

Redbridge Primary School

Dream Big, Work Hard, Be Kind



Subject Access
Request Handling
Guidance and Procedure

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Introduction

The General Data Protection Regulations (GDPR) and the Data Protection Act 2018 (DPA 2018) gives individuals rights of access to their personal records held by Redbridge Privacy. Subject access is a fundamental right for individuals. But it is also an opportunity for the school to provide excellent customer service by responding to Subject Access Requests (SARs) efficiently and transparently and by maximising the quality of the personal information held by the school. This Policy explains how the school will fulfil its obligations under legislation.

This procedure incorporates recommendations from the [Subject Access Code of Practice](#) produced by the Information Commissioner's Office and the new requirements of the GDPR and the DPA 2018.

Initial considerations

Receipt of a request

Subject Access Requests can be received in any part of the school. Under GDPR individuals can now make a subject access request to organisations verbally or in writing which can be accepted in any format including email social media, in person or over the phone.

It is important to note that a valid subject access request need not mention 'Subject Access Request' or 'Data Protection Act/GDPR' or even 'Freedom of Information' (which applicants often quote when requesting personal data).

If a SAR is made for information containing, in whole or in part, a pupil's 'educational record' the request should be treated as a request for educational records under the Education (Pupil Information) Regulations 2005 and not a SAR. Requests can be received by post or electronically. Those received electronically may be received by any publicly available school email address. Requests might also be made to the school's relevant social networking sites (Facebook or Twitter). Once received the statutory clock of one calendar month is deemed to have started clock (starting on the day of receipt to the corresponding day the following month). No matter how received the request should be considered as being served on the school and should be directed to the SAR co-ordinator (or delegated officer) immediately.

Requests are usually for any information held to be provided to the requestor, but they can also cover whether personal data is being processed, the description of the data, details of the source and whether it will be given to other people.

The SAR Co-ordinator responsible for coordinating the request, should ensure that it is logged and should send out an acknowledgement letter as soon as possible, on the day of receipt. Appendix B provides model acknowledgement responses and requests for proof of identity and clarification.

If clarification or proof of identity is required, this should be sought immediately rather than during the one-month time frame (see section 2.3 below). The statutory clock should be stopped until they respond or provide the proof of identity. Once the proof is provided you should restart the statutory clock (start the clock from the beginning). If the proof of identity is not provided within one calendar month of you sending the request, you should close the request as 'no longer required'. The SAR Co-ordinator should then write to the data subject or requestor to inform them that their request has been closed.

In most cases you cannot charge a fee to comply with a subject access request. However, where the request is manifestly unfounded or excessive (see section 2.8 below) you may charge a "reasonable fee" for the administrative costs of complying with the request.

You can also charge a reasonable fee if an individual requests further copies of their data following a request. You must base the fee on the administrative costs of providing further copies.

Clarifying the request

It is important that you clarify with the data subject precisely what information they require if the request is unclear. You need not comply with the SAR until you have received it (by stopping the statutory clock). However, even if the relevant information is difficult to find and retrieve, it is not acceptable for you to delay your response unless you reasonably require more information to help you find the data in question.

You cannot require the requestor to narrow the scope of their request, but merely to provide additional details that will help you to locate the requested information. So, if a requestor asks for 'all the information you hold' about them, they are entitled to do that and can reasonably expect to receive all of it unless an exemption applies. However, where a request made for 'all information you hold' is for a large amount of data, you can then ask the individual to specify the information the request relates to (such as a specific time frame or subject matter), if it helps you to locate the requested information. The requestor is not obliged to narrow the scope of their request, however refusing to do so may result in the request being deemed complex or manifestly excessive (Also see 2.8 below).

It is also possible to contact the requestor to determine if they are interested in receiving their information in chunks. This should only be considered if the information is of significant volume and providing the information within one Calendar month is difficult to achieve. The requestor does not have to agree to this but by prioritising the information supplied in accordance with an agreement with them; may improve the perception of the service delivered

Verification of Identity

To minimise the risk of accidentally sending personal data to a third party and to avoid data breaches, the SAR Coordinator may ask the requestor to verify their identity before responding to the request. The requestor should do this by providing a certified copy of photographic identification such as a passport or driving licence.

If the SAR Co-ordinator is sure of the identity of the requestor (e.g. a current employee or pupil), there is no need to seek additional identification.

The proof of identity can be requested to be sent to the SAR Coordinator by post or the SAR Co-ordinator can make an arrangement with the data subject to email scanned copies or bring their proof of identity into the school to present it to the SAR Co-ordinator (there is no need to take copies of proof where the SAR Co-ordinator is satisfied that the data subject is who they say they are).

If the school is not satisfied as to the identity of the requestor then the SAR will not be complied with, to prevent the potential of an inadvertent disclosure of Personal Data resulting in a data breach.

2.4 Requests from children (pupils)

Children (normally aged 12 or above) can make a SAR request dependent upon their capacity to understand and the nature of the request. What matters is that the child can understand (in broad terms) what it means to make a SAR and how to interpret the information they receive as a result of doing so. When considering borderline cases, you should take into account, among other things:

- where possible, 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.

The Head Teacher (or other appropriate member of staff) should discuss the request with the child and take their views into account when deciding on competency. Where the child is not deemed to be competent, an individual with parental responsibility or guardian shall make the decision on behalf of the child.

If a child is competent then, just like an adult, they may also authorise someone else to act on their behalf. This could be a parent, another adult, or a representative such as a child advocacy service, charity or solicitor.

A child should not be considered to be competent if it is evident that he or she is acting against their own best interests.

1.5 Requesting on behalf of a data subject

The Act allows for an individual to make a request on behalf of another person. This may be a solicitor acting on behalf of the individual, a parent making a request for their child's information, a third party making the request for someone who has limited capacity, or indeed many other reasons. However, whilst the Act allows us in certain circumstances to process a request in this way, there are a number of considerations and checks that need to be undertaken before you process a request which is made on behalf of another person.

Where a request has come in for information about a child, such as from a parent you need to consider whether the child is mature enough to understand their rights. It does not follow that, just because a child has capacity to make

a SAR, they also have capacity to consent to sharing their personal data with others – as they may still not fully understand the implications of doing so. If you are confident that the child can understand their rights, then you should respond to the child rather than the parent. A child with competency to understand (normally aged 12 or above) can refuse to consent to the request for their records (from their parent/carer). Where there has been a parental split, care needs to be taken to avoid providing information to someone who might no longer retain parental responsibility. Care should also be taken not to infringe the confidentiality of the absent partner when providing information in relation to the child.

