

Plymouth CAST Subject Access Request Policy

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Document Control

Changes History

Version	Date	Amended by	Recipients	Purpose
1.0	Oct 2018	Matthew Barnes Deputy Director of Education and Standards	All Plymouth CAST staff	New GDPR Legislation
1.1	June 2020	Kevin Butlin Director of Education and Standards	All Plymouth CAST staff	Staff changes

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Approvals

This policy requires the following approvals:

Board	Chair	CEO	Date Approved	Version	Date for Review
			October 2018	1.0	October 2020

National/Local Policy

☐ This policy must be localised by schools

☐ This policy must not be changed, it is a National Policy (only change logo, contact details and yellow highlighted sections)

Position with the Unions

Does the policy require consultation with the National Unions under our recognition agreement? ☐ Yes ☐ No If yes, the policy status is: ☐ Consulted and Approved ☐ Consulted and Not Approved ☐ Awaiting Consultation

Distribution

This document has been distributed to:

Position	Date	Version
All Plymouth CAST HTs	October 2018	1.0
All Plymouth CAST DSLs	October 2018	1.0
Plymouth CAST Directors and SEL	October 2018	1.0

Contents

Document Control	Page 2
Contents	Page 3
1. Policy Statement	Page 4
2. Definition of data protection terms	Page 4
3. Recognising a subject access request	Page 4
4. Verifying the identity of a Requester	Page 4
5. Fee for Responding to Requests	Page 5
6. Time Period for Responding to a SAR	Page 5
7. Form of Response	Page 5
8. Sharing Information with Third Parties	Page 6
9. Withholding Information	Page 6
10. Process for dealing with a Subject Access Request	Page 7
Appendix 1 – Definitions	Page 9
Appendix 2 – SAR Acknowledgement for schools close to or in summer holidays	Page 10
Appendix 3 – SAR Acknowledgment Template	Page 11
Appendix 4 – SAR Response Template	Page 12
Appendix 5 – Subject Access Request Form	Page 14

1. Policy Statement

1.1 All **Data Subjects** have rights of access to their **personal data**. This document sets out the procedure to be followed in relation to any requests made for the disclosure of **personal data** processed by Plymouth CAST (who will be referred to as the 'Trust' in this policy; the trust consists of the central trust offices and all schools within the trust).

2. Definition of data protection terms

2.1. All defined terms in this policy are indicated in bold text, and a list of definitions is included in Annex 1 to this policy.

3. Recognising a subject access request

3.1. As the Trust processes **personal data** concerning **data subjects**, those **data subjects** have the right to access that **personal data** under Data Protection law. A request to access this **personal data** is known as a subject access request or SAR.

3.2. A **data subject** is generally only entitled to access their own **personal data**, and not to information relating to other people.

3.3. Any request by a **data subject** for access to their **personal data** is a SAR. This includes requests received in writing, by email, and verbally.

3.4. If any member of our **workforce** receives a request for information, they should inform the **Data Coordinator**, if they are in a school, or the **Data Protection Officer ("DPO")** within the Trust as soon as possible. When a SAR is received in a school, the **Data Coordinator** may decide they need to discuss the request with the **DPO**. This should be decided on a case by case basis.

3.5. In order that the Trust is properly able to understand the nature of any SAR and to verify the identity of the requester, any requester making a request verbally should be asked to put their request in writing and direct this to the **Data Coordinator**, if the data is kept in a school or the **DPO** if the data is kept centrally at the Trust.

3.6. A SAR will be considered and responded to in accordance with the Data Protection Law.

3.7. Any SAR must be notified to the school's **Data Coordinator** or the Trust's **DPO** at the earliest opportunity.

4. Verifying the identity of a Requester

4.1. **Data Coordinators** and the **DPO** are entitled to request additional information from a requester on behalf of the trust in order to verify whether the requester is in fact who they say they are.

4.2. Where a **Data Coordinator** or the **DPO** have reasonable doubts as to the identity of the individual making the request, evidence of identity may be established by production of two or more of the following:

4.2.1. Current passport

- 4.2.2. Current driving licence
- 4.2.3. Recent utility bills with current address
- 4.2.4. Birth/marriage certificate
- 4.2.5. P45/P60
- 4.2.6. Recent credit card or mortgage statement

4.3. If the **Data Coordinator** or the **DPO** are not satisfied as to the identity of the requester then the request will not be complied with, so as to avoid the potential for an inadvertent disclosure of **personal data** resulting in a data breach.

