



**The Horsell Village School  
Subject Access Request Policy**

## **1. Introduction and Applicability**

1.1. Individuals have the right under the Data Protection Act 1998, (to be superseded by the General Data Protection Regulation (GDPR) on 25th May 2018), subject to certain exemptions, to have access to their personal records that are held by The Horsell Village School. This is known as a Subject Access Request (SAR). Requests may be received from pupils, parents, staff or any other individual who The Horsell Village School has had dealings with and holds data about that individual. This will include information held both electronically and manually and may also be in the form of photographs or audio recordings.

1.2. Anyone making such a request is entitled to be given a description of the information held, what it is used for, who might use it, who it may be passed on to, where the information was gathered from and information on the expected retention periods of the information held. Under GDPR individuals must also be provided with the right to request rectification or erasure of processing or raise an objection to the processing altogether.

1.3. The Data Protection Act 1998 (and GDPR) applies only to living persons but there are limited rights of access to personal data of deceased persons under the Access to Health Records Act 1990.

1.4. The Horsell Village School has developed this policy to guide staff in dealing with Subject Access Requests that may be received.

1.5. The aim of this policy is to inform staff on how to inform pupils, parents or staff on how to make a subject access request, how to recognise a subject access request and know what action to take on receipt.

1.6. This procedure sets out the processes to be followed when responding to a subject access request. This is based on the Information Commissioner's Office Subject Access Code of Practice.

## **2. Requests made about or on behalf of other individuals**

### **2.1 General Third Party**

A third party, e.g. solicitor, may make a valid SAR on behalf of an individual. However, where a request is made by a third party on behalf of another living individual, appropriate and adequate proof of that individuals consent or evidence of a legal right to act on behalf of that individual e.g. power of attorney must be provided by the third party.

If you think an individual may not understand what information would be disclosed to a third party who has made a SAR on their behalf, you may send the response directly to the individual rather than to the third party. The individual may then choose to share the information with the third party after having had a chance to review it.

### **2.2 Requests on Behalf of Children**

Even if a child is too young to understand the implications of subject access rights, information about them is still their personal information and does not belong to anyone else, such as a parent or guardian. So it is the child who has a right of access to the information held about them, even though in the case of young children these rights are likely to be exercised by those with parental responsibility for them.

Before responding to a SAR for information held about a child, it should be considered whether the child is mature enough to understand their rights. The Information Commissioner has indicated that in most cases it would be reasonable to assume that any child that is aged 12 years or more would have the capacity to make a subject access request and should therefore be consulted in respect of requests made on their behalf.

When considering cases, the following should be taken into account:

- Where possible, the child's level of maturity and their ability to make decisions like this
- The nature of the personal data
- Any court orders relating to parental access or responsibility that may apply
- Any duty of confidence owed to the child or young person
- Any consequences of allowing those with parental responsibility access to the child's or young person's information. This is particularly important if there have been allegations of abuse or ill treatment
- Any detriment to the child or young person if individuals with parental responsibility cannot access this information
- Any views the child or young person has on whether their parents should have access to information about them

### **2.3 Requests in respect of Crime and Taxation e.g. from the Police or HMRC**

Requests for personal information may be made by the above authorities for the following purposes:

- The prevention or detection of crime
- The capture or prosecution of offenders
- The assessment or collection of tax or duty

A formal documented request signed by a senior officer from the relevant authority is required before proceeding with the request. This request must make it clear that one of the above purposes is being investigated and that not receiving the information would prejudice the investigation. These types of request must be considered by the Data Protection Officer (DPO).

### **2.4 Court Orders**

Any Court Order requiring the supply of personal information about an individual must be complied with.

## **3. Actions on receiving a Subject Access Request (SAR)**

In order for The Horsell Village School to action a SAR the following must be received:

- The request must be made in writing preferably on the SAR Pro-forma, Appendix 1. This may be by letter or email. It is important to note that responses to SAR requests must be returned by a secure methodology. However, where the applicant is not able to make the request in writing it can be received verbally and a written record of the request made for the file
- Information must be provided free of charge unless the request is manifestly unfounded, excessive or repetitive. A fee will be charged when a request is received asking for further copies of the same information
- Proof of identity of the applicant and/or the applicant representative, and proof of right of access to another person's personal information
- Sufficient information to be able to locate the record or information requested

Requests must be dealt with within one calendar month subject to the necessity to seek clarification or collect any fee payable. Under GDPR it is possible to extend this timescale by a further two months where the request is complex or there are numerous requests. If this is the case The Horsell Village School will inform the individual within one month of the request and explain why the extension is necessary.