1.7 Bulk requests

The school may, from time to time, receive several (and possibly many) Subject Access Requests in a short period of time from the same requestor (such as a solicitor or carer acting for one than one child). Each request within the bulk request must be considered separately and responded to appropriately. The school will need to satisfy itself that where a requestor is making a request on behalf of a number of data subjects, they have appropriate authority to act on each request.

Complex or large number of requests from one individual

You can extend the time to respond by a further two months if the request is complex or you have received a number of requests from the same individual (for example a solicitor with multiple clients). You must let the individual know within one month of receiving their request and explain why the extension is necessary.

However, it is the ICO's view that it is unlikely to be reasonable to extend the time limit if:

- it is manifestly unfounded or excessive;
- an exemption applies; or
- you are requesting proof of identity before considering the request.

Collating, reviewing and responding to a request

Collating requests from multiple sources

The SAR co-ordinator will review the request and identify who in the school can provide the information.

A number of information sources may need to be considered – e.g. home folders (contrary to policy), shared drives, case management systems, paper files, fiche, backup media, email accounts etc. A thorough search will need to be undertaken with often the requirement for some lateral thinking as to where information can reside.

Where it is likely that information is held off-site or in storage, this should be requested or sought as early as possible.

Amended and Deleted Information

The GDPR specifies that a Subject Access Request relates to the data held at the time the request was received. However, in many cases, routine use of the data may result in it being amended or even deleted whilst you are dealing with the request. So, it would be reasonable for you to supply the information you hold when you send out a response, even if this is different to that held when you received the request. This only relates to day to day activity. Any disposal under the retention schedule that would affect the disclosure for a SAR should be held pending the completion of the request.

Once information has been deleted from your computer systems there is no obligation to use expensive methods to retrieve the information. However, any information that has not been deleted might still be disclosable and it is a **criminal offence** to purposefully delete information once it has been requested to avoid disclosure.

Emails

Emails containing personal data that reside within the Deleted Items folder might still be caught in the scope of the request. Remember that the right of subject access is to information and not necessarily documents, however if the metadata of the email (sender, date and time) is, in itself, personal data – i.e. something happened at a particular time – then the item should be disclosed.

For clarification, emails held on the school network should be queried. Where you believe that personal data relating to the applicant may be held in emails relating to a staff member who has left the school (and whose email account has subsequently been archived), a formal request should be made to the IT Team to recover the mailbox.

Information held on personal computer equipment

Personal or sensitive personal data should not be stored on personal devices, and the use of personal email to transact school business is prohibited by virtue of the Acceptable Use Policy. However, where you have good reason to believe that personal data may be stored on an individuals' personal devices', you can request a search to fulfil a Subject Access Request.

Confidential information

Requests over many different school areas might involve OFFICIAL SENSITIVE information such as; a Child's care file, which might not be appropriate to share with the SAR Co-ordinator or other officers collating the response. In which case once reviewed, you may wish to provide this separately (following the procedures from 3.7 onwards), and confirm to the SAR Co-ordinator that you've sent part of the information.

Reviewing collated information

Once the data has been collated, it should be reviewed to determine if any exemptions under the current Data Protection Act 2018 apply. Often there can be reference to third parties in the information held, other information might be exempt because it may be subject to legal privilege or would be prejudicial to the prevention or detection of crime if disclosed. Please see section 4 for further guidance on application of exemptions.

The Information Governance Lead can help with the application of exemptions, and you may have local knowledge as to whether exemptions apply. Where you choose to exclude information from the final disclosure, you need to clearly list what information has been removed, and the appropriate section of the Data Protection Act 2018 that applies.

Before a SAR is sent out to the requestor, line management [or allocated person] are required to carry out a double check. This is done to ensure that all third-party data has been removed appropriately and that any documents have been redacted appropriately.

Third party data sent out in error to the wrong person constitutes a data breach under the Data Protection Act 2018 and can have very serious consequences for the school.

NOTE: Occasionally schools will outsource the redaction of SARs to a third-party provider. A double check of the work completed must be carried out by school line management before any documents are sent out to the data subject. This is to ensure that the work is completed to the standards expected by the school.

Responding to the requestor

It is good practice for a response to a SAR to include an explanation of the searches that have been made to deal with the request and the information revealed by those searches. This helps the requestor understand whether they have received all the information they are entitled to, although this is not a mandatory requirement.

[Appendix B](#) provides example templates for SAR acknowledgements and responses (including where redactions and exemptions has been applied).

All hard copies of information supplied under a SAR could also be stamped 'Released under Subject Access Request' before release. This may help identify the source of any further disclosure of the information, should the need arise.

Once you have located and retrieved the personal data relevant to the request, a letter or email (depending on how the information is to be provided) should be drafted advising the requestor of what is being sent to them, identifying where any exemptions have been applied and, in any event, what they need to do if they wish to complain (request an internal review) about the information provided/withheld or as to how their request has been handled. It should also advise that in the event that they are not satisfied with the result of the internal review, they can seek the determination of the Information Commissioners Office. The whole package – letter/email plus disclosure should be sent for approval to the appropriate manager

Before supplying any information in response to a SAR, you should also check that you have the requestor's correct postal or email address (or both).

Where information is being sent electronically, a secure e-mail system should be used to ensure it is sent securely. Where information is being sent in paper form, it should be sent recorded delivery in a secure envelope or courier bag. Please ensure that you have the correct postal address.

If you have contacted the recipient in advance to arrange collection and there is no response, you should try periodically for a period of 60 days and then file the disclosure away (either electronically or on paper)

Do not provide the information by fax. If the applicant specifically asks for this, encourage them to accept an alternative format – preferably secure mail.

Where you are providing onsite viewing facilities, please ensure these are secure and private.

How long do I have to respond?

You must respond to the request without undue delay and in any event within one month from receiving the SAR (starting on the day of receipt to the corresponding day the following month). If the complexity or number of requests received means that additional time is needed or further information is required you can take advantage of an extension of up to two months. If you need an extension you still need to let the requestor know within one month of any extension and the reasons for the delay.

