



# Subject Access Request Policy

Effective Date: 25<sup>th</sup> May 2018

Reviewed and readopted date: 19<sup>th</sup> December 2018

## **Procedure for Access to Personal Information**

### **A. Rights of Access to Information**

There are two distinct rights of access to information held by schools about pupils.

1. Under the General Data Protection Regulations 2018, [Article 15](#) gives an individual the right to obtain:
  - confirmation that their data is being processed;
  - access to their personal data; and
  - other supplementary information.

The supplementary information mentioned above is the same as under [section 7](#) of the Data Protection Act (e.g. information about the source and recipients of the data) but now also includes, amongst other things, details of international transfers, other Data Subject rights, the right to lodge a complaint with the ICO and the envisaged retention period for the data.

In certain circumstances requests may be made by a parent on behalf of their child (see below).

2. The right of parents to have access to curricular and educational records relating to their child as defined within the Education (Pupil Information) (England) Regulations 2005.

These procedures relate to the above mentioned rights.

### **B. Making a Request**

1. Requests for personal information must be addressed to the Data Protection Officer and received in writing to the school postal address or electronically to the main school enquiries email address as follows:-

Golborne High School, Lowton Road, Golborne, Warrington WA3 3EL

[enquiries@golbornehigh.wigan.sch.uk](mailto:enquiries@golbornehigh.wigan.sch.uk)

If the initial request does not clearly identify the information required, then further enquiries will be made.

2. The identity of the requestor must be established before the disclosure of any personal 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:

- passport
- driving licence
- utility bills with the current address
- Birth / Marriage certificate
- P45/P60
- Credit Card or Mortgage statement

*This list is not exhaustive.*

3. Any individual has the right of access to information held about them. However with children, this is dependent upon their capacity to understand. As a general rule, a child of 12 or older is expected to be mature enough to understand the request they are making. If the child cannot understand the nature of the request, someone with parental responsibility can ask for the information on the child's behalf.

In these circumstances the Headteacher will discuss the request with the child and take their views into account when making a decision.

4. In accordance with the Regulations, the school provide the information requested free of charge. However, consideration will be given to charging a "reasonable fee" when a request is manifestly unfounded, excessive or repetitive. This fee will be based on the administrative cost of providing the information and a full explanation of the reason for the fee will be provided in advance of responding to the request.

### **C. Responding to the Request**

1. Subject access requests will be responded to without delay and within one month of receiving the request, in accordance with the Regulations.

This one month time limit can be extended by a further two months where the request is complex or where there are numerous requests. If this is the case, the Data Subject will be contacted within one month of the receipt of the request to explain why the extension is necessary.

Requests for information from pupils or parents for access to information classed as being part of the education record must be responded to within **15 school days**.

2. There are some exemptions to the right to subject access that apply in certain circumstances or to certain types of personal information.  
**Therefore all information must be reviewed prior to disclosure.**
3. Responding to a request may involve providing information relating to another individual (a third party). Third party information is that which identifies another pupil/parent or has been provided by another agency, such as the Police, Local Authority, Health Care professional or another school.

Before disclosing third party information consent will be obtained and a response issued within the statutory timescale.

4. Any information which may cause serious harm to the physical or mental health or emotional condition of the pupil or another individual involved will not be disclosed, nor will information that would reveal that the child is at risk of abuse, or information relating to court proceedings.

5. Where redaction (information edited/removed) has taken place then a full copy of the information provided will be retained in order to establish, if a complaint is made, what was redacted and why.
6. Information disclosed will be clear, thus any codes or technical terms will to be clarified and explained. If information contained within the disclosure is difficult to read or illegible, then it will be retyped.
7. Information can be viewed at the school 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 will be taken into account when considering the method of delivery. If the applicant has asked for the information to be posted then special next day delivery or recorded delivery postal service will be used.

#### **D. Data Portability**

Article 20(1) gives a Data Subject two rights:

- **To receive personal data processed by a Data Controller, and to store it for further personal use on a private device, without transmitting it to another Data Controller.**

This is similar to the subject access right. However here the data has to be received “in a structured, commonly used, machine readable format” thus making it easier to analyse and share. It could be used to receive a playlist from a music streaming service, information about online purchases or leisure pass data from a swimming pool.

- **A right to transmit personal data from one Data Controller to another Data Controller “without hindrance”**

This provides the ability for Data Subjects not just to obtain and reuse their data, but also to transmit it to another service provider e.g. social networking sites and cloud storage providers etc. It facilitates the ability of data subjects to move, copy or transmit personal data easily. In addition it provides consumer empowerment by preventing “lock-in”.

The right to Data Portability is expected to foster opportunities for innovation and sharing of personal data between Data Controllers in a safe and secure manner, under the control of the data subject.

#### **Time Limits**

Requests for Data Portability will be dealt with without undue delay, and within one month. This will be extended by two months where the request is complex or a number of requests are received. Individuals will be informed within one month of receipt of the request and explain why the extension is necessary.

Information is to be provided free of charge save for some exceptions.

Refusals will be explained as well as the right to complain to the Information Commissioner’s Office (ICO).

#### **Notification Requirements**

Data Subjects will be informed of the right to Data Portability within the Privacy Notice as required by Article 13 and 14 of GDPR.

## **E. Complaints**

In the event of a complaint regarding subject access requests, the school complaints procedure should be followed.

If a complaint remains unresolved after following the complaints procedure it can be referred to the Information Commissioner. Contact details of both will be provided with the disclosure information.

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

## **F. Policy Review**

This policy will be reviewed annually or sooner should there be legislative changes, new case law or guidance.