



Five Rivers Multi Academy Trust

Procedures for responding to subject access requests made under the General Data Protection Regulation 2018

Rights of access to information

Under the GDPR article 12 individuals have the right to obtain:

- Confirmation that their data is being processed;
- Access to their personal data; and
- Any other supplementary information.

Any individual has the right to make a request to access the personal information held about them. (A parent/guardian may also make a request to access the personal information held about a child – see sections b & c below);

The right of those entitled to have access to curricular and educational records as defined within the Education Pupil Information (Wales) Regulations 2004 is also covered.

Actioning a subject access request

- a) Requests for information must be made in writing; which includes email, and be addressed to the Principal/Head of School of the academy in question; or if the request is about information held by the Trust it should be addressed to the Director of Business Strategy (see Appendix A). If the initial request does not clearly identify the information required, then further enquiries will be made.
- b) In all cases, the identity of the requester must be established before the disclosure of any information. If the request is made by a parent/guardian on behalf of the child, then checks should also be carried out regarding proof of relationship to the child. Evidence of identity can be established by requesting production of:
 - passport
 - driving licence
 - utility bill with the current address
 - birth / marriage certificate
 - P45/P60
 - Credit card or mortgage statement

NB this list is not exhaustive.
- c) Any individual has the right of access to information held about them. However, with children, this is dependent upon their capacity to understand (normally age 12 or above) and the nature of the request. The Principal/Head of School should discuss the request with the child and take their views into account when making a decision. A child with competency to understand can refuse to consent to the request for their records. Where the child is not deemed to be competent an individual with parental responsibility or a guardian shall make the decision on behalf of the child.

d) Please note the following:

- i. A charge may only be made if the request is manifestly unfounded or excessive.
 - ii. The response time for subject access requests, once officially received, is **one calendar month** without undue delay. However, the calendar month will not commence until after receipt of fees (if applicable – see i above) or clarification of information sought. Individuals are asked to note that schools within the Trust are generally closed over the Summer holidays and there may be no one available to receive and process subject access requests. With this in mind individuals are encouraged to submit subject access requests outside this period.
 - iii. The GDPR allows exemptions as to the provision of some information; therefore, **all information will be reviewed prior to disclosure**.
 - iv. Third party information is that which has been provided by another party, such as the Police, Local Authority, healthcare professional or another school / academy. Before disclosing third party information, consent should normally be obtained. There is still a need to adhere to the calendar month statutory timescale. Should the information access request include information pertaining to a third party, this information may be redacted; or consent must be sought from that third party. Refusal to disclose may be given if that third party does not give their consent. NB where the third party has already been copied into the information previously, there is no general need to redact their information.
 - v. Any information which may cause serious harm to the physical or mental health or emotional condition of a pupil or another should not be disclosed, nor should information that would reveal that the child is at risk of abuse, or information relating to court proceedings.
 - vi. Information may be withheld if revealing this information indicates that a child is at risk of abuse, and disclosure of that information would not be in their best interests.
 - vii. Information in parental or adoption order records may be withheld.
 - viii. Other exemptions may be made: financial information; or information giving legal privilege.
 - ix. If there are concerns over the disclosure of information, then additional advice should be sought. If anyone requests personal data who has no right to it, then the request will be refused and the grounds stated (i.e. contravention of the GDPR).
 - x. Persistent or unreasonable requests: the GDPR does not limit the number of subject access requests an individual can make to any organisation. However, it does allow some discretion when dealing with requests that are made at unreasonable intervals. The Act says that you are not obliged to comply with an identical or similar request to one you have already dealt with, unless a reasonable interval has elapsed between the first request and any subsequent ones.
- e) Where redaction (information blacked out/removed) has taken place then a full copy of the information provided should be retained in order to establish, if a complaint is made, what was redacted and why.
- f) Information disclosed should be clear, thus any codes or technical terms should be clarified and explained. If information contained within the disclosure is difficult to read or illegible, then it should be retyped.

- g) Information can be provided at the academy 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 considered when considering the method of delivery. If postal systems have to be used, then registered/recorded mail must be used.

Complaints

- a) Complaints about the above procedures should be made to the Chair of the Trust Board, who will decide whether it is appropriate for the complaint to be dealt with in accordance with the Trust's or the academy's complaint procedure. Complaints which are not appropriate to be dealt with through the Trust's/academy's complaints procedure can be dealt with by the Information Commissioner. Contact details of both will be provided with the disclosure information.

Contacts

- a) If you have any queries or concerns regarding these policies / procedures please contact the Principal/Head of School of the academy in question.
- b) Further advice and information can be obtained from the Information Commissioner's Office, www.ico.gov.uk or telephone 0303 123 1113.

Principals/Heads of School are responsible for ensuring the subject access procedure is displayed on academy websites.

Appendix A

Contact details:

Abbeyfield: Helen Best, Principal
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Tinsley Meadows: Deborah Sanderson, Head of School
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MAT: Emma Farmer, Director of Business Strategy
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