Similarly, if you do not intend to comply you should notify the data subject within one month and give your reasons. You are still required to provide them with information about their right to lodge a complaint with the ICO.

Retention of responses

A scanned copy of the information supplied, together with copies of any material withheld and the exemption applied **should be securely retained for a period of 3 years** in case of any complaint or request for review or other issues arise. Responses in relation to SARs for pupils may be retained for a longer period where there is an expectation that future requests may be made. These should not be retained for a period longer than the personal file is retained.

Where this isn't practicable, a paper copy should be retained securely, with a reference to its location on an appropriate case management system.

Application of exemptions

In some cases, you might have a legitimate reason for not complying with the Subject Access Request. The Data Protection Act 2018 provides a number of exemptions which may be cited where applicable. Please see [Appendix D for list of exemptions](#) under the Data Protection Act 2018 from the right of subject access.

For example, special rules apply where providing subject access to information about an individual's physical or mental health or condition would be likely to cause serious harm to them or to another person's physical or mental health or condition. These rules are set out in the Data Protection (Subject Access Modification) (Health) Order 2000 (SI 2000/413), and their effect is to exempt personal data of this type from subject access to the extent that its disclosure would be likely to cause such harm.

Advice on exemptions can be obtained from the Information Governance Lead.

Third Party information

Great care should be taken to remove third party information from Subject Access Request disclosures. Such decisions should be taken on a case-by-case basis, rather than adopting a blanket approach.

The Information Commissioners Office suggests a three-step approach based upon the DPA 2018 to determine whether to exclude information relating to third parties from a SAR disclosure.

Step 1 Does the request require the disclosure of information that identifies a third party?

- You might be able to remove, delete or redact the third-party information from the disclosure (if you do ensure that you highlight the justification for doing so in your response).

Step 2 Has the third-party individual consented?

If you cannot separate the data of the data subject from that of a third party, the consent of the third party would be the clearest way to provide the data in response to the request. However, the school is under no obligation to seek consent, indeed it might be counter-productive to try and seek consent. In some cases, it might be reasonable to disclose without consent, however in others you might not be able to provide information because to do so would involve an unfair disclosure of personal data.

Step 3 Would it be reasonable in all the circumstances to disclose without consent?

This involves a consideration of:

- Any duty of confidentiality owed to the third-party individual (this might not necessarily be absolute depending on the significance of the information to the requestor)
- Any steps you have taken to seek the consent of the third-party individual
- Whether the third-party individual is capable of giving consent and
- Any stated refusal of consent by the third-party individual

Of course, some information might be known to the individual already, or is generally available to the public in which case there would be no issue in providing without consent.

In any event this is a complex area of the legislation and you should seek advice from either the ICO website or the Information Governance Lead.

Other exemptions

Legal advice regarding a course of action against a data subject is likely to be exempt under **Schedule 2**, Para 17 of the Data Protection Act 2018 under either advice or litigation privilege.

There are other exemptions which would likely apply to only one area of the school. For example, there is an exemption around confidential references which would likely only apply for subject access requests made to Human Resources.

Redacting exempt information

The process of **redaction** is when information that is believed to be exempt is 'blacked out' such as information relating other individuals or where information may be exempt under other exemptions of the DPA.

Where part of the information is exempt, it must be appropriately redacted in accordance with the Information Commissioners guidance on- [How to disclose information safely](#) and the response should explain the reasons why the information has been redacted and exempted.

Information to be redacted should be approved by your line manager or the line manager of the staff member who provided the information, if necessary.

Once approved, redaction is either carried out manually using black marker which is then photocopied, or electronically using Adobe Acrobat redaction software (more effective).

Where previous templates are used for responding, care must be taken to ensure all references to a previous recipient is removed from the template.

Disproportionate effort

Where for you to provide the information in a permanent form would involve disproportionate effort, you are under no obligation to provide the information in a permanent (paper) format.

However, this would be an exceptional circumstance, and the school is committed to upholding the right of data subject access, and you would still be under an obligation to provide the information in another way (e.g. arranging for them to view the information on site and for the data subject themselves to make copies).

Do not forget that even if you don't provide the information permanently, a data subject is still entitled to know whether personal data is being processed, and if so a description, purpose and recipients for that processing.

Repeated or unreasonable requests

You can refuse to comply with a subject access request if it is manifestly unfounded or excessive, taking into account whether the request is repetitive in nature.

If you consider that a request is manifestly unfounded or excessive you can:

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

In either case you need to justify your decision.

You should base the reasonable fee on the administrative costs of complying with the request. If you decide to charge a fee you should contact the individual promptly and inform them. You do not need to comply with the request until you have received the fee.

In determining what is reasonable, you should consider the nature of the data, the purposes of the processing and how often the data is altered, when responding to the applicant on this basis you should make it clear how you have come to this decision.

Making reasonable adjustments for disabled people

The school may need to respond in a particular format that is accessible to the disabled person such as Braille, large print or audio formats. If an individual believes that the {school} has failed to make a reasonable adjustment they may make a claim under the appropriate equalities legislation.

SAR Complaints procedure

The Information Commissioners Office (ICO) expects Data Controllers, to carry out and complete their subject access complaints process before advising escalation to the ICO to seek the determination of the Information Commissioners Office.

SAR complaints should be managed in accordance with the SAR Complaints Procedure. Please refer to the flow chart on the [SAR Complaints Handling procedure in Appendix C](#).

A SAR Complaint would typically be around the procedural failure (e.g. no response sent/response sent after one month etc.) and the technical failure (e.g. withheld/exempt information, breach of the DP principles etc.) of dealing with a SAR.

A SAR complaint would typically include:

- Where a response has been provided after one calendar month
- Where there is a lack of clarity in the response or an apparent misunderstanding of the request.
- Where an exemption has been used in the response to a Subject Access Request (and therefore a disagreement on a point of law)
- Where an exemption hasn't been used (for example third party informed not redacted (when it should have been)
- Unauthorised processing or disclosure (to a third party)- **(Please note this will need to be reported as an Information Security Incident and the IT team need to be informed).**
- Processing of inaccurate data

In all cases, SAR complaints should be made in writing, and should be recorded.