5. Fee for Responding to Requests

- 5.1. The Trust will usually deal with a SAR free of charge.
- 5.2. Where a request is considered to be manifestly unfounded, or excessive, a fee may be requested. Alternatively, the Trust may refuse to respond to the request. If a request is considered to be manifestly unfounded, or unreasonable, the Trust will inform the requester why this is considered to be the case.
- 5.3. A fee may also be requested in relation to repeat requests for copies of the same information. In these circumstances a reasonable fee will be charged taking into account the administrative costs of providing the information.

6. Time Period for Responding to a SAR

- 6.1. The Trust has four full working weeks when schools are open to respond to a SAR. This will run from the later of a. the date of the request, b. the date when any additional identification (or other) information requested is received, or c. payment of any required fee.
- 6.2. In circumstances where the Trust is in any reasonable doubt as to the identity of the requester, this period will not commence unless and until sufficient information has been provided by the requester as to their identity, and in the case of a third party requester the written authorisation of the **data subject** has been received (see below in relation to sharing information with third parties).
- 6.3. The period for response may be extended by a further four working weeks when schools are open in relation to complex requests. What constitutes a complex request will depend on the particular nature of the request. The **DPO** must always be consulted in determining whether a request is sufficiently complex as to extend the response period.
- 6.4. Where a request is considered to be sufficiently complex as to require an extension of the period for response, the Trust will notify the requester within four working weeks when schools are open following receipt of the request, together with reasons as to why this is considered necessary.
- 6.5. A request may be received during or less than one month prior to a school holiday. Where a request is made prior to a holiday period the Trust will seek to respond prior to that holiday commencing, however where this is not possible (for example, because the request is

submitted in the last two weeks of a term) then the Trust will inform the requester that this is the case.

7. Form of Response

7.1. A requester can request a response in a particular form. In particular where a request is made by electronic means then, unless the requester has stated otherwise, the information should be provided in a commonly readable format.

8. Sharing Information with Third Parties

8.1. **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).

8.2. 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 Trust should not approach the **data subject** directly but should inform the requester that it cannot respond without the written authorisation of the **data subject**.

8.3. If the Trust 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.

8.4. **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.

8.5. 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 Trust 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.

8.6 For the purposes of this Trust, parents will be given access to their child's **personal data** without the child's permission while they remain in primary school. In relation to a child who is in secondary education, then provided that the Trust 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 Trust 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.

8.7. If there are exceptional circumstances, the **DPO** will consider whether a child's **personal data** can be shared with a parent differently to the procedures above. The **DPO** will consult with the Information Commissioners Officer (ICO) when considering all exceptional cases.

9. Withholding Information

9.1. There are circumstances where information can be withheld pursuant to a SAR. These are specific exemptions and requests should be considered on a case by case basis. Generally, in schools **Data Coordinators** will consider SARs that relate to data kept in the Trust's schools. However, in complex cases, **Data Coordinators** will discuss the SAR with the **DPO** and together they may consult the ICO.

9.2. Where the information sought contains the **personal data** of third-party **data subjects** then the **Data Coordinator** or **DPO**, depending on who is dealing with the request, will:

9.2.1. consider whether it is possible to redact information so that this does not identify those third parties, taking into account that it may be possible to identify third parties from remaining information;

9.2.2. if this is not possible, consider whether the consent of those third parties can be obtained; and

9.2.3. if consent has been refused, or it is not considered appropriate to seek that consent, then to consider whether it would be reasonable in the circumstances to disclose the information relating to those third parties. If it is not, then the information may be withheld.

9.3. So far as possible, the Trust will inform the requester of the reasons why any information has been withheld.

9.4. Where providing a copy of the information requested would involve disproportionate effort, the Trust will inform the requester, advising whether it would be possible for them to view the documents at the Trust or seeking further detail from the requester as to what they are seeking. For example, key word searches that could be conducted to identify the information that is sought.

9.5. In certain circumstances information can be withheld from the requester, including a **data subject**, on the basis that it would cause serious harm to the **data subject** or another individual. If there are any concerns in this regard, then the **DPO** should be consulted.

