **11. Complaining to the Information Commissioners Office**

If an applicant is not satisfied with the outcomes of the school/Trust's decisions, they have the right to submit a complaint to the Information Commissioners Office. The Information Commissioners Office will make an initial assessment of the case before carrying out an investigation.

The Information Commissioners Office has written guidance notes for applicants on how to complain to the Information Commissioners Office and published it on their website: <https://ico.org.uk>

## **12. Links with other policies**

- Data protection
- Data breach
- Freedom of information



## Subject Access Request Form

This form is intended to support individuals with their requests for personal data and to help us ensure that we provide the information that is being requested, under UK General Data Protection Regulation (GDPR).

<b>Data Subjects name:</b>	
<b>Address:</b>	
<b>Name of school:</b>	
<b>Relationship with the school:</b> (Pupil, staff, parent etc)	
<b>Requesters name:</b>	
<b>Address:</b> (if different from above)	
<b>Telephone:</b>	
<b>Email:</b>	
<b>Details of identification provided to confirm name of the data subject:</b>	
<b>Details of data requested – Please provide any relevant details you think will help us to identify the information you require:</b>	
<b>Data Subject's signature:</b>	
<b>Date:</b>	

Please return to your school's Data Champion. Please allow 1 calendar month for a reply.