



Holmer Green Senior  
School

Subject Access Request  
Policy

May 2018

## 1. **Policy Statement**

1.1 The General Data Protection Regulation is an important mechanism in achieving trust and confidence between Holmer Green Senior School, their Data Processors and Data Subjects. It gives individuals rights of access to their personal records held by the School. This policy explains how the School aims to fulfil its obligations under the Act.

1.2 The School will deal with each subject access request it receives in accordance with the provisions of this policy.

## 2. **Definitions**

2.1 "Data" means Personal Data and Special Category Personal Data.

2.2 "Data Controller" is the person who or the organisation which determine the purposes for which, and the manner in which, any personal data is processed. They are responsible for establishing practices and policies in line with Data Protection Legislation.

2.3 "Data Subject" means all living individuals about whom the School holds Data. A Data Subject need not be a UK national or resident. All Data Subjects have legal rights in respect of their Data and the information that the School holds about them.

2.4 "Data Processor" means any person who or organisation which processes Data on behalf of the Data Controller including contractors, and suppliers and any third party whose work involves accessing or otherwise using Data held by the School. Data Processors have a duty to protect the information they process for and on behalf of the School by following this and other School information governance policies at all times.

2.5 "Data Protection Legislation" means the General Data Protection Regulation (GDPR) 2018.

2.6 "Personal Data" means any information relating to an identified or identifiable natural person (a data subject); an identifiable natural person is one 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 to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person

2.7 "Processing" means any activity that involves use of the data. It includes obtaining, recording or holding the data, or carrying out any operation or set of operations on the data such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction. Processing also includes transferring personal data to third parties.

2.8 "Special Category Personal Data" means information about a person's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, physical or mental health or condition or sexual life, or genetic or biometric data.

2.9 "Social Media" means websites and applications that enable users to create and share content or to participate in social networking including Facebook, LinkedIn, Twitter, Google+, and all other social networking sites, internet postings and blogs. It applies to use of Social Media for School purposes as well as personal use that may affect the School in any way.

2.10 "Subject Access Request" ("SAR") means a request by an individual to the School pursuant to Article 15 of the GDPR.

## 3. **Legal Framework**

3.1 Article 15 of the GDPR provides an individual with a right to be informed on request whether or not

Personal Data concerning them is being processed and if so to access to the Personal Data and the following information:

3.1.1 the purposes of the Processing;

3.1.2 the categories of Personal Data concerned;

3.1.3 the recipients or categories of recipient to whom the personal data have been or will be disclosed, in particular recipients in third countries or international organisations;

3.1.4 where possible, the envisaged period for which the personal data will be stored, or if not possible, the criteria used to determine that period;

3.1.5 the existence of the right to request from the Data Controller rectification or erasure of Personal Data or restriction of Processing of Personal Data concerning the Data Subject or to object to such Processing;

3.1.6 the right to lodge a complaint with the Information Commissioner's Office;

3.1.7 where the Personal Data are not collected from the Data Subject, any available information as to the source; and

3.1.8 the existence of any automated decision making, together with additional information about such Processing where this is taking place.

3.2 Data may be withheld pursuant to a SAR where disclosure may cause serious harm to the Data Subject or any other person. This exemption relates only to health, social care, and education Data.

3.3 The School is also exempt from disclosing third party Personal Data unless the third party has consented to their Personal Data being disclosed or it is reasonable in all the circumstances for the third party's Personal Data to be disclosed without their consent.

#### **4. Making a SAR to the School**

4.1 The School requests that any SARs are made in writing. This will enable the School to properly understand the nature and extent of a SAR and to provide an appropriate and sufficient response. The School considers 'in writing' to include communications by post, fax, and email and on Social Media sites to which the School subscribes.

4.2 SARs should be sent to the contact details in Appendix 1.

4.3 SARs made via Social Media will be responded to by post unless the Requester indicates that they would prefer to receive the response by email.

#### **5. Confirming the identity of the Requester**

5.1 In order to minimise the risk of accidentally sending the Personal Data of an individual to a third party and to avoid data breaches, where the School receives a SAR and it is not satisfied as to the identity of the Requester, it will take the steps set out at 5.2 below to satisfy itself as to the identity of the Requester.

5.2 In satisfying itself as to the identity of the Requester, the School may ask the individual to verify their identity before responding to the request by asking the Requester to attend a specified place or sending a certified copy of photographic identification such as a passport or driving licence.

5.3 If the School is not satisfied as to the identity of the Requester then the SAR will not be complied with, so as to avoid the potential for an inadvertent disclosure of Personal Data resulting in a data breach.

## **6. Sharing Information with Third Parties**

6.1 Data subjects can ask that you share their personal data with another person such as an appointed representative (in such cases you should request written authorisation signed by the data subject confirming which of their personal data they would like you to share with the other person).

6.2 Equally if a request is made by a person seeking the personal data of a data subject, and which purports to be made on behalf of that data subject, then a response must not be provided unless and until written authorisation has been provided by the data subject. The School should not approach the data subject directly but should inform the requester that it cannot respond without the written authorisation of the data subject.

6.3 If the School is in any doubt or has any concerns as to providing the personal data of the data subject to the third party, then it should provide the information requested directly to the data subject. It is then a matter for the data subject to decide whether to share this information with any third party.

6.4 Personal data belongs to the data subject, and in the case of the personal data of a child regardless of their age the rights in relation to that personal data are theirs and not those of their parents. Parents, in most cases, do not have automatic rights to the personal data of their child.