In the event of a SAR Complaint, the line manager of the staff member who provided the response should conduct a review of the handling of the request and eventual disclosure **within 20 working days of receiving the complaint.**

The response needs to uphold or not uphold the complaint. Where not upholding the complaint, an explanation or reason for not upholding the complaint must be provided.

Advice regarding the conduct of the complaint review can be sought from the Information Governance Lead acting as an independent advisor.

It should be noted that a data subject is free to seek the determination of the school if they believe that the school is not abiding by the Data Protection Act 2018 at any stage, and does not need to wait for the completion of any review process.

Other requests for information under the Data Protection Act 2018

The school may receive other requests for information under either schedule 2, paragraph 2 and 3 or schedule 2 paragraph 5 of the Data Protection Act 2018.

Requests under schedule 2, paragraph 2 and 3) are usually requests from the police or law enforcement agencies seeking information, and should be presented to the school on a standard form justifying why they require the information. The information should be provided as soon as possible, and certainly sooner than the one calendar month time limit permitted under the Subject Access Provisions of the Act. For guidance please contact the Information Governance Lead

Requests under schedule 2 paragraph 5 claim that the provision of information is necessary for legal proceedings, however the school may be unable to determine what would constitute 'necessary'. Again, advice can be sought from the Information Governance Lead. However, where the school can provide the information being sought you can confirm its veracity. You should however seek advice before providing further information.

Procedural Non- Compliance

Non-compliance with this policy could have a significant effect on the efficient operation of the school and may result in financial loss, adverse media publicity and an inability to provide necessary services to the public.

The Information Commissioners Office can serve an enforcement notice on a data controller if they have failed to comply with the subject access provisions, and failure to comply with an enforcement notice is a criminal offence.

Users found to be in breach of this guidance and procedure (e.g. recklessly handling personal data) will be subject to the school's disciplinary procedures, which may lead to dismissal. If a criminal offence has been committed, further action will be taken to assist in the prosecution of users involved.

SAR Guidance and Procedure Review

This document will be reviewed by Information Governance Lead:

- and at least annually
- whenever legal or statutory change

APPENDIX A: Subject Access Procedure Flowchart



APPENDIX B: SAR acknowledgment and response templates

Acknowledgment templates

1) General acknowledgement

Dear.....

Re Subject Access Request

Thank you for your subject access request made under Article 15 of the General Data Protection Regulations, dated.....

Your request is being processed and you will receive the information requested within the statutory timescale of one calendar month as defined by the General Data Protection Regulations.

Where the information we provide about you contains references to other people this is exempt and will be removed or redacted so that we can give you as complete a record as possible.

The information will be sent to the email address you have provided, however if you want we can send you the information by post or you can make an appointment to collect or view the information once it has been collected together. Please let me know as soon as possible if you want to receive your information other than by email.

Yours sincerely,

2) Asking for the request to be put in writing

Dear.....

Re Subject Access Request

We understand that you wish to request information the school holds about you, which you are entitled to under Article 15 of the General Data Protection Regulations and Part 3 of the Data Protection Act 2018. This is known as a subject access request.

You can submit your request in the following ways:

Sending a letter in the post to:

[enter school name and address]

Sending an email to [enter email address]: @xx.gov.uk

Your request must include:

- your name
- your address
- a description of the information you wish to obtain
- any other information (such as date of birth), the time period from which you are looking for or any other information that could help us find your information

To ensure confidentiality, we will also need two forms of proof which confirms your identity. Please provide **one copy of identity with your name** and **one copy of identity with your address** from the list below (**Please do not send us the original documents**):

Proof of name

- Current signed passport

- Copy of birth certificate (UK birth certificate issued within 12 months of the date of birth in full form including those issued by UK authorities overseas such as Embassies High Commissions and HM Forces)
- EEA member state identity card (which can also be used as evidence of address if it carries this)
- Current UK or EEA photo-card driving licence
- Full old-style driving licence
- Photographic registration cards for self-employed individuals in the construction industry -CIS4

Proof of address

- Utility bill (gas, electric, satellite television, landline phone bill) issued within the last three months
- Local authority council tax bill for the current council tax year
- Current UK driving licence (but only if not used for the name evidence)
- Bank, Building Society or Credit Union statement or passbook dated within the last three months
- Original mortgage statement from a recognised lender issued for the last full year
- Solicitors letter within the last three months confirming recent house purchase or land registry confirmation of address

Documents we will not accept include, but are not limited to

- Provisional driving license
- Mobile phone bills
- Credit card statements

We keep all information securely, and in accordance with the General Data Protection Regulations.

Making a request on behalf of someone else

If you are making a request on behalf of someone else, you must include proof of their permission for you to do so, or provide evidence of a power of attorney, court order, or health professional evidence that they are unable to provide consent.

Yours sincerely,

3) Acknowledgement and request for further details, including placing on hold

Dear.....

Re Subject Access Request

Thank you for your Subject Access Request made under Article 15 of the General Data Protection Regulations and Part 3 of the Data Protection Act 2018, dated.....,

We have reviewed your request and we would like you to clarify the information that you are seeking as your request for is too broad/unclear.

To help us locate the information we need you to tell us the following-

- The school area that you believe would hold this information
- the period or time frame that you are looking for (e.g. 2015-2016)
- anything else that you think will help us to locate the information.

The school has one calendar month to respond to your request as stipulated by the regulations but your request has been placed on hold until we receive your clarification. Should I not hear from you by....., I will close the request. You are of course, welcome to resubmit it with the clarification I have asked for.

Yours sincerely,

4) Request made by third party not in relation to a child

Dear

Re Subject Access Request

Thank you for your Subject Access Request made under Article 15 of the Data Protection Regulations and Part 3 of the Data Protection Act 2018, dated....., in respect of information relating to

However, we will require written consent fromto confirm that you are acting on their behalf or for you to provide evidence of a power of attorney, court order, or health professional evidence that they are unable to provide consent.

In addition, we will require two forms of proof of identity from the list below.

