

Hillside Primary School

Subject Access Request procedure

If you are reading a printed version of this document, please check the school website to ensure that you have the most up-to-date version.

If you have any questions, please contact:

Data Protection Officer: **Data Protection Education Ltd.**

Telephone: 0800 0862018

Email: dpo@dataprotection.education

If you would like a copy of any documentation, please contact the school office: **office@hillside.norfolk.sch.uk**

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Introduction

Scope

This procedure applies to all personal data processed by Hillside Primary School, excluding personal data that is asked for as a matter of routine by data subjects.

Data subjects are entitled to exercise their right of access under the UK GDPR. If a request is valid, they must be provided with the requested personal data in an easy-to-access format, free of charge, within one calendar month* of the request.

*See 'Deadlines' below for variances to this.

Who

This procedure is applicable for all staff and managers:

- All staff are responsible for handling any information request received in line with UK GDPR requirements by following this procedure; and
- All staff have a responsibility to recognise a request for information and ensure it is passed to the responsible member of staff and/or the Data Protection Officer within two working days.

What is the purpose of the right of access under UK GDPR?

The UK GDPR gives the reason for allowing individuals to access their personal data as so that they are aware of and can verify the lawfulness of the data processing (Recital 63).

Definitions

- **Personal data** means any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is a person who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or by one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

- **Data subject rights** – this refers to the rights that the UK GDPR gives to data subjects in relation to their personal or sensitive data including:
    - The right to be informed about what data is processed/shared, how and why;
    - The right of access (i.e. subject access requests);
    - The right to rectification, correcting errors;

- The right to erasure (i.e. the right to be forgotten);
- The right to restrict processing;
- The right to data portability;
- The right to object;
- Rights in relation to automated decision making and profiling using personal data.

- **Subject access request (SAR)** – a request made by a data subject for information about, and access to, their personal data about themselves that The Organisation is processing, including:
  - a description of the personal data;
  - where/how it is being processed;
  - the purposes for which it is being processed;
  - details of who is allowed to see the personal data;
  - how long it will be kept.

How to recognise a valid Subject Access Request (SAR)

There is no formal way to submit a request. Valid SARs can be submitted in writing (e.g., letter, fax, email, website form, texts, Facebook, or Twitter) or verbally.

They include all requests for personal data, whether or not the data subject has referred to data protection, SARs, or the Data Protection Act and include requests which refer to Freedom of Information instead. It is up to you to recognise the request and deal with it as helpfully as possible.

Verbal requests are considered valid, but good practice suggests staff members receiving such requests, should record the details of the request and confirm the details with the requester in order to avoid later disputes. (We recommend that the request is documented on the SAR FORM in the appendix.)

Who can receive a SAR?

A SAR can be given to any staff member, contracted, permanent or otherwise.

Deadlines

Schools must deal with all reasonable requests within one calendar month, starting on the day the request is received. Variances to this may include:

- If an identity (ID) check or further information is required to comply with the request, then the deadline will be calculated from the date when the new information is received.
- If the request is deemed complex, the data subject should be informed of the decision, and the deadline may be extended by up to two months.

The data subject must also be informed as soon as possible if school holidays could impact the school's ability to carry out ID checks and/or meet the one calendar month deadline.

The SAR procedure

The objective of the procedure is to make sure that the request is properly received and documented and that the nominated Data Protection person can respond to the request in a correct and timely manner.

General staff role:

1. **Request is received** from a Data Subject.

2. **Log** the request and inform the relevant people:

2.1. Record the request in the Subject Access Request log:
  2.1.1. Log onto the Data Protection Knowledge Bank at: http://dataprotection.education
  2.1.2. Visit Logs>SAR Logs
  2.1.3. Select your school and click "Add"
  2.1.4. Add the known details as listed in the form, including the date the SAR must be completed. Further details can be added later.
  2.1.5. Click the "Submit" button to save and log the SAR.
2.2. Notify the responsible member of staff (the Data Protection Lead or Headteacher). Data Protection Education will be notified automatically;
2.3. Do this without delay, and within **two working days** of receipt of the request.
2.4. Updates from both the organisation and Data Protection Education should be added to the existing log online.
2.5. When the SAR is completed, the DPO will mark as closed.

3. The responsible members of staff for dealing with SARs [Data Protection Lead and DPO] **qualify the request and confirms** the identity of the data subject.

   3.1. If an ID check is needed, the one calendar month deadline starts when the new information is received.
   3.2. If you need to clarify the request, send a letter seeking clarification and confirming the time to respond will be paused ('clock stopped') pending clarification. The one calendar month deadline starts from when the information is received.

4. If the identity/request is qualified, **evaluate the request** and compile the requested information:

   4.1. The time available under UK GDPR is **one month** to provide the information **free of charge** unless a request is complex, manifestly unfounded or excessive/repetitive.

