



Data Subject Access Request Policy

Date Policy formally approved by Governing Body: 19.01.2022

Date Policy becomes effective: 19.01.2022

Review Date(s): January 2025

Person(s) responsible for implementation: Head teacher

Signed (Head teacher) Mr Aaron Perrin

Signed (Chair of Governing Body) Mrs Barbara Lloyd

Equality Impact Assessment
date:06.01.2022

Introduction

The fundamental aim of data protection legislation is to protect the rights and freedoms of individuals. One of the key rights of an individual under the UK General Data Protection Regulations is the right of access. The main purpose of subject access is for an individual to be aware of, and verify, the lawfulness of processing.

Subject Access Requests enable an individual to:

- Be aware of Hafod y Wern C.P. School's data processing activities
- Check the accuracy of data held
- Check that data is being held lawfully

As a Data Controller, Hafod y Wern C.P. School is committed to having clear Subject Access Request processes in place, ensuring that staff are able to recognise when a request has been made and how it should be dealt with.

What information is an individual entitled to?

A person, the data subject, has the right to ask Hafod y Wern School, as the data controller:

- For confirmation that personal data about them is being processed, and, if so
- For access to the personal data

The data subject is also entitled to know:

- The purpose of the processing
- The categories of the data held
- Recipients of the data
- The intended retention period of the data
- The existence of other rights, such as the right to rectification or erasure, the right to restrict data processing, or the right to object to processing.
- The right to lodge a complaint – firstly via the school's complaints procedure and Governing body, and then to the supervisory authority
- The source of any data not collected from the subject
- If any data is subject to automated decision-making or profiling
- Any safeguards for transferring data to an overseas country

If the data subject requests it, the school should also provide details of the personal data being processed. This is usually done by providing a copy of the data.

Receiving and recognising a request

Does the request need to be in writing? - No, there is no requirement under data protection legislation for the request to be in writing. It can be made to us verbally in person, or over the phone, or could even be made via social media.

Does it need to be addressed to the Headteacher? - No, it does not have to be addressed to any particular individual. This is why it is vital that all staff members at Hafod y Wern School recognise when a Subject Access Request has been made and that we have procedures in place for dealing with the requests.

Who should deal with the request? - Every school should have a named data protection lead who will deal with Subject Access Requests. At Hafod y Wern School this is the School Administrator, Mrs Beverley Williams, who can be contacted as follows:

By Post: Hafod y Wern C.P. School, Deva Way, Wrexham, LL13 9HD

By telephone: 01978 367080

By email: mailbox@hafodywern-pri.wrexham.sch.uk

Should a fee be charged? - No, legislation states that we need to provide the information free of charge. The only exception to this is if a request could be deemed 'excessive or manifestly unfounded'. People are able to ask us for copies of their data more than once and, if a reasonable time has elapsed, then we need to provide it.

Should the school ask the requestor for ID? - This is only necessary if we have 'reasonable doubts' over the identity of the requestor. If the requestor is a parent or pupil known well by the school, or a member of staff who is known, there is no need to ask for ID.

How long do we have to respond? - We must provide the information within one calendar month. In exceptional circumstances, with complex requests, this timescale can be extended for a further two months (the applicant must be made aware of this and of the reasons why the timescale has been extended). The rules are slightly different if a parent asks for a pupil's Education Record, and we must provide this to the applicant within 15 school days.

Can we refuse to deal with a request? - We can only refuse to deal with the request if it could be deemed 'excessive or manifestly unfounded', for example, if an unreasonably large amount of data is requested. However, the onus would be on us as a school to prove this, and the applicant would need to be advised of their right to appeal.

What does the applicant actually want? - A request is often made without providing any detail, for example, the applicant might ask for "all information held by the school about their child". We should keep a line of dialogue open with the applicant – it may turn out that they really only require data about a specific matter (not everything), and this could save a lot of time when looking for the information.

The Age of the Pupil

If a parent submits a Subject Access Request asking for information about their child, it should be remembered that the requested data belongs to the child, not the parent(s). Before responding to a request, the school should consider whether the child is sufficiently mature to understand their rights.

How old is the child? - There is no set age for denoting when a child could be classed as 'competent'. If the school believes that the child in question is capable of understanding their rights, then the request should be discussed with the child. If the child in question authorises a reply to the parents, or if it is in the best interests of the child, we should reply to the parents. Further guidance, can be accessed on the ICO's website at the following link: [Information Commissioner's Office \(ICO\)](#)

Dealing with the request

In order to meet the school's 'accountability' requirements under legislation, a record of how the request is dealt with must be kept. It demonstrates the school's good practice and can be used in the event of a complaint. Failure to deal with requests adequately can lead to reputational damage to the school and to financial penalties being imposed.

Procedure when a Subject Access Request is received

The school will keep a recorded log of actions taken. This log will be updated throughout the process, making sure there is an accurate record of how the request was dealt with. The following information should be logged:

- The details of the applicant
- The applicant's relationship to the school (e.g. parent, staff member etc.)
- The date the request was received
- How the request was received
- Whether ID was required and if not, why not
- Details of the ID provided
- The date of your written acknowledgment to the request
- Any subsequent conversations with the applicant
- The details of your response to the request
- The date the request was finalised, and the response sent to the applicant
- A copy of the covering letter of response
- Any further comments from the applicant

Hafod y Wern C.P. School's log is held electronically on the administration (G) drive.

As soon as the request is received (and when ID has been verified, if necessary), an acknowledgement will be sent to the applicant (see Appendix 2). The acknowledgement must confirm:

- The date the request was received (if ID is required, this is the date the ID has been verified)
- The date the applicant can expect a response

- The right to make a complaint if they are unhappy with how the school handles their request
- Details of the ICO

Collecting the Data

We will need to look for the data, remembering that it is only the data, not the document that needs to be provided.