Please provide **one proof of identity of name** and **one proof of identity of address** of from the list below:

Proof of name

- Current signed passport
- Copy of birth certificate (UK birth certificate issued within 12 months of the date of birth in full form including those issued by UK authorities overseas such as Embassies High Commissions and HM Forces)
- EEA member state identity card (which can also be used as evidence of address if it carries this)
- Current UK or EEA photo-card driving licence
- Full old-style driving licence
- Photographic registration cards for self-employed individuals in the construction industry -CIS4

Proof of address

- Utility bill (gas, electric, satellite television, landline phone bill) issued within the last three months
- Local authority council tax bill for the current council tax year
- Current UK driving licence (but only if not used for the name evidence)
- Bank, Building Society or Credit Union statement or passbook dated within the last three months
- Original mortgage statement from a recognised lender issued for the last full year
- Solicitors letter within the last three months confirming recent house purchase or land registry confirmation of address

Documents we will not accept include, but are not limited to

- Provisional driving license
- Mobile phone bills
- Credit card statements

We will be unable to proceed with your request without the above. This is to ensure that we have the authority from to disclose their personal information to you and that we are providing the information about the right person.

Yours sincerely,

5) Acknowledgement requesting proof of identity

Dear

Re Subject Access Request

Thank you for your Subject Access Request made under Article 15 of the General Data Protection Regulations and Part 3 of the Data Protection Act 2018, dated.....,

However, we will require two forms of evidence of your identity from the list below to proceed with your request. This is to ensure that we are providing the information to the right person.

Please provide **one proof of identity of your name** and **one proof of identity of your address** from the list below:

Proof of name

- Current signed passport
- Copy of birth certificate (UK birth certificate issued within 12 months of the date of birth in full form including those issued by UK authorities overseas such as Embassies High Commissions and HM Forces)
- EEA member state identity card (which can also be used as evidence of address if it carries this)
- Current UK or EEA photo-card driving licence
- Full old-style driving licence
- Photographic registration cards for self-employed individuals in the construction industry -CIS4

Proof of address

- Utility bill (gas, electric, satellite television, landline phone bill) issued within the last three months
- Local authority council tax bill for the current council tax year
- Current UK driving licence (but only if not used for the name evidence)
- Bank, Building Society or Credit Union statement or passbook dated within the last three months
- Original mortgage statement from a recognised lender issued for the last full year
- Solicitors letter within the last three months confirming recent house purchase or land registry confirmation of address

Documents we will not accept include, but are not limited to

- Provisional driving license
- Mobile phone bills
- Credit card statements

The school has one calendar month to respond to your request as stipulated by the regulations but it will not be able to provide the response until this information is received.

Yours sincerely,

6) Request made by third party in relation to a child

Dear

Re Subject Access Request

Thank you for your Subject Access Request made under Article 15 of the General Data Protection Regulations and Part 3 of the Data Protection Act 2018, dated....., in respect of information relating to

However, before responding to a request for information held about a child, we will consider whether the child is mature enough to understand their rights.

In normal circumstances, we consider a child of 12 or older is old enough to understand their rights, therefore would require written consent fromto confirm that you are acting on their behalf. Where the child over the age of 12 is unable to provide consent then we will require evidence of a power of attorney, court order, or health professional evidence that they are unable to provide consent and that you have right act on their behalf.

Information about children may be released to a person with parental responsibility. However, the best interests of the child will always be considered. Even if a child is very young, data about them is still their personal data and does not belong to anyone else. It is the child who has a right of access to the information held about them.

For children under the age of 12, we will consider applications from whoever has parental responsibility for the child. We will take into account details of the specific case.

In addition, we will require two forms of proof of identity from the list below.

Please provide **one proof of identity of name** and **one proof of identity of address** of from the list below:

Proof of name

- Current signed passport
- Copy of birth certificate (UK birth certificate issued within 12 months of the date of birth in full form including those issued by UK authorities overseas such as Embassies High Commissions and HM Forces)
- EEA member state identity card (which can also be used as evidence of address if it carries this)
- Current UK or EEA photo-card driving licence
- Full old-style driving licence
- Photographic registration cards for self-employed individuals in the construction industry -CIS4

Proof of address

- Utility bill (gas, electric, satellite television, landline phone bill) issued within the last three months
- Local authority council tax bill for the current council tax year
- Current UK driving licence (but only if not used for the name evidence)
- Bank, Building Society or Credit Union statement or passbook dated within the last three months
- Original mortgage statement from a recognised lender issued for the last full year
- Solicitors letter within the last three months confirming recent house purchase or land registry confirmation of address

Documents we will not accept include, but are not limited to

- Provisional driving license
- Mobile phone bills
- Credit card statements

We will be unable to proceed with your request without the above. This is to ensure that we have the authority from to disclose their personal information to you and that we are providing the information about the right person.

Yours sincerely,

SAR Response templates

1) General response (with no redactions or exemptions)

Dear ...

Re: Subject Access Request

I am writing in response to your subject access request made under Article 15 of the General Data Protection Regulations and Part 3 of the Data Protection Act 2018, dated

You have requested the following:

(Provide description of the request)

Please find enclosed copies of the requested information held.

(Add details of what you are supplying)

The response to your request has been dealt with under Article 15 of the General Data Protection Regulations and Part 3 of the Data Protection Act 2018.

Yours sincerely

2) Response where information is not held

Dear

Re: Subject Access Request

I am writing in response to your subject access request made under Article 15 of the General Data Protection Regulations and Part 3 of the Data Protection Act 2018, dated

You have requested the following:

(Provide description of the request)

The school is writing to confirm that we have checked all the relevant records and we can confirm that the information you have requested is not held by the school.

The response to your request has been dealt with under Article 15 of the General Data Protection Regulations and Part 3 of the Data Protection Act 2018.

If you do not feel that the school has dealt with your request for information appropriately or wish to request a review of this response, please contact the SARs Team at xx@xx.uk or write to:

[insert name and address of subject access coordinator]

Yours sincerely

3) Response where information has all or partly exempt and redacted

Dear ...

Re: Subject Access Request

I am writing in response to your subject access request made under Article 15 of the General Data Protection Regulations and Part 3 of the Data Protection Act 2018, dated

You have requested the following:

(Provide description of the request)

Please find enclosed copies of the requested information held.

(Add details of what you are supplying)

Please note the information on page/section.....is exempt under the Data Protection act from disclosure therefore has been redacted.

The information requested is exempt because (Please delete as appropriate)

a) It is the personal data of someone else

- who has not given consent to disclose their personal information
- from whom we have not been able to obtain consent to disclose their personal information
- to whom the school owes a duty of confidentiality.