10. Process for dealing with a Subject Access Request

10.1. When a subject access request is received, the following process will be followed:

10.1.1. the staff member receiving the request will notify the school's **Data Coordinator**, in cases relating to schools, or the **DPO** in cases relating to the Trust, who will be responsible for managing the response;

10.1.2. the **data coordinator** or **DPO**, depending on who is responsible, will acknowledge receipt of the request and provide an indication of the likely timescale for a response within 5 working days (see template at Annex 3);

10.1.3. the school and/or Trust will take all reasonable and proportionate steps to identify and disclose the data relating to the request;

10.1.4. staff will never delete information relating to a subject access request, unless it would have been deleted in the ordinary course of events – it is an offence to amend or delete data following receipt of a SAR that would not have otherwise been so amended or deleted;

10.1.5. the **data coordinator** and/or **DPO** will consider whether to seek consent from any third parties which might be identifiable from the data being disclosed;

10.1.6. the **DPO** will seek legal advice, where necessary, to determine whether the Trust is required to comply with the request or supply the information sought;

10.1.7. the **data coordinator** and/or **DPO** will provide a written response, including an explanation of the types of data provided and whether and as far as possible for what reasons any data has been withheld (see template at Annex 4); and

10.1.8. the **data coordinator** and/or **DPO** will ensure that information disclosed is clear and technical terms are clarified and explained.

Annex 1 – Definitions

Term	Definition
Data Subjects	For the purpose of this policy, Data Subjects include all living individuals about whom we hold personal data. This includes pupils, our workforce, staff, and other individuals. A data subject need not be a UK national or resident. All data subjects have legal rights in relation to their personal information.
Personal Data	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.
Data Controllers	Data Controllers are the people who or organisations 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 Law. The Trust is a Data Controller, as is each of the schools within the Trust.
Processing	Processing is 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.
Workforce	The Trust's workforce includes, any individual employed by the Trust, including in schools, such as staff, teachers, teaching assistants and those who volunteer in any capacity including Local Governors and/or Trustees and/or parent helpers.
Data Protection Officer	The Data Protection Officer is the designated member of staff who oversees the management of data at the Trust. They will implement and monitor the use of this policy. The Data Protection Officer for Plymouth CAST is Kevin Butlin.
Data Coordinators	Data Coordinators are members of staff in the Trust's schools who oversee the implementation of the new GDPR requirements. They will oversee the management of this policy locally in schools.

Annex 2 – SAR Acknowledgement for schools close to or in summer holidays

(For use over holidays when the School is closed for over a month)

[On headed notepaper of data controller]

[ADDRESSEE]

[ADDRESS LINE 1]

[ADDRESS LINE 2]

[POSTCODE]

[DATE]

Dear [DATA SUBJECT],

Acknowledgement of your data subject access request dated [DATE OF REQUEST] and notification that the [School] is currently closed.

We write further to your request for details of personal data which we received on [DATE OF REQUEST]. As advertised on the website, the [School] is [closing/ closed] from xx July 20xx until xx September 20xx. Accordingly, the information you have requested is likely not to be with you until the end of September 20xx, at the earliest.

The [School] will be reopening on xx September 20xx when your request will be formally acknowledged, and you will be informed about the timeframe in which a full response to your request will be provided. We apologise for any inconvenience this may cause and will contact you again on xx September 20xx.

Yours sincerely,

[NAME OF SENDER]

For and on behalf of [School]

Annex 3 – SAR Acknowledgment Template

[On headed notepaper of data controller]

[ADDRESSEE]

[ADDRESS LINE 1]

[ADDRESS LINE 2]

[POSTCODE]

[DATE]

Dear [NAME OF DATA SUBJECT],

Acknowledgment of your data subject access request

Reference: [DATA SUBJECT ACCESS REQUEST REFERENCE NUMBER]

I write to acknowledge receipt of your request for personal information which we are responding to under article 15 of the General Data Protection Regulation.

[I also acknowledge receipt of your [IDENTIFICATION] as confirmation of your identity.]

Your request was received on [DATE] and, unless there are grounds for extending the statutory deadline of four working weeks while schools are open, we expect to be able to give you a response by [DATE].

The reference for your request is [REFERENCE NUMBER], please quote this on all correspondence concerning this request.

Yours sincerely,

[NAME OF SENDER]

For and on behalf of [Trust/School]

Annex 4 – SAR Response Template

[On headed notepaper of data controller]

[ADDRESSEE]

[ADDRESS LINE 1]

[ADDRESS LINE 2]

[POSTCODE]

[DATE]

Dear [DATA SUBJECT],

Response to your data subject access request dated [DATE OF REQUEST]

We write further to your request for details of personal data which we hold [and our acknowledgment of [DATE WHEN REQUEST FIRST ACKNOWLEDGED BY LETTER]].

