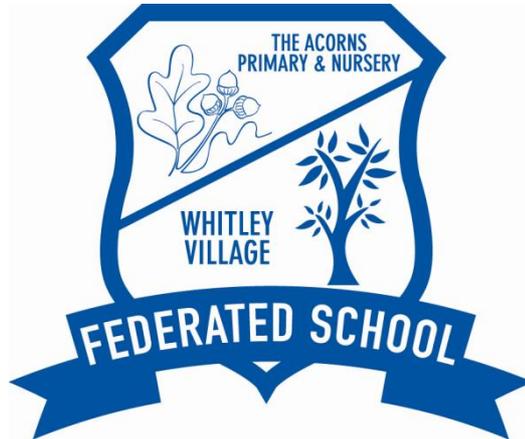


THE ACORNS PRIMARY and NURSERY and WHITLEY VILLAGE
FEDERATED SCHOOL



**Subject Access Request
(SAR) Policy

(LA Adopted)**

November 2021

1. Making a Subject Access Request (SAR)

- 1.1 Under the General Data Protection Regulation, you have the right to request access to information we hold about you.
- 1.2 Under this right you can request:
- Confirmation that we hold personal information about you and why we do so
 - A copy of any information we may hold about you.
- 1.3 An individual is entitled to make a request for the information we hold about them, but in certain circumstances they may be able to make a request for information we hold on someone else.
- 1.4 If you have parental responsibility for a child at this school, you may wish to make a request to identify what personal data we hold on that child, as well to request a copy of that information
- 1.5 The applicant must effectively communicate their request to the school. While there is no requirement for this request to be made in writing, the school will make available a SAR Request form to help facilitate this process.

2. Proof of Identification

- 2.1. If we have any cause to doubt your identity we will ask you to provide any evidence we reasonably need to confirm your identity. This may be done by requesting a recognised form of identification. Items requested may be:
- Proof of Identity Passport, photo driving licence, national identity card, birth certificate.
 - Proof of Address Utility bill, bank statement, credit card statement (no more than 3 months old); current driving licence; current TV licence; local authority tax bill, HMRC tax document (no more than 1 year old).
- 2.2. Where individuals are unable to produce any of the above documentation, we may ask what identification you may possess which would allow us to satisfy ourselves as to your identity.
- 2.3. Where requesting details of information held about a pupil, we will confirm your right to this information. In order to do this we may request a copy of the child's birth certificate or other official documentation confirming parental/guardianship rights.
- 2.4. Where requesting information on behalf of another individual, we will request a copy of the written authority of the individual involved confirming both their and your identity and clearly stating you are acting on their behalf and with their full knowledge.

3. How we process Subject Access Requests

- 3.1 The school will clarify the nature of the request and determine whether the request relates to information belonging to a child or whether the request has been made in relation to information belonging to the requestor.
- 3.2. In the event that a large quantity of information is being processed about an individual, the school may ask the individual to specify the information the request is in relation to.

- 3.3. If we identify information that relates to third parties we will take all reasonable steps to establish whether this information can be disclosed. In some cases, we may contact the 3rd party to seek consent for the release of this information.
- 3.4. We are not required to disclose information relating to third parties, unless they have provided their consent or it is reasonable to do so without their consent. If the third party objects to the information being disclosed we may seek legal advice on what action we should take.
- 3.5. Before sharing any information that relates to third parties, we will where possible anonymise information that identifies individuals not already known to the applicant. We will also edit information that may affect another party's privacy, and if necessary summarise the information provided (rather than provide a full copy of the document).
- 3.6. Once we have confirmed identification, resolved any queries around the applicant's request, and gathered the relevant information, we will issue our response electronically via a secure email service, or if requested, via hard copy. Hard copy responses will be sent by Royal Mail recorded delivery in an envelope or package marked 'Private and Confidential' and 'Addressee Only'.
- 3.7. Where requests relate to information in the form of video images captured by our CCTV security cameras, we may ask whether the requester would be satisfied with viewing these images at our premises.

4. Right to Information

- 4.1. Parents accessing their child's personal data under the *GDPR* are exercising the **child's** right of subject access on the child's behalf.
- 4.1. A parent or guardian does not have an automatic right to information held about their child. The right belongs to the child and the parent(s) acts on their behalf, where they have parental responsibility for the child.
- 4.2. In England the age at which a child reaches sufficient maturity to exercise their own right to access their information is normally 12, but this may vary amongst individuals. Once a child reaches sufficient maturity, the parent may only act with their child's consent.

5. The cost of a Subject Access Request

- 5.1. A copy of the information will be supplied to the individual free of charge; however, the school may impose a 'reasonable fee' to comply with requests for further copies of the same information.
- 5.2. Where a request is manifestly unfounded, excessive or repetitive, a reasonable fee may be charged.
- 5.3. All fees will be based on the administrative cost of providing the information.
- 5.4. Where a fee has been imposed the individual has the right to appeal to the cost specified in the first case to the School and, if they are still unsatisfied, they may complain to the Information Commissioner's Office.

