

Subject Access Request Procedure for Schools

Scope

All personal data processed by West Hill Primary School or on behalf of West Hill Primary School is within the scope of this procedure.

Data subjects are entitled to obtain:

- Confirmation as to whether West Hill Primary School is processing any personal data about that individual;
- Access to their personal data;
- Any related information;

Procedure

Subject Access Requests (SARs) for information must be made in writing and sent to Anna Healy or Lisa Carmen. The school will provide a template for the request (appendix 1).

If an individual is unable to provide a request in writing and justifiable assistance is required, it must be provided and the request can be made on behalf of the individual.

West Hill Primary School does not need to respond to a request made orally but, depending on the circumstances, it might be reasonable to do so (as long as West Hill Primary School is satisfied about the person's identity). It is good practice at least to explain to the individual how to make a valid request, rather than ignoring them.

If a request does not mention the Data Protection Legislation specifically or even say that it is a subject access request, it is nevertheless valid and should be treated as such if it is clear that the individual is asking for their own or child's personal data.

Requesters do not have to tell West Hill Primary School their reason for making the request or what they intend to do with the information requested, although it may help to find the relevant information if they do explain the purpose of the request.

A request is valid even if the individual has not sent it directly to the person who normally deals with such requests. So it is important to ensure you recognise a subject access request (SAR) and forward it to the named person in school who will liaise with the school Data Protection Officer.

Any school employee who receives a request for a subject access request (SAR) must forward it immediately to Anna Healy or Lisa Carmen no matter what form it is received in.

Anna Healy or Lisa Carmen will log and acknowledge the request.

The data subject will provide the school with evidence of their identity and the signature on the identity must be cross-checked.

List of acceptable identity includes:

- Passport
- Driving licence
- Birth certificate
- Utility bill (from last 3 months)
- Current vehicle registration document
- Bank statement (from last 3 months)
- Rent book (from last 3 months)
- Council tax

The data subject may specify to West Hill Primary School a specific set of data held by West Hill Primary School on their subject access request (SAR). The data subject can request all data held on them.

Anna Healy or Lisa Carmen will update the log and record the date that the identification checks were conducted and the specification of the data sought.

Anna Healy or Lisa Carmen will work with the school Data Protection Officer to provide the requested information to the data subject within one month from this recorded date.

Under the GDPR Article 12 (3), the month deadline may be extended by a further month where necessary, taking into account the complexity and number of the requests.

The Co-headteachers shall inform the data subject of any such extension within one month of receipt of the request, together with the reasons for the delay.

Example of reason for the delay:

- Volume of information is over 1,000 pages
- Open complex cases
- Three or more third parties are included

Where the data subject makes the request by electronic means, the information shall be provided by electronic means where possible, unless otherwise requested by the data subject.

Once received, the subject access request (SAR) is immediately forwarded to Anna Healy or Lisa Carmen, who will ensure that the requested data is collected within the specified time frame.

Collection entails:

- Collecting the data specified by the data subject,
- Request West Hill Primary School to search and retrieve information from all relevant databases and all relevant filing systems (manual files) in the school, including all back up and archived files (computerised or manual) and all email folders and archives.

The Data Protection Officer will maintain a record of requests for data and of its receipt, including dates and copies of correspondences.

All documents should be reviewed that have been provided, to identify whether any third parties are present in it, and either remove the identifying third party information from the documentation or obtain written consent from the third party for their identity to be revealed.

The DPA currently sets out a number of exemptions which allow information to be withheld from data subjects in circumstances in which it would otherwise need to be disclosed. Current exemptions which are relevant include:

- Confidential references – schools do not have to provide subject access to references they have confidentially given in relation to an employee's employment;
- Management information – personal data which relates to management forecasting or planning is exempt from subject access (to the extent complying with the SAR would be likely to prejudice the business activity of the organisation);
- Legal advice and proceedings – schools do not have to disclose data which is covered by legal professional privilege;
- Settlement negotiations – the subject is not entitled to personal data which consists of a record of the employers intentions in respect of settlement discussions that have taken place or are in the process of taking place with that individual.

In the event that a data subject requests details of what personal data is being processed then they should be provided with the following information:

- Purpose of the processing

- Categories of personal data
- Recipient(s) of the information, including recipients in third countries or international organisations
- How long the personal data will be stored
- The data subject's right to request rectification or erasure, restriction or objection, relative to their personal data being processed.
- West Hill Primary School takes appropriate measures to act without undue delay in the event that the data subject has: withdrawn consent (objects to the processing of their personal data in whole or part; no longer under legal obligation and/or has been unlawfully processed).

Inform the data subject of their right to lodge a complaint with the ICO and a method to do so.

Inform the data subject of any automated decision-making.

If and where personal data has been transferred and information on any safeguards in place.

West Hill Primary School does not charge a fee for Subject Access Requests (SARs).

Complaints against Subject Access Requests (SARs)

Individuals that wish to make a complaint about the handling of their Subject Access Request (SAR) can raise a concern with the Data Protection Officer. They also have a right to raise their concern with the Information Commissioner's Office. Any Subject Access Request (SAR) concern received by a school employee must be forwarded to the Data Protection Officer immediately.

Form for submitting subject access requests

West Hill Primary School

5 Merton Road

London

SW18 5ST

Date:

Re: subject access request

Dear West Hill Primary School,

Please provide me with the information about me that I am entitled to under the Data Protection Act 2018 and General Data Protection Regulation (GDPR). This is so I can be aware of the information you are processing about me, and verify the lawfulness of the processing.

Here is the necessary information:

Name	
Relationship with the school	Please select: Pupil / parent / employee / governor / volunteer Other (please specify):
Correspondence address	
Contact number	
Email address	
Details of the information requested	Please provide me with: <i>Insert details of the information you want that will help us to locate the specific information. Please be as precise as possible, for example:</i> <ul style="list-style-type: none">• <i>Your personnel file</i>• <i>Your child's medical records</i>• <i>Your child's behavior record, held by [insert class teacher]</i>• <i>Emails between 'A' and 'B' between [date]</i>

If you need any more information from me, please let me know as soon as possible.

Please bear in mind that under the GDPR you cannot charge a fee to provide this information, and in most cases, must supply me with the information within 1 month.

If you need any advice on dealing with this request, you can contact the Information Commissioner's Office on 0303 123 1113 or at www.ico.org.uk

Yours sincerely,