

# Subject Access Request Policy

**Bolder Academy**

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Registered in England and Wales No: 08932893

<b>This policy is called:</b>	<b>Subject Access Request Policy</b>
<b>It applies to:</b>	All staff at Bolder Academy
<b>Person responsible for its revision:</b>	Headteacher
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## **Introduction**

The Academy holds personal data (or information) about job applicants, employees, schools and parents and other individuals for a variety of purposes.

Under UK General Data Protection Regulations, Data Subjects have a general right to find out whether the Academy hold or process personal data about them, to access that data, and to be given supplementary information. This is known as the right of access, or the right to make a data subject access request (SAR). The purpose of the right is to enable the individual to be aware of, and verify, the lawfulness of the processing of personal data that the Academy are undertaking.

A Data Subject has the right to be informed by the Academy of the following:

- a) Confirmation that their data is being processed;
  - b) Access to their personal data;
  - c) A description of the information that is being processed;
  - d) The purpose for which the information is being processed;
  - e) The recipients/class of recipients to whom that information is or may be disclosed;
  - f) Details of the Academy's sources of information obtained;
  - g) In relation to any Personal Data processed for the purposes of evaluating matters in relation to the Data Subject that has constituted or is likely to constitute the sole basis for any decision significantly affecting him or her, to be informed of the logic of the Data Controller's decision making. Such data may include, but is not limited to, performance at work, creditworthiness, reliability and conduct; and
- (a) Other supplementary information.

## **How to recognise a subject access request**

A data subject access request is a request from an individual (or from someone acting with the authority of an individual, e.g. a solicitor or a parent/carer making a request in relation to information relating to their child):

- for confirmation as to whether the Academy process personal data about him or her and, if so
- for access to that personal data
- and/or certain other supplementary information

A SAR must be made in writing (by letter, email) or verbally (e.g. during a telephone conversation). The request may refer to the UKGDPR and/or to 'data protection' and/or to 'personal data' but does not need to do so in order to be a valid request.

For example, a letter which states 'please provide me with a copy of information that the Academy hold about me' will be a data subject access request and should be treated as such.

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

### **How to make a data subject access request**

We encourage any individuals who wish to make a SAR to make the request in writing, detailing exactly the personal data being requested. This allows the Academy to easily recognise that you wish to make a data subject access request and the nature of your request. If the request is unclear/ vague we may be required to clarify the scope of the request which may in turn delay the start of the time period for dealing with the request.

### **What to do when you receive a data subject access request**

All data subject access requests should be immediately directed to Kate Biant, the Business Manager who should contact Judicium as DPO in order to assist with the request and what is required.

### **Acknowledging the request**

When receiving a SAR the Academy shall acknowledge the request as soon as possible and inform the requester about the statutory deadline (of one calendar month) to respond to the request.

In addition to acknowledging the request, the Academy may ask for:

- proof of ID (if needed);
- further clarification about the requested information;
- if it is not clear where the information shall be sent, the Academy must clarify what address/email address to use when sending the requested information; and/or
- consent (if requesting third party data).

The Academy should work with their DPO in order to create the acknowledgment.

### **Verifying the identity of a requester or requesting clarification of the request**

Before responding to a SAR, the Academy will take reasonable steps to verify the identity of the person making the request. In the case of current employees, this will usually be straightforward. The Academy is entitled to request additional information from a requester in order to verify whether the requester is in fact who they say they are. Where the Academy has reasonable doubts as to the identity of the individual making the request, evidence of identity may be established by production of a passport, driving license, a recent utility bill with current address, birth/marriage certificate, credit card or a mortgage statement.

If an individual is requesting a large amount of data the Academy may ask the requester for more information for the purpose of clarifying the request, but the requester shall never be asked why the request has been made. The Academy shall let the requestor know as soon as possible where more information is needed before responding to the request.

In both cases, the period of responding begins when the additional information has been received. If the Academy do not receive this information, they will be unable to comply with the request.

### **Requests made by third parties or on behalf of children**

The Academy need to be satisfied that the third party making the request is entitled to act on behalf of the individual, but it is the third party's responsibility to provide evidence of this entitlement. This might be a written authority to make the request or it might be a more general power of attorney. The Academy may also require proof of identity in certain circumstances.

When requests are made on behalf of children, it is important to note that even if a child is too young to understand the implications of subject access rights, it is still the right of the child, rather than of anyone else such as a parent or guardian, to have access to the child's personal data. Before responding to a SAR for information held about a child, the Academy should consider whether the child is mature enough to understand their rights. If the Academy is confident that the child can understand their rights, then the Academy should usually respond directly to the child or seek their consent before releasing their information.

