

## Subject Access Request Procedure

The General Data Protection Regulation (GDPR) was brought into EU law in May 2016 and becomes enforceable on 25th May 2018. The GDPR is a European regulation which means it automatically becomes applicable to all Member States. The UK is supporting this by introducing the Data Protection Bill.

GDPR entitles individuals to request access to any personal data and supplementary information the Trust holds about them. It allows them to be aware of, and verify the lawfulness of, why we process this data.

This right applies to everyone whose personal data the Nene Education Trust holds, including staff, governors, volunteers, parents and pupils.

The General Data Protection Regulations stipulates that we must:

- Provide the information **free of charge**
- Comply within **1 month**
- Provide the information in a commonly used electronic format, if the request was made electronically

The Lead Contact for Data Protection in each Academy (please see below) will deal with all subject access requests (SARs) received by the Academy in which they are based. The Trust's external Data Protection Officer, Ruth Hawker, will provide advice, guidance and support to all Academies within the Trust.

### Format of requests

An individual can make a subject access request verbally or in writing. It can also be made to any part of the Trust (including by social media) and does not have to be to a specific person or contact point. We can invite individuals to complete and return the form attached in Appendix 1 to their Lead Contact for Data Protection DPO (but we cannot insist on this) or choose to submit a request in an alternative format, for example by letter or email.

If a member of staff receives a subject access they should forward it immediately to the Lead Contact for Data Protection in their Academy or the Principal/CEO.

Staff members should know how to identify a request. For example, parents might not use the term 'subject access request' but might ask to see their child's behaviour record. This is personal data and so these rules apply.

### Responding to a request

On receipt of a SAR the Lead Contact for Data Protection will follow the processes as outlined in Appendices 3, 4, and 5.

The Lead Contact for Data Protection will:

- On receiving a request, contact the individual via phone to confirm the request was made. They will verify the identity of the person making a request using 'reasonable means' by asking for two forms of identification. This won't always be necessary - for

example, staff, governors and pupils will be known to the Trust, so you could simply ask another staff member to verify their identity

- In most cases the Lead Contact for Data Protection must provide the information within 1 month, and free of charge. If the request is complex or numerous, the Trust can comply within 3 months, but must inform the individual of this within 1 month and explain why the extension is necessary
- If the request is made electronically, the DPO should provide the information in a commonly used electronic format

If a request is received during the school holidays, the Trust will still have to respond within the same time frame of 1 month.

You must act on the subject access request without undue delay and should calculate the time limit from the day after you receive the request (whether the day after is a working day or not) until the corresponding calendar date in the next month.

### **'Manifestly Unfounded or excessive' requests**

If the request is 'manifestly unfounded or excessive, the Lead Contact for Data Protection, on advice from the Data Protection Officer, can either:

- Charge an administrative cost for providing the information
- Refuse to respond

### **Refusing a request**

When a request is refused the Lead Contact for Data Protection must:

- Respond to the individual within 1 month
- Explain why the Trust is refusing to respond to the request
- Tell the individual they have the right to complain to the ICO

### **Other rights of individuals**

As well as the right to access their data, the GDPR also grants individuals further rights in relation to their own data. Individuals will have the right to:

- Be informed about how their data is used (typically through privacy notices)
- Have inaccurate or incomplete information about them corrected
- Have their data deleted where there is no compelling reason for its continued use
- Block or restrict processing of their data
- Obtain and reuse their data for their own reasons across different services ('data portability')
- Object to the processing of their data for particular purposes
- Not be subject to an automated decision made through the use of data, which has a legal or significant effect on the person

## **Appendix 1: Contact details for Trust Data Protection Officer and Leads**

### **Details for Trust Data Protection Officer:**

Ruth Hawker, Plumsun Ltd [www.plumsun.com](http://www.plumsun.com)

### **Trust Data Protection Leads:**

#### **Trust Central Offices:**

Chris Hill, CEO, [chill@manorlearningtrust.org.uk](mailto:chill@manorlearningtrust.org.uk)

