



Subject Access Request Policy and Procedure

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1. The General Data Protection Regulation

The General Data Protection Regulation (GDPR) regulates the processing of 'personal data'.

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).

The Pope Francis Catholic Multi Academy Company is a Data Controller as it determines the purposes, and the way in which personal data is processed.

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).

2. What is a Subject Access Request?

A Subject Access Request (SAR) 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. For your convenience a form is available on our website to assist you in providing the information we require for the Subject Access Request.

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).

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, you should provide the information in a commonly used electronic format.

Formal requirements

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 should be requested to confirm the individual's identity, however this must be reasonable especially in situations where the individual is known to the school through ongoing contact.

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

3. Subject Access Procedures

When a SAR is received which meets the formal requirements above, and identification has been confirmed, the one month response begins to run. This one month deadline is set by the GDPR, however in all cases the school should respond promptly.

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 have previously been provided or should have been provided.

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 shouldn't be an unreasonable delay in seeking clarification.

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.

A detailed record of the contents of subject access replies should be kept for 7 years. This record should include the information that was disclosed, and where necessary the exemptions that were used where information was not provided.

4. Requests made on behalf of others

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, you 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.

When a SAR is received from a Law firm, staff must ensure that the request letter confirms that the school will not be a party to the claim. If the school is a party, the matter should be sent directly to the Risk Management & Insurance Team for their advice. The request letter must also include a signed consent or release form from the client. The information disclosed should be exactly as outlined in the client's consent form. Information must not be released without the client's consent form.

5. Requests for information about children

Personal data about a child belongs to that child and not the child's parents or carers. For a parent or carer to make a Subject Access Request with respect to their child, the child must either be unable to understand their rights and the implications of a Subject Access Request, or have given their consent.

Primary Schools – Children below the age of 12 are generally not regarded to be mature enough to understand their rights and the implications of a subject access request. Therefore, most subject access requests from parents or carers of pupils at our primary schools may be granted without the express permission of the pupil. This is not a rule and a pupil's ability to understand their rights will always be judged on a case-by-case basis.

Secondary Schools - Children aged 12 and above are generally regarded to be mature enough to understand their rights and the implications of a subject access request. Therefore, most subject access requests from parents or carers of pupils at our secondary school may not be granted without the express permission of the pupil. This is not a rule and a pupil's ability to understand their rights will always be judged on a case-by-case basis. Consent will be discussed with the child by an appropriate member of staff (for example the Head of Year). A written record of the conversation with the student will be kept on the student file.

6. Parental requests to see the educational record

The Pope Francis Multi Academy Company is governed by regulations derived from Part 6 of the Schedule to the Education (Independent School Standards) Regulations 2014.

This is different to the law relating to Maintained Schools. Academies must provide an annual written report of each registered pupil's progress and attainment in the main subject areas taught, to the parents of that registered pupil (except that no report need be provided where the parent has agreed otherwise).

There is no automatic right of access to a child's educational record at The Pope Francis Multi Academy Company. Academic progress will be reported to parents or carers in line with each school's individual assessment policy. The school may decide to share additional information with the parents or carers with whom the child currently resides, when it is in the child's best interests. The school can do this on the Lawful Basis of carrying out a public task.

Any requests for additional information about a student should be made in writing to the Principal/Headteacher.

7. Editing information (exemptions)

Some types of personal information are exempt from the right of subject access. Information may be exempt because a) of its nature b) because the effect that its disclosure would have or c) there are safeguarding concerns relating to the subject. There are also restrictions where this would involve disclosing information about another individual (third parties).

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. For example, names and details relating to other students should be redacted prior to releasing information about a data subject. The third party's views on the release of this information to the applicant may be sought. If, as a result 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.

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.

CCTV data from school cannot be shared because it may identify other students as well as the data subject.

8. School Office visits

Applicants may be encouraged to visit the school offices to view the information they have requested. If this is to occur, the Principal must first view 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.