



# **Subject Access Requests Policy**

**Document Control Information**

**Subject Access Requests Policy, Issue 2 – August 2017**

**Review Period**

Every 2 years

**Review Committee**

Trustees

**Revision History**

Author	Summary of changes	Issue	Date Authorised
R Righini	New policy extracted section from data protection policy	1	31 <sup>st</sup> August 2017

**Authorisation**

**Approved By:** This policy was approved by the Trustees

**Date Approved:** 31<sup>st</sup> August 2017

**Date of Next review:** 31<sup>st</sup> August 2019

**Document Owner & Reviewer:** The senior manager responsible for this policy is the Operations Director

**Equality Impact**

**Statement** We welcome feedback on this document and the way it operates. We are interested to know of any possible or actual adverse impact that may affect any groups in respect of any of the Equality Act 2010 protected characteristics.

The person responsible for equality impact assessment for this document is the Director of Equality and Diversity.

**Screening** This document has been screened by the Equality Team and the impact has been assessed as:

- Not applicable
- Low
- Medium
- High

## **1. Purpose**

- 1.1. This policy explains what actions should be taken when making and dealing with a subject access request.

## **2. Scope of Policy**

- 2.1. This policy applies to anyone who wishes to make a formal subject access request.

## **3. Reason for Review**

- 3.1. This policy was reviewed as part of a New Bridge Multi Academy Trust (MAT) policy audit. The review also acknowledges the significant changes that will take place in May 2018 for all schools.

## **4. Aim(s)**

- 4.1. We aim to ensure that all individuals are aware of their right to access information about themselves and to ensure that our policy is open and transparent.

## **5. Procedures and practice**

### **5.1. Rights of access to information**

5.1.1. There are two distinct rights of access to information held by school:

- 5.1.1.1. Under the Data Protection Act 1998 any individual has the right to make a request to access the personal information held about them.
- 5.1.1.2. The right of those entitled to have access to curricular and educational records as defined within the Education Pupil Information (Wales) Regulations 2004.

5.1.2. These procedures relate to subject access requests made under the Data Protection Act 1998.

### **5.2. Actioning a subject access request**

5.2.1. Requests for information must be made in writing, which includes email, and should be addressed for the attention of Information Officer. If the initial request does not clearly identify the information required, then further enquiries will be made.

5.2.2. The identity of the applicant must be established before the disclosure of any information, and checks should also be carried out regarding proof of relationship to the child. Evidence of identity can be established by requesting production of:

- 5.2.2.1. passport
- 5.2.2.2. driving licence
- 5.2.2.3. utility bills with the current address
- 5.2.2.4. birth or marriage certificate
- 5.2.2.5. P45/P60
- 5.2.2.6. credit card or mortgage statement

*This list is not exhaustive.*

5.2.3. Any individual has the right of access to information held about them. However with children, this is dependent upon their capacity to understand

(normally age 12 or above) and the nature of the request. The CEO should discuss the request with the child and take their views into account when making a decision. A child with competency to understand can refuse to consent to the request for their records. Where the child is not deemed to be competent an individual with parental responsibility or guardianship shall make the decision on behalf of the child.

5.2.4. The MAT may make a charge for the provision of information, dependent upon the following:

- 5.2.4.1. should the information requested contain the educational record then the amount charged will be dependent upon the number of pages provided;
- 5.2.4.2. should the information requested be personal information that does not include any information contained within educational records, the MAT can charge up to £10 to provide it;
- 5.2.4.3. if the information requested is only the educational record, viewing will be free but a charge not exceeding the cost of copying the information can be made by the CEO;
- 5.2.4.4. the response time for subject access requests, once officially received, is 40 days (not working or school days but calendar days, irrespective of school holiday periods). However, the 40 days will not commence until after receipt of fees or clarification of information sought;
- 5.2.4.5. the Data Protection Act 1998 allows exemptions as to the provision of some information; therefore all information will be reviewed prior to disclosure;
- 5.2.4.6. third party information is that which has been provided by another, such as the police, Local Authority, health care professional or another school. Before disclosing third party information consent should normally be obtained. There is still a need to adhere to the 40 day statutory timescale;
- 5.2.4.7. any information which may cause serious harm to the physical or mental health or emotional condition of the pupil or another should not be disclosed, nor should information that would reveal that the child is at risk of abuse, or information relating to court proceedings;
- 5.2.4.8. if there are concerns over the disclosure of information then additional advice should be sought;
- 5.2.4.9. where redaction (information blacked out/removed) has taken place then a full copy of the information provided should be retained in order to establish, if a complaint is made, what was redacted and why;
- 5.2.4.10. information disclosed should be clear, thus any codes or technical terms will need to be clarified and explained. If information contained within the disclosure is difficult to read or illegible, then it should be retyped;
- 5.2.4.11. information can be provided at the site with a member of staff on hand to help and explain matters if requested, or provided at a face to face handover. The views of the applicant should be taken into account when considering the method of delivery. If postal systems have to be used then registered/recorded mail must be used.

### 5.3. **Complaints**

- 5.3.1. Complaints about the above procedures should be made to the Chair of the Trustees who will decide whether it is appropriate for the complaint to be dealt with in accordance with the MAT's complaints procedure.

5.3.2. Complaints which are not appropriate to be dealt with through the MAT's complaints procedure can be dealt with by the Information Commissioner. Contact details of both will be provided with the disclosure information.

5.4. **Contacts**

5.5. If you have any queries or concerns regarding these policies / procedures then please contact Graham Quinn, CEO.

5.6. **Further Advice**

5.7. Further advice and information can be obtained from the Information Commissioner's Office, [www.ico.gov.uk](http://www.ico.gov.uk) or telephone 01625 5457453.

**6. Sources and references**

6.1. Data Protection Act 1998

6.2. Equality Act 2010

**7. Other useful documents**

7.1. Subject Access Request Policy

7.2. Freedom of Information Policy

7.3. Equality Impact Scheme

7.4. Publication Scheme

7.5. Complaints Policy

**8. Monitoring**

8.1. This policy will be monitored through the MAT's accountability framework.

**Subject Access Request Audit Sheet**

Subject's Name	
Date of SAR	

Date	Log Details	Signed
		Requestor
		New Bridge MAT
		Requestor
		New Bridge MAT
		Requestor
		New Bridge MAT
		Requestor
		New Bridge MAT
		Requestor
		New Bridge MAT
		Requestor
		New Bridge MAT
		Requestor
		New Bridge MAT

**DATA PROTECTION ACT 1998 – SUBJECT ACCESS REQUEST**

**Please provide the following details about yourself:**

Full name .....

Address .....

.....

Tel No ..... E-mail: .....

**FEE**

A fee of £10.00 (the current statutory maximum under the Data Protection Act 1998) is payable for each application for information. Please enclose a cheque or postal order made payable to New Bridge MAT.

Please note that in accordance with the Freedom of Information Act 2000 a different fee structure will apply where personal information is contained in unstructured files i.e. a filing system which is not organised in a way that makes it easy to locate information about a particular individual. If your request falls within this category, you will be provided with an estimate of the cost of providing the information before the MAT starts any work on your behalf.

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Are you requesting information about yourself? YES / NO

If so, you are the data subject and documentary evidence of your identity is required, i.e. driving licence, birth certificate (or photocopy) and a stamped addressed envelope for returning the document.

If not, please supply the written consent of the data subject and supply their details as follows:

Full name .....

Address .....

.....

Tel No ..... E-mail: .....

Please give a description of the personal information you would like to view.

Signed .....