For this reason, the school believes that it will be unreasonable to disclose the information in all circumstances as the disclosure would likely to breach the first principle of the General Data Protection Regulations.

b) The information requested consists of references which were provided in confidence which are exempt under of the Data Protection Act 2018, *Confidential references given by the school* in connection with education, training or employment (Please refer to exemptions listed in Appendix D. Please note: The exemption only applies to references the school give, and not to references we receive).

c) The disclosure of the information would be likely to prejudice investigation relating to

- the prevention or detection of crime;
- the capture or prosecution of offenders; and
- the assessment or collection of tax or duty

Therefore, is exempt from disclosure under schedule 2 paragraph 2 and 3 of the Data Protection Act 2018.

(Please note: this exemption should not be stated in the response where by disclosing the exemption may undermine/prejudice the investigation/operation).

d) The information consists of information which the school obtained as legal advice therefore is subject legal professional privilege. Therefore, this information is exempt under schedule 2 paragraph 17 of the Data Protection Act 2018. (Please refer to exemptions listed in Appendix D. Please note: this can only be applied where litigation is contemplated or in progress).

e) The information consists of information is being processed in connection with legal proceedings/prospective legal proceedings. Therefore, this information is exempt under schedule 2 paragraph 5 the Data Protection Act 2018. (Please refer to exemptions listed in Appendix D. Please note: this can only be applied where litigation is contemplated or in progress).

- f) The disclosure of this information would be likely to prejudice the carrying out of social work by causing serious harm to the physical or mental health or condition of the requestor or any other person. The information is exempt under schedule 3, paragraph 11 and paragraph 5 of the Data Protection Act 2018. (Please refer to exemptions listed in Appendix D. Please note: this exemption should not be stated in the response where by disclosing the exemption would be likely to cause serious harm to data subject or to another person's physical or mental health or condition)
- g) The information requested would be likely to cause serious harm to you or to another person's physical or mental health or condition. The information is exempt under schedule 3, paragraph 11 and paragraph 5 of the Data Protection Act 2018. (Please refer to exemptions listed in Appendix D. Please note: this exemption should not be stated in the response where by disclosing the exemption would be likely to cause serious harm to data subject or to another person's physical or mental health or condition)

The response to your request has been dealt with under the General Data Protection Regulations.

If you do not feel that the school has dealt with your request for information appropriately or wish to request a review of this response, please contact the SARs Team at xx@xx.uk or write to:

[insert name and address of subject access coordinator]

Yours sincerely,

4) Holding response with reasons for delay and revised timescale

Dear

Re: Subject Access Request

I am writing in relation to your subject access request made under Article 15 of the General Data Protection Regulations and Part 3 of the Data Protection Act 2018, dated

You have requested the following:

(Provide description of the request)

I would like to inform you that unfortunately we will not be able to provide the requested information within the one calendar month timescale due to

We hope to provide you with the information by.....

Please do not hesitate to contact us if you would like to discuss your Subject Access Request or have any queries with regards to your request.

If you do not feel that the school has dealt with your request for information appropriately or wish to request a review of this response, please contact the SARs Team at xx@xx.uk or write to:

[insert name and address of subject access coordinator]

Yours sincerely,

SAR Complaint review acknowledgement:

Dear

Re: Subject Access Request complaint review

Thank you for your email in which you have stated that you are not satisfied with the response to your Subject Access Request made under Article 15 the General Data Protection Regulations and Part 3 of the Data Protection Act 2018 and you have therefore requested a review of the response provided to you.

This is being treated as a Subject Access Request complaint and a review of your request and the response (including the information supplied or withheld), will be carried out.

As part of the review, another officer not previously involved, will look at the original request again, speak to the officers involved in responding originally, and will then come to a conclusion as to whether the request was properly handled and if all the information that could be provided was provided.

When the review is completed you will receive a comprehensive response regarding all these matters.

Please note that the General Data Protection Regulations does not stipulate a time limit for completion of a Subject Access Request complaint, but the Information Commissioner's view is that a reasonable time for completing an internal review is 20 working days from the date of the Complaint and request for review.

If you are not content with the outcome of the complaint and review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

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

SAR Complaint review response:

Dear

Re: Subject Access Request complaint review

I am writing in response to your letter/email dated..., which the school received on In your letter/email you have requested a review in relation to the response provided....., to your subject access request dated.....

Please note that the General Data Protection Regulations does not stipulate a time limit for completion of a Subject Access Request complaint, but the Information Commissioner's view is that a reasonable time for completing an internal review is 20 working days from the date of the Complaint and request for review.

Following my review....

I uphold the decision and the exemption applied..... The reason why the information is withheld and the exemption has been because.....

The decision to withhold the information is not upheld. Please find enclosed/attached the requested information.