It shall be assessed if the child is able to understand (in broad terms) what it means to make a subject access request and how to interpret the information they receive as a result of doing so. When considering borderline cases, it should be taken into account, among other things:

- 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; and
- any views the child or young person has on whether their parents should have access to information about them.

Generally, a person aged 12 years or over is presumed to be of sufficient age and maturity to be able to exercise their right of access, unless the contrary is shown. In relation to a child 12 years of age or older, then provided that the Academy 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 Academy will require the written authorisation of the child before responding to the requester, or provide the personal data directly to the child.

The Academy may also refuse to provide information to parents if there are consequences of allowing access to the child's information – for example if it is likely to cause detriment to the child.

### **Fee for responding to a SAR**

The Academy will usually deal with a SAR free of charge. Where a request is considered to be manifestly unfounded or excessive a fee to cover administrative costs may be requested.

### **Time Period for Responding to a SAR**

The Academy has one calendar month to respond to a SAR. This will run from the day that the request was received or from the day when any additional identification or other information requested is received, or payment of any required fee has been received.

The period for response may be extended by a further two calendar months 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.

Where a request is considered to be sufficiently complex as to require an extension of the period for response, the Academy will need to notify the requester within one calendar month of receiving the request, together with reasons as to why this extension is considered necessary.

### **Academy closure periods**

Requests received during or just before Academy closure periods may not be responded to within the one calendar month response period. As a result, it is unlikely that your request will be able to be dealt with during this time. We may also not be able to acknowledge your request during this time (i.e. until a time when we receive the request), however, if we can acknowledge the request we may still not be able to deal with it until the Academy re-opens. The Academy will endeavour to comply with requests as soon as possible and will keep in communication with you as far as possible. If your request is urgent, please provide your request during term times and not during/close to closure periods.

### **Information to be provided in response to a request**

The individual is entitled to receive access to the personal data we process about him or her.

The information should be provided in a way that is concise, transparent, easy to understand and easy to access using clear and plain language, with any technical terms, abbreviations or codes explained. The response shall be given in writing if the SAR was made in writing in a commonly-used electronic format.

The information that the Academy are required to supply in response to a SAR must be supplied by reference to the data in question at the time the request was received. However, as the Academy have one month in which to respond the Academy is allowed to take into account any amendment or deletion made to the personal data between the time the request is received and the time the personal data is supplied if such amendment or deletion would have been made regardless of the receipt of the SAR.

The Academy is therefore, allowed to carry out regular housekeeping activities even if this means deleting or amending personal data after the receipt of a SAR. The Academy is not allowed to amend or delete data to avoid supplying the data.

## **How to locate information**

The personal data the Academy need to provide in response to a data subject access request may be located in several of the electronic and manual filing systems. This is why it is important to identify at the outset the type of information requested so that the search can be focused.

## **Protection of third parties -exemptions to the right of subject access**

There are circumstances where information can be withheld pursuant to a SAR. These specific exemptions and requests should be considered on a case by case basis.

The Academy will consider whether it is possible to redact information so that this does not identify those third parties. If their data cannot be redacted (for example, after redaction it is still obvious who the data relates to) then the Academy do not have to disclose personal data to the extent that doing so would involve disclosing information relating to another individual (including information identifying the other individual as the source of information) who can be identified from the information unless:

- the other individual has consented to the disclosure; or
- it is reasonable to comply with the request without that individual's consent.

In determining whether it is reasonable to disclose the information without the individuals consent, all of the relevant circumstances will be taken into account, including:

- the type of information that they would disclose;
- any duty of confidentiality they owe to the other individual;
- any steps taken to seek consent from the other individual;
- whether the other individual is capable of giving consent; and
- any express refusal of consent by the other individual.

It needs to be decided whether it is appropriate to disclose the information in each case. This decision will involve balancing the data subject's right of access against the other individual's rights. If the other person consents to the Academy disclosing the information about them, then it would be unreasonable not to do so. However, if there is no such consent, the Academy must decide whether to disclose the information anyway. If there are any concerns in this regard then the DPO should be consulted.



## **Other exemptions to the right of subject access**

In certain circumstances the Academy may be exempt from providing some or all of the personal data requested. These exemptions are described below and should only be applied on a case-by-case basis after a careful consideration of all the facts.

**Crime detection and prevention:** The Academy do not have to disclose any personal data being processed for the purposes of preventing or detecting crime; apprehending or prosecuting offenders; or assessing or collecting any tax or duty.

