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

A subject access request (SAR) is a type of information rights request. A SAR lets people access a copy of the personal data a school holds about them or someone they have parental responsibility for.

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

Requests for information about your own personal data may be made either verbally or in writing (which includes email).

Please note that if you make a request for information about your personal data or that of your child, even if you do not call it a SAR, the Trust will treat the request as a SAR and it will be recorded as such (see below **Recording the SAR Process**).

An individual may make a subject access request to any part of an organisation (including by social media), however to ensure a timely response, we would ask that any requests please be addressed to the Principal of the academy in question; or if the request is about information held by the Trust, please address it 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.

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.

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 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.

Please note the following:

i. A charge may only be made if the request is manifestly unfounded or excessive (see section v. below).

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.

In the event of the academy receiving a non-specific request we may ask for clarification of what specific information the requester is looking for. This might be helpful when the requester asks for a lot of information because they are not sure what they need.

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**.

~ 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.

~ 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.

~ 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.

~ Information in parental or adoption order records may be withheld.

- ~ Other exemptions may be made: financial information; or information giving legal privilege.

iv. 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).

v. 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. There is also discretion when dealing with SARs classed as **manifestly unfounded**, i.e. when an individual submits multiple SARs with malicious intentions (e.g. an intention to cause disruption or the targeting of an employee with unproven accusations); or classed as **manifestly excessive**. This means that the effort and cost of collecting the information makes responding to the request unreasonable or disproportionate.

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.

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.

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.

Recording the SAR process

The academies will keep records of any SARs including:

- ~ the date the request was received
- ~ any time the response was paused and why (for example getting identification)
- ~ a copy of all correspondence
- ~ information about which records and systems were searched and what was found
- ~ any information that was redacted and the reason why
- ~ the date the response was sent, and a copy of it
- ~ copies of any ongoing correspondence with the requester (such as confirmation of receipt, complaints)
- ~ evidence of decision to refuse a SAR
- ~ evidence of decision to exempt any information.

Complaints

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

If you have any queries or concerns regarding these policies / procedures please contact the Principal of the academy in question.

Further advice and information can be obtained from the Information Commissioner's Office, www.ico.gov.uk or telephone 0303 123 1113.

Principals are responsible for ensuring the subject access procedure is displayed on academy websites.

Appendix

Contact details:

Abbeyfield: Kate Abell, Principal
enquiries@abbeyfield.sheffield.sch.uk
Tel: 0114 242 0109

Tinsley Meadows: Tania Macpherson, Principal enquiries@tinsleymeadows.sheffield.sch.uk
Tel: 0114 244 1842

MAT: Emma Farmer, Director of Business Strategy
enquiries@fiveriversmat.uk
Tel: 0114 244 1842