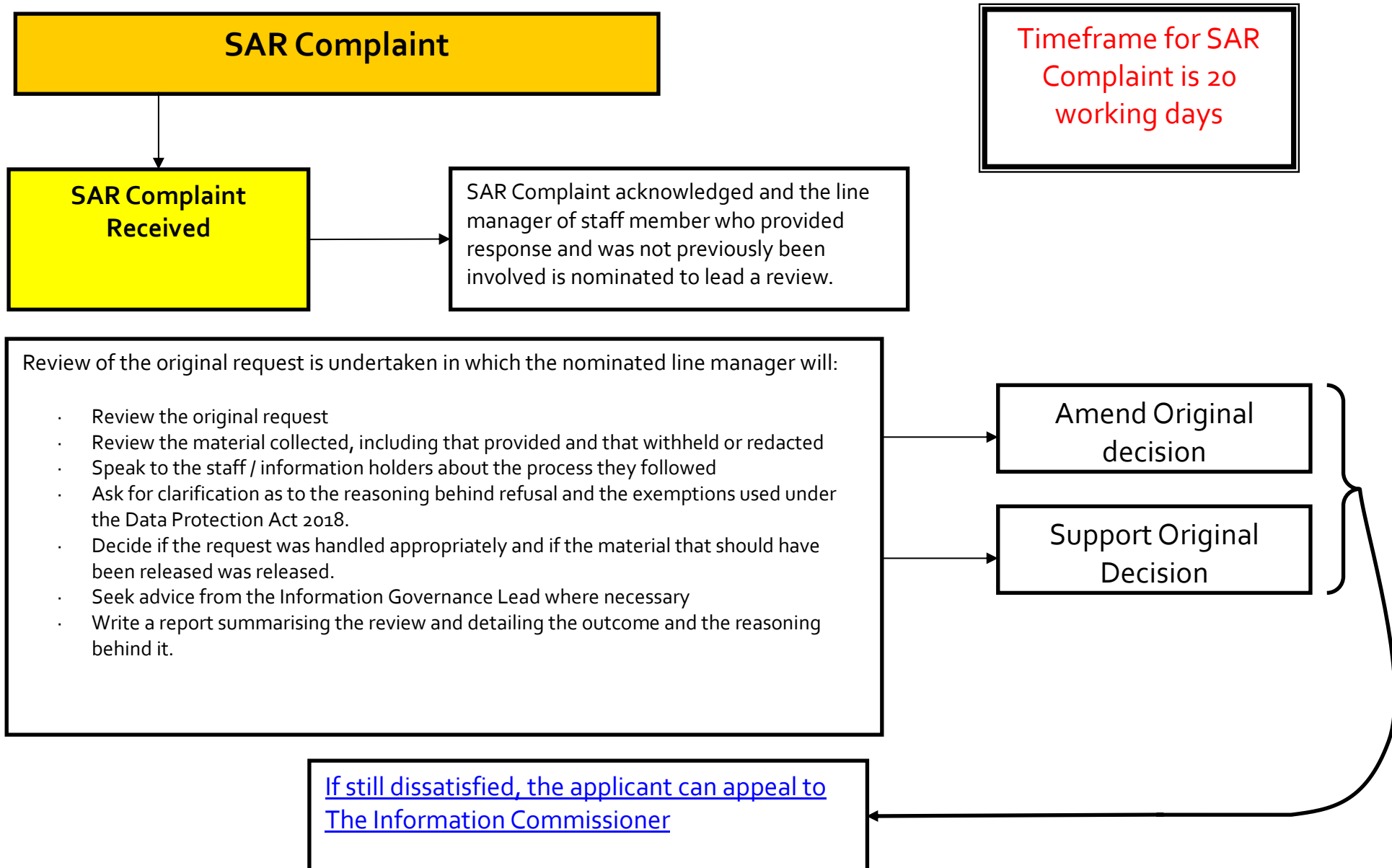
Please do not hesitate to contact me if you have any queries on or email [*Insert email address*] xx@xx.uk in relation this request and review.

If you consider the outcome of the review is not satisfactory you also have a right of appeal to the Information Commissioner at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Telephone: 0303 123 1113.
www.ico.org.uk

Yours sincerely,

Appendix C: Subject Access Request Complaint Handling process



Appendix D: Exemptions under the Data Protection Act 2018

The tables below provides summary descriptions of the exemptions in the Data Protection Act 2018 and the relevant Articles of the GDPR.

For your ease of reference, the relevant GDPR Articles are

Article 5: The Principles

Article 13: Transparency information when collecting personal data directly

Article 14: Transparency information when not collecting personal data directly

Article 15: Subject access

Article 16: Right of rectification

Article 17: Right to erasure

Article 18: Right to restriction of processing

Article 19: Notification regarding rectification, erasure or restriction

Article 20: Right of data portability

Article 21: Right to object

Exemption	GDPR Article									
	5	13	14	15	16	17	18	19	20	21
Crime and taxation: general Schedule 2, Para 2 Exemption for the purposes of the prevention or detection of crime, the apprehension or prosecution of offenders or the assessment or collection of tax or duty.	?	?	?	?	?	?	?		?	?

<p>Crime and taxation: risk assessment system Schedule 2, Para 3 Exemption for personal data which consists of a classification applied to a data subject as part of a risk assessment system operated by government, local authority or another authority administering housing benefit for crime and taxation purposes.</p>	?	?	?	?						
<p>Immigration Schedule 2, Para 4 Exemption for the purposes of the maintenance of effective immigration control, or the investigation or detection of activities that would undermine the maintenance of effective immigration control.</p>	?	?	?	?		?	?			
<p>Exemption</p>	<p>GDPR Article</p>									
	5	13	14	15	16	17	18	19	20	21

<p>Information required to be disclosed by law etc or in connection with legal proceedings Schedule 2, Para 5 Exemption if:</p> <ul style="list-style-type: none"> the controller is obliged by enactment to make personal data available to the public; disclosure is required by an enactment, rule of law or court/tribunal order; or disclosure is necessary for the purposes of actual or prospective legal proceedings, or obtaining of legal advice or establishing, exercising or defending legal rights. 	?	?	?	?	?	?	?		?	?
<p>Functions designed to protect the public etc Schedule 2, Para 7 Exemption for the purpose of certain bodies or persons discharging functions, including:</p> <ul style="list-style-type: none"> to protect the public in relation to financial loss, harm by persons authorised to carry on any profession or other activity, to protect charities and community interest companies and their property from mishandling, to protect the health and safety of persons at work or other persons in connection with the action of persons at work, to protect the public for maladministration and failures by a public body and to regulate anti-competitive behaviour. 	?	?	?	?	?	?	?		?	?
<p>Exemption</p>	<p>GDPR Article</p> <p>5 13 14 15 16 17 18 19 20 21</p>									

<p>Regulatory functions relating to legal services, the health service and children's services</p> <p>Schedule 2, Para 8</p> <p>Exemption for the purpose of certain bodies or persons discharging functions relating to the Legal Services Board, considering legal complaints, complaints as to the maladministration of a health service redress scheme by anybody or other person, complaints about health care or social services, the investigation of complaints relating to social and palliative care and complaints about social services.</p>	?	?	?	?	?	?		?	?
<p>Regulatory functions of certain other bodies Schedule 2, Para 9</p> <p>Exemption for the purpose of certain bodies or persons discharging functions relating to the Financial Ombudsman, the investigator of complaints against the financial regulators, a consumer protection officer other than the Competition and Markets Authority, the monitoring officer of a relevant authority and the Public Services Ombudsman for Wales.</p>	?	?	?	?	?	?		?	?
<p>Parliamentary privilege Schedule 2, Para 11</p> <p>Exemption if this is required for the purpose of avoiding an infringement of parliamentary privilege.</p>	?	?	?	?	?	?		?	?
<p>Exemption</p>	<p>GDPR Article</p> <p>5 13 14 15 16 17 18 19 20 21</p>								