We enclose all of the data to which you are entitled under the General Data Protection Regulation (GDPR), in the following format:

[DETAILS OF FORMAT IN WHICH DATA IS PROVIDED, WITH REASONS FOR CHOOSING THE FORMAT: PAPER COPIES OR ELECTRONIC COPIES ON A CD OR MEMORY STICK OR A NEW DOCUMENT WHICH HAS BEEN CREATED AND SETS OUT THE INFORMATION THAT CONSTITUTES PERSONAL DATA. WHERE THE SAR WAS MADE BY ELECTRONIC MEANS THE RESPONSE SHOULD BE PROVIDED IN A COMMONLY USED ELECTRONIC FORM.]

We have contacted the following departments and individuals in order to locate personal data held which is within the scope of a data subject access request under article 15 of the GDPR:

[LIST OF DEPARTMENTS AND METHODOLOGY FOR IDENTIFYING PERSONAL DATA]

We can confirm the following in relation to the areas covered under article 15 of the GDPR and data existing on the date when your request was made:

The purposes for which the personal data is processed:

[LIST OF PURPOSES]

The recipients or classes of recipients of personal data to whom the data has been or will be disclosed and the location of any recipients outside the EEA:

[LIST OF RECIPIENTS (BY NAME OR GENERIC CLASS) TO WHOM DATA DISCLOSED. NOTE WHICH COUNTRIES NON-EEA RECIPIENTS PROCESS DATA IN AND STATE THE ARTICLE 46 SAFEGUARDS IN PLACE.]

The categories of personal data concerned:

[LIST CATEGORIES]

The envisaged period for which the personal data will be stored, or the criteria used to determine that period:

[LIST RETENTION PERIODS]

Any information available to [DATA CONTROLLER] as to the source of the data:

[SOURCES OF DATA HELD]

The following automated decision making is applied to the personal data:

[IDENTIFY AUTOMATED DECISION-MAKING INCLUDING PROFILING AND PROVIDE MEANINGFUL INFORMATION ABOUT THE LOGIC INVOLVED AS WELL AS THE SIGNIFICANCE AND THE ENVISAGED CONSEQUENCES OF SUCH PROCESSING FOR THE DATA SUBJECT]

You have the following rights under the GDPR.

- The right to request rectification of inaccurate personal data;
- In limited circumstances, the right to:
 - o request erasure of the personal information;
 - o request restriction of processing of the personal information; or
 - o object to the processing of the personal information.

[You will note that some of the information has been redacted. The reason for this is that the redacted information relates to [a] third part[y/ies] who have not consented to the sharing of their information with you].

Some information has not been provided as it is covered by the following exemptions:

[LIST EXEMPTIONS APPLIED]

If you are unhappy with this response, and believe Plymouth CAST or any of its schools have not complied with legislation, please ask for a review by [following our complaints process; details can be found on our website at [LINK] OR by contacting [WE NEED TO MAKE A DECISION AS TO WHO THIS SHOULD BE]].

If you still remain dissatisfied following an internal review, you can appeal to the Information Commissioner, who oversees compliance with data protection law. You should write to: Customer Contact, Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely,

[NAME]

[For and on behalf of [Plymouth CAST/School]

Annex 5 – SUBJECT ACCESS REQUEST FORM

Dear Data Coordinator/Data Protection Officer,

Name	
Your Relationship with the school	Please select: Pupil / parent / employee / governor / volunteer Other (please specify):
Correspondence address	
Contact number	
Email address	
Details of the information you require	Please provide me with: (Please use back of form if necessary) <i>Insert details of the information you want that will help us to locate the specific information and how you would like to receive the information. Please be as precise as possible, for example:</i> • Your personnel file (employee/ governor/ volunteers only) • Records relating to a child (for primary aged children only) • Personal details we hold on you



	• <i>Other – please specify</i>
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Please accept this form as a formal request to be provided with personal data that you are currently holding as a data controller. The details below give the specific personal data I would like you to provide and the format that I would like the data provided to me in:

I understand that you have four working weeks when schools are open to provide me with my personal data. I have read and understood Plymouth CAST's Subject Access Request policy.

If you have any questions you can contact me on [insert preferred method of contact].

Yours faithfully,

[INSERT SIGNATURE]

PRINT NAME