5. ***IF*** requests are complex, manifestly unfounded or excessive, in particular, because they are repetitive, the DPO can decide to:

   5.1. For complex requests - extend the time by a further two months (while still notifying the data subject of this decision within one month). In these cases, the most senior level of the organisation will be involved, usually the Governing Board or Board of Trustees;
   5.2. For excessive/repetitive/unfounded requests - charge a reasonable fee for administrative costs of providing the information; or providing a negative response to the request.

6. **Compile** and **send** the requested data.

   6.1. If the request was made electronically (digitally), you should provide the information in a commonly used electronic format.
   6.2. A requestor can ask for copies in a "permanent format" including paper.
   6.3. Where sending requests in the post, always double bag and send Special Delivery.
   6.4. Ensure the requestor is notified of their right to complain.

7. **Close** the request in the Subject Access Request Log.
8. If a Complaint is subsequently received log this on the Complaints log and follow the Complaint's process.

Staff procedure & further considerations

What must I do?	Why?	How?
Be clear about the nature of the request and identify what information is being requested. Seek clarity if needed	Being clear about the nature of the request will enable you to decide whether the request needs to be dealt with in accordance with statutory requirements, who needs to deal with the request, and/or whether this is business as usual (BAU). If needed, ask the submitter of the request for clarity.	Review the request and identify: If the request is for the personal information of the requester or made by an individual on behalf of another person (e.g. on behalf of a child or an adult lacking capacity) – this is a subject access request; If the request is for non-personal information – this may be dealt with as BAU or formally under the Freedom of Information Act 2000 (the FOIA) or the Environmental Information Regulations 2004 (the EIR). NB: The request can be received in a range of different formats, e.g. letter, email, a completed form, or can be made via social media (e.g. a Facebook page or Twitter account).
If the request is a SAR, the request must be forwarded to the responsible member of staff (usually the Headteacher) and the Data Protection Officer within two working days of receipt of the request.	The UK GDPR stipulates that SARs must be completed within one month of the request – but in reality, as soon as possible.	Log the SAR in the subject access request log and inform all appropriate staff required to deal with the request.
If the information requested is for non-personal information, i.e. is organisational or statistical information, this will fall under the FOIA or EIR, or BAU and will be dealt with as follows: All non-routine FOIA or EIR requests must be forwarded to the responsible member of staff (usually the Headteacher) and the Data Protection Officer within two working days of receipt of the request.	The FOIA and EIR stipulate that requests must be completed promptly and, in any event, within 20 working days of the request – therefore, the more swiftly requests are being dealt with, the more likely Hillside Primary School will meet its statutory deadlines. BAU requests need to be dealt with by an individual in that particular service area who can identify and locate the information requested and provide a response within a reasonable timeframe.	If the request is for non-routine/FOIA/EIR information, contact the responsible member of staff (usually the Headteacher) and the Data Protection Officer.

If the information requested is for the personal information of an individual for use in a criminal investigation by the police, or any other agency investigating criminal offences, this will fall under either the Regulatory Investigative Powers Act 2000 (RIPA) or Data Protection.	It is in the public interest that requests are identified and dealt with as quickly as possible.	Scan and email the request to the responsible member of staff (usually the Headteacher) and the Data Protection Officer as needed.
The request can be for either hard copy or any type of electronic information, including email traffic, i.e. the time and information that an email was sent. The request must be forwarded to the responsible member of staff (usually the Headteacher) and the Data Protection Officer within two days.		

SUBJECT ACCESS REQUEST (FORM) – PART 1

By completing this form, you are making a subject access request under the General Data Protection Regulation (UK GDPR) for personal information held about you by Hillside Primary School that you are eligible to receive. Please complete this form and return it *to The Office, Hillside Primary School.*

A) The Data Subject Details

Title	
Surname	
First Name(s)	
Current Address	
Telephone (Home)	
Telephone (Work)	
Telephone (Mobile)	
Email address	
Date of birth	
Details of identification provided to confirm the name of the data subject in question	
Details of the information requested: *[Insert details of the information you want that will help us to locate the specific information. Please be as precise as possible, for example, Emails between "A" and "B" from 1 May 2017 to 6 September 2017.]*	

B) Declaration of Data Subject

By signing below, you indicate that you are the individual named above. The organisation cannot accept requests regarding your personal data from anyone else, including family members – see Part 2. We may need to contact you for further identifying information before responding to your request. You warrant that you are the individual named and will fully indemnify us for all losses and expenses if you are not.

Signature: ……

Date: ……

SUBJECT ACCESS REQUEST (FORM) – PART 2

C) Declaration of behalf of Data Subject

If you are requesting the information on behalf of a data subject, please complete this section:

Are you acting on behalf of the data subject with their written consent or in another legal authority?	Yes	No
If 'Yes' please state your relationship with the data subject (e.g. parent, legal guardian or solicitor)		
Has proof been provided to confirm you are legally authorised to obtain the information?	Yes	No

Title	
Surname/Family Name	
First Name(s)	
Current Address	
Telephone (Home)	
Telephone (Work)	
Telephone (Mobile)	
Email address	

I hereby request that Hillside Primary School provide me with the information about the data subject above.

Name ……

Signature: ……

Date: ……