

HORNINGSHAM PRIMARY SCHOOL

Data Subject Access Request Policy (DSAR)

'Together we learn'



OUR MISSION STATEMENT STATES THAT WE

Aim to provide a Caring Community where children can grow up confidently and happily whilst providing opportunities to develop their potential to the full.

This procedure should be read in conjunction with our policies and/or procedures on, Data Protection and Records Retention.

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1 Vision and Values

- 1.1 Horningsham Primary School is a maintained school within the Wiltshire Local Authority. Our Mission Statement is that we “Aim to provide a Caring Community where children can grow up confidently and happily whilst providing opportunities to develop their potential to the full”.

2 Introduction and Purpose

- 2.1 The Data Protection Act 2018 (DPA) and United Kingdom General Data Protection Regulation (UK-GDPR) gives individuals rights of access to their personal records held by Horningsham Primary School, Church Street, Horningsham, Nr Warminster, Wiltshire, BA12 7LW.
- 2.2 Subject access is a fundamental right for individuals. But it is also an opportunity for us to provide excellent customer service by responding to Subject Access Requests (SARs) efficiently, transparently and by maximising the quality of the personal information we hold. This Policy explains how Horningsham Primary School will fulfil its obligations under the Act.
- 2.3 Personal data is information that relates to a living individual which allows that individual to be identified from that information (or that information with other information likely to come into the organisation’s possession).
- 2.4 Horningsham Primary School is a Data Controller as it determines the purposes, and the way in which personal data is processed.
- 2.5 The GDPR provides individuals with certain rights, one of which enables individuals to find out what personal data is held, why it is held and who it is disclosed to. This right is commonly known as subject access and is set out in Article 15 of the GDPR. Individuals may exercise the right by making a ‘subject access request’ (SAR).

3 Policy Statement

- 3.1 The school regards the Act as an important mechanism in achieving an honest, safe, and open relationship with all those with whom it has dealings with, including, its pupils, parents, and employees.
- 3.2 An individual can also request information about the reasoning behind any automated decisions taken about him or her, such as a computer-generated decision for benefit or a grant entitlement, or an assessment of performance at work.
- 3.3 The aim of this policy is to ensure that the school complies with its legal obligations under the Data Protection Act 2018 and can evidence that we have done so. It also aims to ensure that we:
- Have robust processes in place for dealing with SARs, saving time and effort.
 - Increase levels of trust and confidence by being open with individuals about the personal information we hold.
 - Improve the transparency of our activities in line with public policy requirements.

4 Scope of the Policy

- 4.1 This document outlines how an applicant can make a request for their personal information under the Act and how it will be processed.

- 4.2 This is not a legal document. It does not confer rights nor override any legal or statutory provisions which either require or prevent disclosure of personal information.
- 4.3 This document considers the key features of the Act and outlines how the school will take steps to ensure compliance in relation to requests for personal information.
- 4.4 Requests for access to the records of people who are deceased are not within scope of this Policy as the Act only applies to the data of living individuals. Such requests will be treated as requests for access to information under the Freedom of Information Act or as miscellaneous requests, depending on the nature of the data and the reason the data is being requested.
- 4.5 As an educational establishment, requests may fall under the parent's right of access to their child's 'educational record' under the Education (Pupil Information) (England) Regulations 2005 and the applicant should be advised of this.

5 What is a subject access request?

- 5.1 A Subject Access Request is simply a written request made by or on behalf of an individual for the information which he or she is entitled to ask for under Articles 12 and 15 of the GDPR. The request does not have to be in any particular form, nor does it have to include the words 'subject access' or make any reference to the GDPR.
- 5.2 These requests are most often made by individuals who want to see a copy of the information an organisation holds about them. However, except where an exemption applies subject access entitles an individual to be:
- told whether any personal data is being processed.
 - given a description of the personal data, the reasons it is being processed, and whether it will be given to any other organisations or people.
 - given details of the source of the data (where this is available).
- 5.3 Subject access provides a right to see the personal information or a right to have copies of the documents that include that information. If the request is made electronically, we will provide the information in a commonly used electronic format.

6 Formal requirements

- 6.1 We request that a Subject Access Request is in writing.
- 6.2 Although, the form that we provide may make it easier for an individual to ensure they include all the information that we need there is no requirement for them to use this form. Requests may also be received via email or letter etc. Although an individual's request for information may begin in any form such as telephone, verbal conversation; an actionable request is preferred in writing. Adults and children who can understand their subject access rights can apply to the school for their personal information. The DPA also allows official representatives to apply on behalf of vulnerable or less able applicants (see section on requests made on behalf of others and requests for information about children).
- 6.3 To avoid personal data about one individual being sent to someone who is not entitled to it, the school need to be satisfied that they know the identity of the applicant. Enough information will be requested to confirm the individual's identity; however, this will be

reasonable especially in situations where the individual is known to the school through ongoing contact.

- 6.4 Subject Access Requests to the school are free under GDPR. The statutory response time is one month for all data controllers.

7 Subject Access Procedures

- 7.1 When a SAR is received which meets the formal requirements above, the one-month response begins to run. This one-month deadline is set under the UK-GDPR, however in all cases the school will respond promptly.
- 7.2 The school DPO must be informed immediately a SAR is received.
- 7.3 On receipt of a subject access request, it may be more appropriate for staff members to try to satisfy the request informally by telephone, perhaps when individuals are requesting copies of documents which should or have previously been provided.
- 7.4 Before responding to a subject access request, staff may ask the applicant for information that is reasonably required to find the personal data that they are seeking. Staff are not required to comply with the request until this information is received, however there should not be an unreasonable delay in seeking clarification.
- 7.5 Upon receipt of a subject access response, an individual may wish to contact the school. If they remain dissatisfied following this they may also contact the Information Commissioner's Office at any time if they are not satisfied with their response, or the way their request has been handled, although they may ask the school to resolve these concerns directly in the first instance.
- 7.6 A detailed record of the contents of Subject Access Replies should be kept for seven years. This record should include the information that was disclosed, and where necessary the exemptions that were used where information was not provided.