6.5 However there are circumstances where a parent can request the personal data of their child without requiring the consent of the child. This will depend on the maturity of the child and whether the School is confident that the child can understand their rights. Generally where a child is under 12 years of age they are deemed not to be sufficiently mature as to understand their rights of access and a parent can request access to their personal data on their behalf.

6.6 In relation to a child 12 years of age or older, then provided that the School is confident that they understand their rights, and there is no reason to believe that the child does not have the capacity to make a request on their own behalf, the School will require the written authorisation of the child before responding to the requester, or provide the personal data directly to the child in accordance with the process above.

6.7 In all cases the School will consider the particular circumstances of the case, and the above are guidelines only.

## **7. Clarification of the Request**

8.1 Where it is unclear what Data is being sought by way of the SAR, the School will contact the Requester to provide further clarification as to the information being requested.

8.2 In clarifying the request the School will contact the Requester by telephone, writing or email and ask for additional information to assist in determining whether any Data is being held and, if so, locating where that Data is being held.

## **9. Fees**

9.1 The School will usually deal with a SAR free of charge.

9.2 Where the request is considered to be manifestly unfounded or excessive a fee may be requested. Alternatively the School may refuse to respond to the request. If a request is considered to be manifestly unfounded or unreasonable the School will inform the requester why this is considered to be the case.

## **10. Time Limits**

10.1 The School will respond to a SAR promptly and in any event no later than one calendar month from the date of the request, or receipt of appropriate identification or clarification of a request where appropriate.

10.2 Where it is not possible to respond within one calendar month, the School will contact the Requester in writing to advise that it will not be possible to respond fully within the one calendar month time scale and provide a new timescale for responding to the SAR. The individual has the right to contact the ICO if they wish to challenge this position.

10.3 In relation to complex requests the response period may be extended by two calendar months. What constitutes a complex request will depend on the particular nature of the request. Where a request is considered to be sufficiently complex as to require an extension of the period for response, the Requester will be notified within one calendar month of receiving the request, together with reasons as to why this is considered necessary.

## **11. Responding to a SAR**

11.1 In responding to a SAR, the School will search the following databases for the Data of the Data Subject:

(a) Manual and other paper records held by the School.

(b) Electronic records including databases and emails including the inbox, outbox, subfolders and deleted items.

11.2 The School will consider whether any of the Data held is subject to any of the exemptions set out in the Data Protection Legislation or whether the Data requested should otherwise be withheld.

11.3 In so far as the School is able to disclose then the Requester will be provided with the information set out at paragraph 3.1 above.

11.4 In responding to a SAR, the School will, in so far as is reasonable provide the information in the format required by the Requester and will take reasonable steps to ensure the information can be understood by the average person.

11.5 If the School does not hold any Data of the Requester, it will respond to the SAR to this effect.

11.6 In responding to a SAR, the School will only provide third party Personal Data in accordance with paragraph 14 of this policy.

11.7 Where any of the exemptions in the Data Protection Legislation apply in relation to Data held by the School it will not disclose that Data to the Requester.

11.8 If Personal Data is withheld pursuant to an exemption then where appropriate the Requester will be informed in writing that Data has been withheld due to the application of an exemption, set out the nature of the exemption and give reasons as to why the School considers that that exemption applies.

11.9 Where the School receives a SAR and some Data is exempt from disclosure and others not, where practicable the School will redact the information which is exempt from disclosure and provide the remainder to the Requester.

11.10 If it is not possible for the exempt information to be redacted then, where possible, the unreacted information will be extracted and forwarded to the Requester.

11.11 Where the School cannot provide the Data requested in a permanent format, necessary arrangements will be made for the Requester to inspect the Data being processed.

## **12. Third Party Information**

12.1 Where the School receives a SAR and the Data of the Requester contains the Personal Data of a third party, the School will not disclose the third party's Personal Data unless the third party consents to the disclosure or it is reasonable in all the circumstances to disclose the Personal Data of third party without their consent. Personal Data in responding to a SAR, the School will consider the following:

- (a) Any duty of confidentiality owed by the School to the third party.
- (b) The steps taken in trying to obtain the consent of the third party.
- (c) Whether the third party is capable of providing consent for their Personal Data to be released.
- (d) Any express refusal of the third party to not disclose their Personal Data.
- (e) Whether any of the third party Personal Data is already known by the Requester. (f) The circumstances which gave rise to the request.

## **13. Repeated Requests**

14.1 The School cannot limit the number of SARs which can be made by an individual, however where there has been no reasonable interval between a previous request and the new request the School may refuse to respond to the Requester.

14.2 In determining whether a request has been made at a reasonable interval the School will consider the following:

- (a) Whether any new Data about the Data Subject has been Processed by the School and how often any Data being Processed is altered.
- (b) The nature of the Data being requested, including the Data's sensitivity.
- (c) Whether any processing is likely to cause harm to the Requester in Processing the Data.

14.3 If the School does not intend to deal with the request on grounds that a reasonable interval has not passed since the previous request, it will inform the Requester within the time limit set out above in paragraph 10.

14.4 Where additional copies are requested of information then the School may charge a reasonable fee based on administrative costs.

## **15. Complaints**

15.1 If a Requester is unhappy with the way the School has handled their request they should contact the Data Protection Officer, Mark Purdom.

15.2 If on a review the Requester is still unhappy with the way their SAR has been dealt with, they can contact the Information Commissioner by telephone on 0303 123 1113 or by writing to:

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

**Data Protection Officer: Mark Purdom, , [+44 \(0\)118 328 0135](tel:+44(0)1183280135) | [+44 \(0\)7500 600250](tel:+44(0)7500600250)**

**Holmer Green Senior School GDPR Team**

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