<p>Protection of the rights of others Schedule 2, Para 14 Exemption if a disclosure of information by a controller would involve disclosing information relating to another individual identifiable from the information.</p>	?			?						
<p>Legal professional privilege Schedule 2, Para 17 Exemption for information subject to legal professional privilege or in Scotland, confidentiality of communications.</p>	?	?	?	?						
<p>Self-incrimination Schedule 2, Para 18 Exemption from certain GDPR provisions where compliance would reveal evidence of the commission of an offence and would expose that person to proceedings for that offence.</p>	?	?	?	?						
<p>Confidential references Schedule 2, Para 22 Exemption if the personal data consists of a confidential reference for purposes including the education, training or employment of the data subject. This exemption also applies to the appointment of the data subject to any office, including that of a volunteer, or the provision of any service by the data subject.</p>	?	?	?	?						
<p>Exemption</p>	<p>GDPR Article</p> <p>5 13 14 15 16 17 18 19 20 21</p>									

Exam scripts and exam marks Schedule 2, Para 23 Exemption when personal data is recorded by a candidate during an exam.	?	?	?	?						
Research and statistics Schedule 2, Para 25 Exemption if personal data is processed for scientific or historical research purposes, or for statistical purposes.				?	?		?	?	?	?
Archiving in the public interest Schedule 2, Para 26 Exemption if personal data is processed for archiving purposes in the public interest.				?	?		?	?	?	?
Health data processed by a court Schedule 3, Para 3 Exemption if health personal data is processed by the Court.	?	?	?	?	?	?		?	?	?
Exemption	GDPR Article									
	5	13	14	15	16	17	18	19	20	21

<p>Data subjects expectations and wishes with respect to health data Schedule 3, Para 4 Exemption relating to a request for health data in certain situations where the data subject is under 18 years old (16 in Scotland) and the requestor has parental responsibility or the data subject is incapable of managing their own affairs and responding to the request would not confirm with the data subject's wishes.</p>	?	?	?	?	?	?		?	?
<p>Serious harm from health data disclosure Schedule 3, Para 5 Exemption from Article 15(1) and (3) when the serious harm test* is met or where a controller who is not a health professional obtains an opinion from someone who appears to be an appropriate health professional.</p>				?*					
<p>Social work data processed by a court Schedule 3, Para 9 Exemption if personal data concerning social work is processed by the Court.</p>	?	?	?	?	?	?		?	?
<p>Exemption</p>	<p>GDPR Article</p> <p>5 13 14 15 16 17 18 19 20 21</p>								

<p>Data subjects expectations and wishes with respect to social work data Schedule 3, Para 10 Exemption relating to a request for social work data in certain situations where the data subject is under 18 years old (16 in Scotland) and the requestor has parental responsibility or the data subject is incapable of managing their own affairs and responding to the request would not conform with the data subject's wishes.</p>	?	?	?	?	?	?	?		?	?
<p>Serious harm from social work data disclosure Schedule 3, Para 11 Exemption from Article 15(1) and (3) of the GDPR when the serious harm test* is met. In addition there is a restriction of Article 15(1) and (3) of the GDPR where a controller is obliged to disclose social work data which was originally supplied by the Scottish Children's Reporter Administration ("the Principal Reporter") and which the data subject is not entitled to receive. This restriction does not apply where the Scottish Children's Reporter Administration is of the opinion that the serious harm test is not met.</p>				?*						
<p>Exemption</p>	<p>GDPR Article</p>									
	5	13	14	15	16	17	18	19	20	21
<p>Education data processed by a court Schedule 3, Para 18 Exemption if educational personal data is processed by the Court.</p>	?	?	?	?	?	?	?		?	?

<p>Serious harm from education data disclosure Schedule 3, Para 19 Exemption from Article 15(1) and (3) when the serious harm test* is met. There is also a restriction of Article 15(1) and (3) where a controller is obliged to disclose education data which was originally supplied by the Scottish Children's Reporter Administration and which the data subject is not entitled to receive. Where a request is made by a data subject in accordance with Article 15(1) and (3), this must be notified to the Scottish Children's Reporter Administration within 14 days. This restriction does not apply where the Scottish Children's Reporter Administration is of the opinion that the serious harm test is not met.</p>				2*						
<p>Child abuse data Schedule 3, Para 21 Exemption from Article 15(1) and (3) when a request for child abuse data would not be in the best interests of the data subject under 18 years old and the requestor has parental responsibility or the data subject is incapable of managing their own affairs and the person making the request has been appointed by a court to manage those affairs.</p>				2						

*The “serious harm test” involves consideration of whether the application of the Article 15 Right of Access under the GDPR to the data would be likely to cause serious harm to the physical or mental health of the data subject or another individual.

Exemption	GDPR Article										
	5	13	14	15	16	17	18	20	21	60-62	63-67
<p>Journalistic, academic, artistic and literary purposes Schedule 2, Para 24</p> <p>Exemption from certain GDPR provisions if the personal data is being processed for the special purposes with a view to publication by a person of journalistic, academic, artistic and literary material in the public interest.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Exemption	GDPR Article	
	5	15
<p>Exemption from certain GDPR provisions if personal data is processed for the following purposes, when disclosing information about:</p> <ul style="list-style-type: none"> • human fertilisation and embryology information (Schedule 4, para 2); • adoption records and reports (Schedule 4, para 3); • statements of special educational needs (Schedule 4, para 4); • parental order records and reports (Schedule 4, para 5); and • information provided by the Principle Reporter for children’s hearing (Schedule 4, para 6). 	<input type="checkbox"/>	<input type="checkbox"/>

Are there any further exemptions?

Yes. The following exemptions are also available:

- when assessing a person's suitability for judicial office or the office of Queen's Counsel (Schedule 2, para 12);
- when assessing a person's suitability for offices such as the Poet Laureate etc (Schedule 2, para 13);
- in connection with a corporate finance service involving price-sensitive information (Schedule 2, para 19);
- management forecasting or planning in relation to a business or other activity (Schedule 2, para 20); and
- any negotiations with the data subject and where this would be likely to prejudice those negotiations (Schedule 2, para 21).