8 Requests made on behalf of others

- 8.1 The GDPR does not prevent an individual making a Subject Access Request via a third party. Often, this will be a solicitor acting on behalf of a client. In these cases, we need to be satisfied that the third party making the request is entitled to act on behalf of the individual, but it is the third party's responsibility to provide evidence of this entitlement. This might be a written authority or might be a more general power of attorney.
- 8.2 When a SAR is received from a solicitor's firm, staff must ensure that the request letter confirms that the school will not be a party to any claim. If the school is a party, the matter should be referred to the headteacher and data protection officer for appropriate advice.
- 8.3 The request letter must also include a signed consent or release form from the client (The data subject). The information disclosed should be exactly as outlined in the client's consent form. Information must not be released without the client's explicit consent.

9 Requests for information about children

- 9.1 Pupils attending any type of school have a right of access under the GDPR to their own information. When a child cannot act for themselves or the child gives permission, parents will be able to access this information on their behalf.
- 9.2 Requests may fall under the parent's right of access to their child's 'educational record' under the Education (Pupil Information) (England) Regulations 2005 and the applicant should be advised of this.
- 9.3 A parent, with parental responsibility, can access all the other information about their child if their child is unable to act on their own behalf or gives their permission. As a general guide, a child of twelve or older is expected to be mature enough to make this kind of request.

10 Editing information (exemptions)

- 10.1 Some types of personal information are exempt from the right of subject access. Information may be exempt because of its nature or because of the effect that its disclosure would have.
- 10.2 There are also restrictions where this would involve disclosing information about another individual (third parties).
- 10.3 If third parties are included in material to be released, a balancing of interests between the applicant and the third party should be carried out. The third party's views on the release of this information to the applicant may be sought. If, because of this consultation, information is to be edited it should be kept to a minimum and the context of information should always be retained where possible.
- 10.4 Decisions about disclosing third party information should be made on a case-by-case basis. It may be necessary to seek legal advice where appropriate.

11 School Office visits

- 11.1 Applicants may be encouraged to visit the school offices to view the information they have requested. If this is to occur, the headteacher along with the DPO must first review the documents and consider whether the information can be released or whether an exemption may apply. The applicant should also be accompanied by an appropriate member of staff so that information can be explained and clarified. Office visits should be carried out within the statutory time limit and the visit documented. A reference should be kept on the database to the information that was viewed.

12 Roles and Responsibilities

- 12.1 Adhering to the Data Protection Act 2018 is the responsibility of every member of staff acting for or on behalf of the school. Subject Access requests fall within the data protection statutory framework and the ability to identify and appropriately handle a request for information is part of every employee's role.

13 Refusing a Request

- 13.1 If a request is manifestly unfounded or excessive, particularly where it is repetitive, then the request can be refused.

13.2 Should a request be refused, the Data Subject will be informed of the reasons why it is refused and will be informed of their right to complain to the Regulatory Authority and to a judicial remedy, within one month of receipt of the request.

14 Complaints

14.1 On receipt of a subject access response, an individual may wish to contact the school for clarification. If they remain dissatisfied following this, we ask that they follow our complaints procedure however they may also contact the Information Commissioner's Office at any time.

14.2 A complaint following a SAR response must be made without undue delay. Therefore we will not consider a complaint raised three months or more after the closure of a SAR response.

14.3 If they are not satisfied with our response, or the way their request has been handled, they may also raise a complaint with the ICO.

14.4 Should the ICO investigate Horningsham Primary Schools compliance with the SAR, Horningsham Primary School will be required to provide documentation to prove its compliance with the UK-GDPR along with its principles.

14.5 In the unlikely event that the ICO determine a failure by Horningsham Primary School to comply with a SAR, the ICO have various consequences that can result including the following:

- Issuing warnings and reprimands.
- Imposing a temporary or permanent ban on data processing.
- Ordering the rectification, restriction, or erasure of data; and
- Suspending data transfers to third countries.
- Issuing of fines.

14.6 If it were found that Horningsham Primary School failed to comply with any of the UK-GDPR principles, and financial penalty would be increased by 4%.

14.7 The data subject would also be able to make representation through the courts to claim compensation within certain circumstances.

15 Contacts

15.1 If you have any enquiries or concerns or would like more information about anything mentioned in this policy, please contact our administration office by telephone on 01985 844342, or email admin@horningsham.wilts.sch.uk. Alternatively, our data protection officer: Jeremy Shatford by Email: dpo@jeremysatford.co.uk.

15.2 Further advice and information is available from the Information Commissioner's Office, <https://ico.org.uk/or telephone 0303 123 1113>

16 Annex A Subject Access Request Form

Please fill in the details below, to enable us to provide you the information which you are entitled to under the General Data Protection Regulation (GDPR)

Your First Name:	
Your Surname:	
Your relationship with the data subject.	
Data Subjects Date of Birth:	
Full Address:	
Postcode:	
Preferred Contact: (email/phone number)	
Pupil Name	
Any other additional info:	

Please give details of the information you require from us:

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We request that you provide us with the following additional ID for verification of your identity: For example Photographic ID – passport/driving licence

Please note that we will aim to respond to your request within one month of receipt. If for any reason this may take longer, we will contact you to notify you of an expected date of receipt and the reasons why.

Updated: 31st August 2021 (DPO)