



# Horningsham Primary School

Church Street, Horningsham, Warminster, Wiltshire, BA12 7LW

Tel: 01985 844342 Email: [admin@horningsham.wilts.sch.uk](mailto:admin@horningsham.wilts.sch.uk)

Headteacher: Mrs Odele Lapham

## Subject Access Request (SAR) Policy and Procedure

### Introduction and Purpose

The UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018 (DPA) give individuals the right to access personal data held about them by Horningsham Primary School (the “school”).

Subject access is a key right under data protection law and provides individuals with transparency and control over their personal information. It also helps the school maintain trust by ensuring that data is accurate, complete, and processed lawfully.

Personal data means any information relating to a living individual who can be identified, directly or indirectly, from that information. Some personal data is classed as special category data (e.g. information about health, ethnicity, or safeguarding) and requires additional protection.

The school is the Data Controller for the personal data it processes in the course of its educational and administrative functions.

The school’s Data Protection Officer (DPO) is responsible for overseeing compliance with data protection law and ensuring that Subject Access Requests (SARs) are handled lawfully, fairly, and within statutory time limits.

### Policy Statement

The school recognises the importance of transparency and accountability in handling personal data and is committed to meeting its obligations under the DPA and UK GDPR.

This policy ensures that individuals can exercise their right of access effectively and that the school responds to all SARs in accordance with the law.

The school is committed to:

- Establishing clear and efficient procedures for handling SARs;
- Maintaining transparency regarding the personal data it holds and processes;
- Responding to all SARs within one month of verification, or within an extended period of up to two further months where requests are complex or numerous;
- Ensuring that all personal data, regardless of the format in which it is held (electronic, paper, audio, CCTV, etc.), is covered by this policy.

### Scope of the Policy

This policy applies to all Subject Access Requests received by the school, regardless of the requester’s relationship with the school. This includes requests from pupils, parents and carers, staff, former staff, governors, job applicants, contractors, and volunteers.

The policy outlines how SARs are received, verified, processed, and fulfilled, and how the school ensures compliance with the DPA and UK GDPR.

Requests for information about deceased individuals fall outside the scope of data protection legislation and may be handled under the *Freedom of Information Act 2000* or other applicable legislation.

Requests for access to a child's *educational record* may also fall under the *Education (Pupil Information) (England) Regulations 2005*, and applicants will be informed where this applies.

### **What is a Subject Access Request?**

A Subject Access Request (SAR) is a request made by, or on behalf of, an individual for access to their personal data as set out in Articles 12 and 15 of the UK GDPR.

A request does not need to refer to "Subject Access" or cite legislation to be valid. Any written or verbal request that clearly seeks access to personal data will be treated as a SAR.

Requests may be made:

- In writing (e.g. letter, email, or completed SAR form);
- Verbally (in person or by telephone), in which case the school will record the details and confirm them with the requester before proceeding.

A SAR entitles an individual to:

- Confirmation that their personal data is being processed;
- Access to copies of that data;
- Information about the purposes of processing, the categories of data held, and any recipients of the data;
- Details of the data's source (if not collected directly from the individual);
- Information on how long the data will be retained and their rights regarding correction, erasure, or complaints.

If a request is made electronically, the school will respond in a commonly used electronic format unless another format is requested.

### **Formal Requirements**

The school encourages SARs to be made in writing for clarity, but verbal requests are also valid.

A Subject Access Request Form is available to assist individuals, but is not mandatory. (See Appendix A)

The school must verify the identity of the requester before disclosing any personal data. Acceptable forms of ID include official documents such as a passport, driving licence, or utility bill.

The statutory one-month response period begins once the school has verified identity and clarified the scope of the request (if necessary).

All SARs are free of charge. However, a reasonable administrative fee may be charged for requests that are manifestly unfounded, excessive, or repeated.

### **Subject Access Procedures**

All SARs must be reported immediately to the DPO upon receipt.

Staff should not respond directly to a SAR but must pass it to the DPO, who will coordinate the response with the headteacher and relevant staff.

If clarification is required to identify the requested information, the school will seek it promptly, although such clarification should not be used to delay the process unnecessarily.

The DPO will maintain a SAR Log containing:

- Date of receipt and verification;
- Nature of the request;
- Departments involved;

- Dates of response and any extensions;
- Details of exemptions or redactions applied.

Data will be reviewed carefully before disclosure, and any redactions or exemptions applied will be approved by the DPO.

Responses will be provided securely (e.g. via encrypted email, password-protected file, or recorded delivery).

### **Requests Made on Behalf of Others**

Individuals may authorise a representative, such as a solicitor, to act on their behalf when making a SAR.

The school will require written authorisation or other proof of legal authority (e.g. power of attorney or parental responsibility) before releasing any data to a third party.

The DPO and headteacher must review all third-party requests before data is disclosed.

### **Requests for Information About Children**

Children have the same right of access to their personal data as adults.

Where a parent or carer requests on behalf of a child, the school must consider the child's age, level of maturity, and ability to understand their rights.

Generally, children aged 12 or above are presumed capable of exercising their own data protection rights, although this will be assessed on a case-by-case basis.

The school will act in the child's best interests when deciding whether to disclose personal data to a parent or carer.

Requests may also fall under the Education (Pupil Information) (England) Regulations 2005, which govern access to educational records.

### **Redacting Information and Exemptions**

Certain information may be withheld or redacted where disclosure would adversely affect the rights and freedoms of others or where an exemption applies.

Relevant exemptions under the DPA and UK GDPR may include:

- Personal data identifying third parties (unless consent is obtained);
- Confidential references given by the school;
- Examination scripts and marks prior to official release;
- Data processed for the prevention or detection of crime;
- Management forecasting or negotiations;
- Information likely to cause serious harm to the physical or mental health of any individual.

The DPO must approve all exemptions and redactions to ensure consistency and legal compliance.

Redactions will be limited to what is strictly necessary to protect others while maintaining the context of the disclosed information.

### **Viewing Data in Person**

In some cases, the school may invite an individual to view their information on-site, subject to DPO and headteacher approval.

Visits will be documented, and the same security and confidentiality standards will apply.

Viewing information in person does not remove the individual's right to receive a copy of their personal data.

## **Roles and Responsibilities**

All staff are responsible for recognising SARs and reporting them immediately to the DPO.

The headteacher has overall responsibility for ensuring compliance with this policy and supporting the DPO in handling SARs.

The DPO oversees SAR processing, provides advice and training, approves redactions and exemptions, and ensures compliance with statutory timeframes.

Staff must cooperate with the DPO in locating, reviewing, and providing relevant information when requested.

## **Refusing a Request**

The school may refuse a SAR if it is manifestly unfounded or excessive.

If a request is refused, the school will:

- Explain the reasons for refusal in writing;
- Inform the individual of their right to complain to the ICO or seek a judicial remedy; and
- Record the refusal in the SAR Log.

## **Complaints**

Individuals who are dissatisfied with how their request has been handled should first contact the DPO to request an internal review.

If still dissatisfied, they may follow the school's complaints procedure or contact the Information Commissioner's Office (ICO) directly.

Complaints to the ICO should normally be made within three months of the school's final response.

Further information and guidance are available from the:

## **Contacts**

For any queries about this policy or to make a Subject Access Request, please contact:

**The School Office:** [admin@horningham.wilts.sch.uk](mailto:admin@horningham.wilts.sch.uk)

**Data Protection Officer:** [dpo@jeremyshatford.co.uk](mailto:dpo@jeremyshatford.co.uk)

**Information Commissioner's Office (ICO):** <https://ico.org.uk>

0303 123 1113

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