



Rivers Academy West London

an Aspirations Academy

SUBJECT ACCESS REQUEST POLICY

Version control	
Subject Access Request Policy [2021-04-01]	Based on Aspirations template policy (version 2021-04-01

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Type of policy:	Academy	Approving Body:	Regional Board

1. Introduction

- 1.1. This policy is based on the Aspirations Academies Trust template Subject Access Request Policy.
- 1.2. The Academy holds personal data (or information) about job applicants, employees, pupils and parents and other individuals for a variety of purposes.
- 1.3. Under Data Protection Law, individuals (known as 'data subjects') have a general right :to find out whether the Academy holds or processes 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 is undertaking.
- 1.4. This policy provides guidance for staff members on how data subject access requests should be handled, and for all individuals on how to make a SAR.
- 1.5. Failure to comply with the right of access under the GDPR puts both staff and the Academy at potentially significant risk, and so the Academy takes compliance with this policy very seriously.
- 1.6. If you have any questions regarding this policy, please contact the Director of Operations or the Academy's DPO whose details are as follows:

Data Protection Officer: Judicium Consulting Limited
Address: 72 Cannon Street, London, EC4N 6AE
Email: dataservices@judicium.com
Web: www.judiciumeducation.co.uk
Telephone: 0203 326 9174
Lead Contact: Craig Stilwell

2. Definitions

- **Data Subjects** for the purpose of this policy include all living individuals about whom the Academy holds personal data. This includes the Academy's pupils, workforce, and other individuals. A data subject need not be a UK national or resident. All data subjects have legal rights in relation to their personal information
- **Personal Data** means any information relating to an identified or identifiable natural person (a data subject); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person
- **Processing** is any activity that involves use of the data. It includes obtaining, recording or holding the data, or carrying out any operation or set of operations on the data such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval,

consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction. Processing also includes transferring personal data to third parties

3. How to recognise a subject access request

3.1 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 making a request in relation to information relating to their child):

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

3.2 A valid SAR can be both in writing (e.g. by letter, email, or text message) or verbally (e.g. during a telephone conversation). The request may refer to the GDPR 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 all the information that you have about me' will be a data subject access request and should be treated as such.

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

4. How to make a data subject access request

Whilst there is no requirement to do so, the Academy encourage any individuals who wish to make such a request to use the Academy's form at Appendix A of the policy. This allows the Academy to easily recognise that you wish to make a data subject access request.

5. What to do when you receive a data subject access request

All data subject access requests should be immediately directed to the Director of Operations who will contact the DPO for assistance if needed. There are limited timescales within which the Academy must respond to a request and any delay could result in failing to meet those timescales, which could lead to enforcement action by the Information Commissioner's Office (ICO) and/or legal action by the affected individual. Therefore, it is crucial to ensure that requests are passed to the relevant individual without delay and failure to do so may result in disciplinary action being taken.

6. 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 to respond to the request. In addition to acknowledging the request, the Academy may ask for proof of ID if needed or 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.

7. 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 licence, 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 that 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 does not receive this information, it will be unable to comply with the request.

8. 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 excessive a fee to cover administrative costs may be requested. When this is the case, the Academy will inform the requestor of its reasons and explain the charge that will be made for complying with the request.

A fee may also be requested in relation to repeat requests for copies of the same information. In these circumstances a reasonable fee will be charged taking into account the administrative costs of providing the information.

If a fee is requested, the period of responding begins when the fee has been received.

9. Time Period for Responding to a SAR

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

In circumstances where the Academy is in any reasonable doubt as to the identity of the requester, this period will not commence unless and until sufficient information has been provided by the requester as to their identity, and in the case of a third party requester, the written authorisation of the data subject has been received.

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.

10. Academy closure periods

Requests received during or just before Academy closure periods will not be able to be responded to within the normal one calendar month response period. This is because the Academy will be closed

and no one will be on site to comply with the request. Postal mail is not delivered during the closure period and emails may not be reviewed during this period. As a result, it is unlikely that your request will be received during this time (and therefore the time period will not commence until the request is received at the beginning of the new term). For the same reasons, during a closure period it may not be possible to acknowledge a SAR request that is sent to the Academy.

The Academy will endeavour to comply with requests as soon as possible.

11. Information to be provided in response to a request

An individual is entitled to receive access to the personal data the Academy processes about him/her and the following information:

- the purposes for which the Academy processes the data;
- the recipients or categories of recipient to whom the personal data has been or will be disclosed, in particular where those recipients are in third countries or international organisations;
- where possible, the period for which it is envisaged the personal data will be stored, or, if not possible, the criteria used to determine that period;
- the fact that the individual has the right:
 - a to request that the Academy rectifies, erases or restricts the processing of his/her personal data;
 - b to object to its processing;
 - c to lodge a complaint with the ICO;
 - d where the personal data has not been collected from the individual, to any information available regarding the source of the data;
 - e to any automated decision the Academy has taken about him/her together with meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for him/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. If the SAR was made in writing, the response shall be given in writing, in a commonly-used electronic format.

The information that the Academy is 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 has 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.

12. How to locate information

The personal data the Academy needs 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.

Depending on the type of information requested, the Academy may need to search all or some of the following:

- electronic systems, e.g. databases, networked and non-networked computers, servers, customer records, human resources system, email data, back up data, CCTV;
- manual filing systems in which personal data is accessible according to specific criteria, e.g. chronologically ordered sets of manual records containing personal data;
- data systems held externally by the Academy's data processors (e.g. external payroll service providers);
- occupational health records held by the Occupational Health service provider;
- pensions data held by the relevant scheme administrator;
- data held by consultants engaged by the Academy that may hold relevant data, (e.g. consultants engaged to provide assistance with performance management and/or disciplinary and grievance procedures)

The Academy should search these systems using the individual's name, employee number or other personal identifier as a search determinant.

13. Requests made by third parties

The Academy needs 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.

If the Academy is in any doubt or has any concerns as to providing the personal data of the data subject to the third party, then it should provide the information requested directly to the data subject. It is then a matter for the data subject to decide whether to share this information with any third party.

14. Requests made on behalf of children

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 of age 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 who is 12 years of age or over then, provided that the Academy is confident that (i) they understand their rights, and (ii) 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.

15. 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 individual's 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.

16. 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.

17. Refusing to respond to a request

The Academy can refuse to comply with a request if the request is manifestly unfounded or excessive, taking into account whether the request is repetitive in nature.

If a request is found to be manifestly unfounded or excessive the Academy can:

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

In either case the Academy needs 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 does not need to comply with the request until the fee has been received.

18. Record keeping

A record of all subject access requests shall be kept by the Director of Operations. 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 the data subject, with a right to receive a copy of the data/information the Academy holds about them or to authorise someone to act on their behalf. This form should be completed by those wishing to make a request for their data. Their request will normally be processed within one calendar month upon receipt of a fully completed form and proof of identity.

Proof of identity: The Academy requires proof of identity before disclosing personal data.

Proof of identity would be through a document such as birth certificate, passport, driving licence, official letter addressed to home address e.g. bank statement, recent utilities bill or council tax bill. The Academy will need to be satisfied that the document provides sufficient confirmation of identity.

There may be circumstances where you are not a current member of staff or parent of the Academy and therefore proof of identity may be required, before disclosing personal data.

Section 1

Please fill in the details of the data subject (i.e. the person whose data is being requested). 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	

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 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	

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: general@rivers-aspirations.org