- If relevant information is contained within a large document, that data can be extracted
- If data is stored in more than one place, there is no requirement to provide it more than once. It is acceptable in this case to provide a 'summary', compiling extracts from various records

When conducting the search for information, we will look in the following places for the relevant data:

- Paper-based filing systems within your school, or information intended to form part of a filing system
- Various databases
- Archived files
- Email records
- CCTV

Once the data has been compiled, we will not:

- Provide original documents to the applicant. We will make copies of the documents and retain the originals.
- Ever consider altering or deleting information to avoid disclosing data the applicant is entitled to. To do this is a criminal offence.
- Deliberately withhold data without applying a suitable exemption.

To assist in responding to any queries or complaints, we will retain a copy of the data provided to the applicant and details of any information withheld for a short time

When is the school unable to provide information?

The information asked for in a Subject Access Request is relevant to the applicant only (or to their child's information). There may be occasions when it is impossible for us to disclose data to the applicant without also disclosing information that relates to another 'identifiable' individual. We will consider whether it is reasonable to disclose this third party information, or whether it won't be possible. The legislation states a request "...shall not adversely affect the rights and freedoms of others". In such situations, the school must consider whether we can 'redact' (blank out) the information, to prevent the third party from being identified, or whether we think the information should be subject to an 'exemption' under data protection legislation.

It is important that we keep a record of any actions taken and decisions made. If the school has chosen to withhold some information, the reasons for this decision must be logged. If the applicant

makes a complaint, having the records to justify the decision made will be looked upon favourably by the ICO.

Redacting third party data

The school must consider whether to redact third party information from a document to prevent a third party individual from being identified. This may not be as straightforward as removing someone's name from a document as there could be other information present that could identify a person. Such documents will need to be reviewed to establish whether they can be provided in a redacted format, or whether the data should be withheld.

If it is impossible to redact the information to protect a third party's information, the data should not be disclosed in the response.

It is the data, not the document, which the applicant may be entitled to, therefore, the relevant data can be extracted from a large document, or non-personal data can be redacted.

The 'third party data' exemption

A data controller does not have to disclose information in response to a request if doing so would involve disclosing information relating to another identifiable individual. However, there are exceptions to this exemption that the school should consider such as:

- If the 'third party' involved has consented to their data being disclosed, or
- If the controller deems it 'reasonable' to disclose the information without gaining the consent. As the data controller, the school must give the 'reasonableness' consideration a lot of thought. Factors to consider include:
 - Is the other individual, and the circumstances/content of the data, already known to the requestor? You may class it as reasonable to disclose if the applicant is already aware of the content of the data.
 - Is the third party individual a member of staff, acting in their professional capacity? A parent is likely to know a named teacher, so would it be reasonable to include their data?
 - Is there a 'duty of confidentiality' – if information has been provided with the expectation that it will remain confidential, in most cases it would be reasonable to withhold the data

Data protection legislation advises that it is reasonable to disclose third party data without consent if relating to "education-related workers where the information relates to them in their capacity as such an employee". However, if there could be a potential threat to the staff member from their data being disclosed, it would be sensible to withhold it. It is also sensible to obtain legal advice before using an exemption. In the first instance, we should contact the Schools DPO who will be able to assist. If we are considering withholding data, we may want to set up an 'exemption panel' to discuss applying the exemption. Further information about these and other exemptions can be found on the ICO website.

Providing the information

How should the school provide it? – Find out from the applicant if there is a particular way in which they want to receive it? The school should consider:

- **Sending electronically** - Legislation states that, if the request was made by an electronic means, the information should be provided “by electric means where possible”, and “by using a commonly used electronic format”. Check with the applicant if this is how they want to receive it. If sending the response electronically, make sure the information is suitably protected e.g. password protect documents, and send the password to the applicant separately.
- **Providing physical documents** - If the response is being provided with paper documents, consider the safest way to do so. This could be to arrange for the applicant to collect them from the school, or by using recorded delivery if sending via mail. If the documents are sent by mail, the address to which they are being sent must be checked for accuracy.

When providing a response to the applicant, we will use clear and plain language. The information provided will be concise, transparent and easy to understand. A covering letter of response will be sent with the information provided. This should include:

- The date Hafod y Wern school received the request
- A link to our privacy notice
- Reference to the applicant’s rights under data protection legislation – such as their right to request rectification, restriction or erasure of data processing in certain circumstances
- Their right to register a complaint if they are unhappy with how the school deals with their request, and contact details for the school.

Appendix 3 provides the local authority’s template letter as an example

Complaints about how the request was handled

If Hafod y Wern School receives a complaint about the way the Data Subject Access request was dealt with, the school’s complaints policy will be followed. We will consult the applicant to establish exactly what their issue is and:

- Log the details of the complaint – why are they unhappy and what do they want
- Revisit previous actions – are you still happy with your decisions?
- Even though they should already be aware, talk them through why you made the decisions you took.
- This should be followed up in writing and you should include the details of the ICO, as if they remain dissatisfied they are able to complain to the ICO.
- If necessary, consult the Schools DPO for further advice.

Further links

Additional information about Subject Access Requests can be found on the ICO’s website:

<https://ico.org.uk/for-organisations/guide-to-dataprotection/guide-to-the-general-data-protectionregulation-gdpr/individual-rights/right-of-access/> <https://ico.org.uk/media/for-organisations/documents/2259722/subject-access-code-of-practice.pdf>

The Schools Data Protection Officer can provide additional help and support: Telephone: 01978 295637 Email: SchoolsDPO@Wrexham.gov.uk