## **4. Procedure for Data Subject Access Requests**

### **4.1 Receive Request**

The request is received from the Data Subject in writing on The Horsell Village School SAR Proforma, Appendix 1, or in a formal letter/email. If it is received as a verbal request The Horsell Village School SAR Proforma must be completed by the member of staff receiving the request. The request should be forwarded to Fiona Girdler, School Business Manager.

### **4.2 Verify Request**

The request will be checked to verify that all information relevant for the request has been given. The applicant will need to provide two forms of identification.

### **4.3 Log Request**

The details of the request will be recorded in the subject access log and a letter of acknowledgement sent.

### **4.4 Process Request**

The details of the Data Subject will be retrieved into a format suitable for presenting to the applicant. This should include definitions of any codes/references where the explanation is not apparent. Any information sent to the Data Subject should not include any data about, or such that it would allow the Data Subject to identify, any third party unless permission has been sought and received from that individual. Care must be taken to ensure that the identity of a third party is not disclosed by either blanking out their names/addresses/identification or providing the information in another format i.e. typed. The only exception to this rule is where other legislation forces you to release that information. Information held for the prevention and detection of a crime e.g. information being used for a case currently under investigation does not need to be disclosed. However, once the investigation has been completed, then the information must be released if a Data Subject requests access to their data. A copy of all the data retrieved must be taken for reference should the data be challenged by the Data Subject and shall become part of the subject access log.

### **4.5 Provide Data**

The information must be provided to the applicant within one month of receiving a valid request or within three months if the request is complex or a number of requests are received.

### **4.6 Close Request**

When all details have been passed to the applicant the subject access log must be updated accordingly.

## **4.7 Appeal Procedure**

If the applicant is not satisfied with the information provided they must contact the DPO who will consider the request and deal with it accordingly.

## **5. Details to be recorded**

The following details will be recorded in the subject access log. This will enable the progress of requests to be monitored.

- Name and address of Data Subject
- Two forms of identification used to verify request
- Name and address of applicant, if not the same as the Data Subject
- Date the request was received
- Date further information requested to complete the SAR, list information requested
- Date the request must be completed by
- Name of member of staff dealing with the request
- Date the letter of acknowledgement was sent
- Date request completed and information passed to applicant
- Comments
- Type of information requested
- Copy of the information provided to applicant

## **Key terms**

Consent - Ensures the processing of personal data is “fair and lawful”.

Data - Information which is processed or recorded manually.

Data Subject Access - A request by a Data Subject to be provided with details of the personal data held about him/her.

Data Subject - An individual who is the subject of personal data.

Personal data - Data which relates to a living individual who can be identified from that data, or from the data and other information held by or likely to be held by the Data Controller.

Process/processing - Just about every and any action taken in relation to personal data.

## Appendix 1

[Your full address]

[Phone number]

[The date]

### Subject Access Request

Dear The Horsell Village School

This is a request asking you to supply the information about me that I am entitled to under the General Data Protection Regulation (GDPR). This request is being made so I can be aware of the information you are processing about me, and verify the lawfulness of the processing.

Here is the necessary information you will need to for my request to be processed:

Name	
Relationship with the school	Please select: Pupil / parent / employee / governor / volunteer / other (please specify):
Correspondence address	
Contact number	
Email address	
Details of the information requested	Please provide me with: <i>Insert details of the information you are requesting to enable us to locate the specific information. Please be as precise as possible, for example:</i> <ul style="list-style-type: none"><li>• <i>Your personnel file</i></li><li>• <i>Your child's medical records</i></li><li>• <i>Your child's behavior record, held by [insert class teacher]</i></li><li>• <i>Emails between 'A' and 'B' from specific date to specific date</i></li></ul>

If you need any more information from me please let me know as soon as possible.

Please bear in mind that under the GDPR you cannot charge a fee to provide this information, and in most cases, must supply me with the information within 1 month.

Yours sincerely,

*Your name*