**Confidential references:** The Academy do not have to disclose any confidential references given to third parties for the purpose of actual or prospective:

- education, training or employment of the individual;
- appointment of the individual to any office; or
- provision by the individual of any service

This exemption does not apply to confidential references that the Academy receive from third parties. However, in this situation, granting access to the reference may disclose the personal data of another individual (i.e. the person giving the reference), which means that the Academy must consider the rules regarding disclosure of third-party data set out above before disclosing the reference.

**Legal professional privilege:** The Academy do not have to disclose any personal data which are subject to legal professional privilege.

**Management forecasting:** The Academy do not have to disclose any personal data processed for the purposes of management forecasting or management planning to assist us in the conduct of any business or any other activity.

**Negotiations:** The Academy do not have to disclose any personal data consisting of records of intentions in relation to any negotiations with the individual where doing so would be likely to prejudice those negotiations.

## **Refusing to respond to a request**

The Academy can refuse to comply with a request (wholly or partly) if the request is manifestly unfounded, or if an exemption applies, or if it is excessive taking into account whether the request is repetitive in nature. In this case the Academy can:

- Request a "reasonable fee" to deal with the request; or

- Refuse to deal with the request.

In either case the Academy need to justify the decision and inform the requestor about the decision.

The reasonable fee should be based on the administrative costs of complying with the request. If deciding to charge a fee the Academy should contact the individual promptly and inform them. The Academy do not need to comply with the request until the fee has been received.

### **Record keeping**

A record of all subject access requests shall be kept by the Business Manager. The record shall include the date the SAR was received, the name of the requester, what data the Academy sent to the requester and the date of the response.

## **Appendix A - Subject Access Request Form**

The Data Protection Act 2018 provides you, the data subject, with a right to receive a copy of the data/information we hold about you or to authorise someone to act on your behalf. Please complete this form if you wish to make a request for your data. Your request will normally be processed within one calendar month upon receipt of a fully completed form and proof of identity.

Proof of identity: We require proof of your identity before we can disclose personal data. Proof of your identity should include a copy of a document such as your birth certificate, passport, driving licence, official letter addressed to you at your address e.g. bank statement, recent utilities bill or council tax bill. The document should include your name, date of birth and current address. If you have changed your name, please supply relevant documents evidencing the change.

### **Section 1**

Please fill in the details of the data subject (i.e. the person whose data you are requesting). If you are not the data subject and you are applying on behalf of someone else, please fill in the details of the data subject below and not your own.

Title	
Surname/Family Name	
First Name(s)/ Forename	
Date of Birth	
Address	
Post Code	
Phone Number	
Email address	

I am enclosing the following copies as proof of identity (please tick the relevant box):

- Birth Certificate
- Driving Licence
- Passport
- An official letter to my address

### **Personal Information**

*If you only want to know what information is held in specific records, please indicate in the box below. Please tell us if you know in which capacity the information is being held, together with any names or dates you may have. If you do not know exact dates, please give the year(s) that you think may be relevant.*

#### **Details:**

### **Employment records:**

If you are, or have been employed by the Academy and are seeking personal information in relation to your employment please provide details of your Staff number/Unit/Team/Dates of employment.

#### **Details:**

## Section 2

Please complete this section of the form with your details if you are acting on behalf of someone else (i.e. the data subject).

If you are **NOT** the data subject, but an agent appointed on their behalf, you will need to provide evidence of your identity as well as that of the data subject and proof of your right to act on their behalf.

Title	
Surname/ Family Name	
First Name(s)/Forenames	
Date of Birth	
Address	
Post Code	
Phone Number	

I am enclosing the following copies as proof of identity (please tick the relevant box):

- Birth Certificate
- Driving Licence
- Passport
- An official letter to my address

**What is your relationship to the data subject?** (e.g. parent, carer, legal representative)

I am enclosing the following copy as proof of legal authorisation to act on behalf of the data subject:

- Letter of authority
- Lasting or Enduring Power of Attorney
- Evidence of parental responsibility
- Other (give details):

### Section 3

Please describe as detailed as possible what data you request access to (time period/ categories of data/ information relating to a specific case/ paper records/ electronic records).

I wish to:

- Receive the information by post\*
- Receive the information by email
- Collect the information in person
- View a copy of the information only
- Go through the information with a member of staff

\*Please be aware that if you wish us to post the information to you, we will take every care to ensure that it is addressed correctly. However, we cannot be held liable if the information is lost in the post or incorrectly delivered or opened by someone else in your household. Loss or incorrect delivery may cause you embarrassment or harm if the information is 'sensitive'.

Please send your completed form and proof of identity by email to:  
[head@bolderacademy.co.uk](mailto:head@bolderacademy.co.uk)