#### **Manor School Sports College**

Jay Davenport, Principal

#### **Stanwick Primary**

Chloe Neild Associate Principal

#### **St Peter's C E Academy**

Julie Caswell, Principal

#### **Newton Road School**

Kerry Mills, Principal

#### **Windmill Primary**

Liz Abel, Associate Principal

#### **Woodford C of E Primary**

Kristel Murphy, Principal

#### **Raunds Park Infants**

Lisa Jeffery, Principal

**Information Commissioner's Office: 0303 123 1113 or at [www.ico.org.uk](http://www.ico.org.uk)**

**Appendix 2:**

**Subject Access Request Form (provided by Trust)**

[Insert date]

**Academy:**

**Re: SUBJECT ACCESS REQUEST**

**F.A.O.** The Lead Contact for Data Protection (at relevant Academy)

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

Name	
Relationship with the school	<i>Please select:</i> <b>employee / trustee/ governor / volunteer</b>  Other (please specify):
Correspondence address	
Contact number	
Email address	
Details of the information requested: <i>Please provide details of the information you require. Please be as precise as possible, for example:</i> <ul style="list-style-type: none"><li>• <i>Your personnel file</i></li><li>• <i>Your medical records</i></li><li>• <i>Your records in relation to (please detail),</i></li><li>• <i>Emails between 'A' and 'B' between [date]</i></li></ul>	

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

I am aware 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](http://www.ico.org.uk)

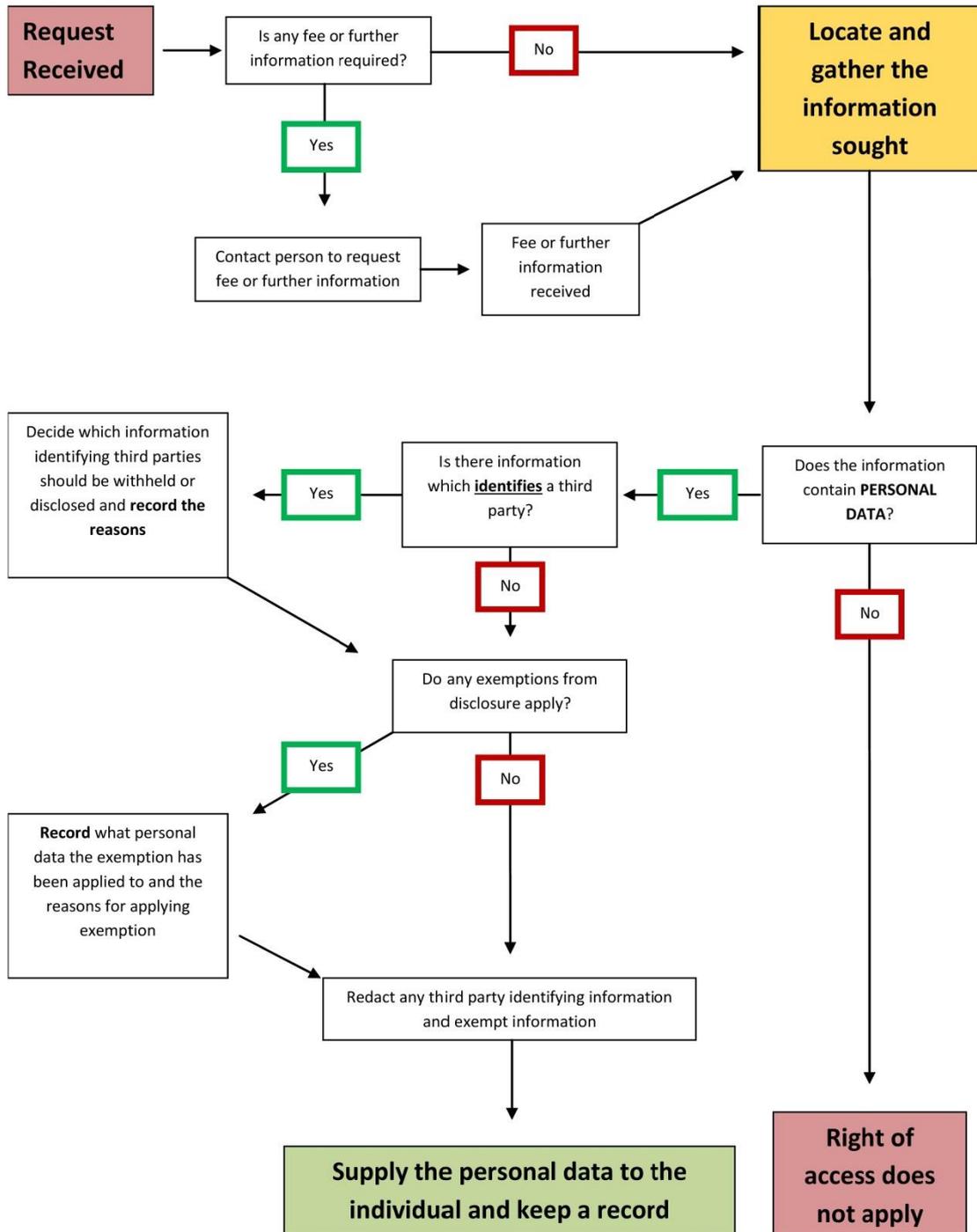
Name:

Signature:

Date:

### Appendix 3:

Flowchart for complying with a subject access request



**Appendix 4:**

**Subject Access Request Action Sheet**

<b>Timing</b>	<b>Action</b>	<b>Description</b>	<b>What to document</b>
<b>Day 1</b>	Receipt of SAR	Confirm identity of person <b>OR</b>	Identification details
		Confirm identity and authorisation if not data subject themselves	Identification details & copy of authorisation letter,
		Send acknowledgement letter	Copy of Letter sent out
<b>Day 1</b>	Pass SAR to Lead Contact for Data Protection Seek advice from Data Protection Officer		
<b>Days - 30</b>	Search for information	This search will be dependent upon the information requested.	
<b>Days - 30</b>	Collate information	Identify any information that is subject to a statutory exemption from disclosure.  Decide whether there are any third party details which should not be disclosed.  Decide whether there are any other further exemptions to disclosure that can REASONABLY be applied (not just because it is embarrassing).	If any exemptions are applied, record the reasoning behind applying the exemption for <b>each</b> piece of information – this should not be just a general statement. Keep a copy in a separate file, ideally in a SAR file. This will be the first point of reference in the case of a complaint being made to the Trust. The copy may also be used to compare any subsequent SAR requests, or may be useful if the information sent out gets misplaced rather than having to undertake the process again.
<b>As soon as possible but within 1 month</b>	Send information to person with letter	A letter must be sent advising that the SAR has been complied with, even if no information is held in respect of that SAR or no information can be disclosed because of statutory exemptions or other exemptions that may REASONABLY be applied. In the case that exemptions have been relied on, there is no need to mention the fact that these exemptions have been applied, merely that there is no information the data controller is 'required to supply under the Act'.	Copy of letter Copy of information sent out.

**Appendix 5:**

**Subject Access Request Checklist**

	<b>Task</b>	<b>Yes</b>	<b>No</b>	<b>Date</b>
1	Receipt of Subject Access Request acknowledged in writing?			
2	Identity of party making the request confirmed?			
3	Further information requested?			
4	Has any further information if requested been received from data subject?			
5	Information collected and a copy kept in individual subject access request file?			
6	Information sent to data subject or their representative?			

	<b>Record Kept</b>	<b>Tick on completion</b>
1	Confirmation of request from data subject	
2	Confirmation of receipt of request	
3	Authority to make request (if not data subject)	
4	Identity confirmation of party	
5	Copy of information to be given to party	
6	Copy of letter sent to party with information as requested	