6. Timeframe for responding to Subject Access Requests

- 6.1. A response must be sent within 1 month starting from the day we have received all the information necessary to identify you and, where necessary, identify the information requested. We will aim to respond to all requests as soon as possible within this timeframe.
- 6.2. Where a response is proving difficult to service we may provide information available while continuing to work through additional information.
- 6.3. In the event of numerous or complex requests, the period of compliance will be extended by a further two months. The individual will be informed of this extension, and will receive an explanation of why the extension is necessary, within one month of the receipt of the request.
- 6.4. In the event that a large quantity of information is being processed about an individual, the school may ask the individual to specify the information the request is in relation to.
- 6.5. The school will adopt an appropriate procedure that will allow it to service any Subject Access Requests made during a period of school closure (holiday periods) will be dealt with as normal except during the summer break when requests should be sent directly to the DPO who will assess the request and contact school staff to service the request. (DPO contact details can be found in section 10)
- 6.6. As a matter of course, requests submitted during any holiday period will be responded to within the required timescales. However, the school is conscious of the fact that the ability to service such requests may be made more complex by staff absence but will strive to ensure appropriate procedures are in place to deal with requests made during those periods.
- 6.7. Should a holiday close down period severely affect the school's ability to facilitate the production of the required information, the requestor will be notified as to the cause of any expected delay within good time.
- 6.8. In such circumstance we may provide the requestor with the material most readily available while we work to identify any additional information.

7. Grounds for not complying with Subject Access Requests

- 7.1. Where a request is manifestly unfounded or excessive, the school holds the right to refuse to respond to the request. The individual will be informed of this decision and the reasoning behind it, as well as their right to complain to the supervisory authority and to a judicial remedy, within one month of the refusal.
- 7.2. If you have made a previous subject access we must respond only if a reasonable interval has elapsed since this previous request was made. We will define a reasonable interval by reviewing the elapsed time, nature of information, and changes that have occurred since the last request was made.

8. What to do if you identify inaccurate information in our records

- 8.1. If you identify an error in the information we hold please notify us as soon as possible. If we agree that the information is inaccurate we will take all reasonable steps to correct the information or if relevant and practically possible, remove the inaccurate information by deletion or destruction.
- 8.2. If we believe the information is accurate, or we are unable to make a decision as to the accuracy of the information, we will keep a note of the alleged error on the file.

9. What to do if you want us to stop processing your data.

- 9.1. You have the right to ask us to delete or completely stop processing some or all of your data, or stop processing this data in relation to a particular purpose or in a particular way. The right to prevent processing applies in certain limited circumstances.
- 9.2. We will respond to an objection within 30 days of receipt, and in writing, advising that we have either complied with your request, intend to comply with it, or state the extent to which we will comply with it and why.
- 9.3. Where we will not or cannot comply with a request to delete or stop processing data we will clearly communicate those reasons to you.

10. Online SAR Platform

- 10.1. Where individuals submit a Subject Access Request via an online SAR platform (such as Tapmydata) and in line with ICO advice, the school will not consider a SAR to have been officially made and will not engage with the online SAR provider.
- 10.2. We would not consider that the school has 'received' a subject access request (SAR) made via an online platform in cases where the school would be required to 'sign up' and/or pay a fee in order to even view the request. Therefore the school's Article 15 obligations wouldn't be triggered.
- 10.3. Even if the school did choose to accept a SAR from a portal, unless or until the school can verify the identity of the data subject making the request it will not be subject to the Article 15 obligations until that time. The portal would be responsible for providing evidence that it has authority to act on behalf of the data subject. Therefore the school does not need to comply with the third party request until it is satisfied that the third party is acting on the behalf, and with the authority of, the data subject.
- 10.4. As it is also likely that these platforms would become data controllers for any personal data they process in connection with the completion of any SARs, they would need to be compliant with data protection law. If the school wasn't satisfied that the portal would process personal data in compliance with the legislation then it could choose not to share personal data in order to ensure its own compliance.
- 10.5. As a result of these conditions, the school will not accept SARs made through online portals as triggering an individual's Right of Access as defined by Article 15 of the GDPR.

11. Complaints procedure

11.1 An individual having any complaint in connection with our actions has the right to present a complaint in writing to the School Data Protection Officer

School Data Protection Officer
Cheshire West and Chester Council,
3rd Floor,
Civic Way,
4 Civic Way,
Ellesmere Port,
CH65 0BE
Email: schoolDPO@cheshirewestandchester.gov.uk

11.2 If you remain dissatisfied, you have the right to report your concern to the Information Commissioner's Office (ICO).

The Information Commissioner's Office,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire
SK9 5AF

Telephone: 08456 30 60 60 or 01625 54 57 45
<https://ico.org.uk>

12. Policy review

12.1. This policy is reviewed annually or more frequently if the need arises.