Subject Access Request Policy

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OUTWOOD GRANGE ACADEMIES TRUST

Subject Access Request Policy

1. INTRODUCTION

1.1. A Subject Access Request is the right of access provided to individual data subjects under **Article 15 UK GDPR** and **s.45 Data Protection Act 2018**. Anyone who believes Outwood Grange Academies Trust holds personal data about them is entitled to make a Subject Access Request.

1.2. The aim of the legislation is to allow individuals greater insight into what data is being processed about them and how that data is being used.

1.3. A Subject Access Request should not be made as a way to cause inconvenience to an organisation if you are unhappy about something they have done. If you would like to raise a complaint with one of our academies you should follow the Complaints Policy which you can find here.

1.4. In some instances we understand that you may require certain information that we hold about you/the data subject in order to make a decision about whether you wish to make a complaint or to provide you with some information to support your complaint. In this circumstance please let us know what information you are looking for and that it is in relation to a complaint, so we can liaise with the relevant academy staff to aid with a resolution.

2. AIMS

2.1. OGAT receives a large number of Subject Access Requests across all of the academies and the central Trust each month. An individual is entitled to make a request verbally or in writing using any medium. The aim of this policy is to provide the information necessary to make a request in the most efficient manner.

3. ROLES AND RESPONSIBILITIES

3.1. All Subject Access Requests should be made to the Trust's Data Protection Officer, either directly by email dpo@outwood.com or via the academy Principal either verbally or in writing.

3.2. **Data Protection Officer:**

3.2.1. The Data Protection Officer (DPO) is responsible for overseeing the Subject Access Request process and will advise academy staff on the process as necessary. The DPO will monitor the time taken to collate information and provide the response to ensure the timescale of one month is met. The DPO may liaise with the requester if further information is required to provide a response or if an extension is required due to the volume of data involved.

3.2.2. The DPO will review the data and proposed response to every request before the information is provided to the requester. The purpose of this is to ensure that the requester receives all of the information that they have requested, apart from that which cannot be provided for reason of an exemption (the most common reason is that the information is withheld or redacted to protect the information or rights of another data subject). This process is a quality assurance measure to ensure that all Subject Access Requests are dealt with in a timely and lawful manner.

3.3. **Assistant to the DPO:**

3.3.1. The Assistant to the DPO will liaise with academy staff to ensure that records are collated and redacted in a timely manner. They may liaise directly with the requester to obtain ID if this is not provided with the initial request.

3.3.2. The Assistant to the DPO will be responsible for reviewing and redacting the records requested from our primary academies. This information will then be passed onto the DPO for the QA review.

3.3.3. The Assistant to the DPO has been provided with the specific training and guidance from the DPO to enable them to carry out this role.

3.4. **Principal PA/Business Manager:**

3.4.1. In our secondary academies the PA to the Principal and/or Business Manager will be responsible for liaising with the relevant members of academy staff to collate the data that has been requested. They will also be responsible for reviewing and redacting that data before providing the proposed response to the DPO for QA.

3.4.2. The PA to the Principal and the Business Managers have received specific training and guidance from the DPO to enable them to carry out this role effectively.

3.5. **Principal:**

3.5.1. In our primary academies the Principal will be responsible for liaising with the relevant members of academy staff to collate the data that has been requested. This information will be passed to the Assistant to the DPO to be reviewed and redacted before being passed to the DPO for QA.

3.5.2. The Principal in the secondary academies will ensure that all staff assist with the Subject Access Request process and assist in providing any requested information records that they hold to the person responsible for collating the data for their academy.

3.6. **Academy Staff:**

3.6.1. Academy staff will be responsible for providing the requested data that they hold/have access to following any such request for data. This data will be provided to the person responsible for reviewing and redacting the records at their academy.

3.6.2. Academy staff will provide the information in a timely manner to allow the records to be reviewed and redacted and then quality assurance checked by the DPO.

3.7. **Central Trust Staff:**

3.7.1. In some instances there may be records requested that are held centrally, in these cases the Central Trust Staff will be responsible for providing access to the requested information to the person who is responsible for reviewing and redacting the information. This must be

done in a timely manner.

3.8. **Data Subject:**

3.8.1. A data subject is the person to whom the personal data relates and will usually be the person making the request. There may be circumstances where the request is being made by the parent/carer of the data subject but the data will still belong to the data subject.

3.8.2. The data subject, or their parent/carer, should follow the guidance set out in this policy to make the process for requesting information as straightforward as possible and ensure that we can process the request efficiently.

4. MAKING A SUBJECT ACCESS REQUEST

4.1. Prior to making a Subject Access Request, please refer to clause 14 of the Trust's Data Protection Policy which can be found here.

4.2. Template letter and checklist:

4.2.1. We have included a template letter and checklist for you to complete when making a Subject Access Request; this is set out at ***Appendix One*** to this policy. This will enable us to effectively locate the information that you are looking for without causing any undue delay.

4.2.2. We are likely to hold a lot of different types of data about our data subjects and this data can be held in different places on our Network or in the software that we use. When dealing with any Subject Access Request we will carry out reasonable and proportionate searches for information.

4.2.3. Due to the large volume of data we may hold about you/the data subject, the checklist will allow us to see exactly what you are looking for.

4.2.4. The checklist also aims to clarify what type of information we hold about you so you can make an informed request rather than a request for everything held without being sure of what information that may entail.

4.2.5. If you do make a request to receive all of the information held or tick each of the boxes on the checklist we may need to seek further

clarification from you regarding your request and this may lead to us extending our timescale for responding to your request and/or requesting a reasonable fee for processing part of your request (please see the section of this policy entitled **'manifestly excessive or unfounded requests'**).

5. IDENTITY

5.1. We ask for proof of identity from anyone who makes a Subject Access Request to ensure that we are only providing personal information to those who are entitled to receive it.

5.2. When you submit your request, please provide us with a copy of a photographic identity document (e.g. passport or driving licence) and, if you are requesting for the information to be provided to you at a postal address, please provide proof that you reside at that address.

5.3. If you are a current student and you request the information via your academy email address then we may not need to ask you to provide proof of identity.

5.4. Your proof of identity will be used to confirm your identity and then securely deleted/destroyed. We will not retain this information on our records.

5.5. We will not be able to provide our response to the request without proof of identity.

6. CONSENT

6.1. If you are making the request on behalf of someone else (e.g. your child) then we may require consent from the data subject. If you have parental responsibility for the person whose data you are requesting, we will require consent from that person if they are aged over 13 years old and understand the nature of your request and what they are consenting to.

6.2. If you are requesting data on behalf of someone else and you do not hold parental responsibility for that person, we will require consent from the person who the data belongs to and, where necessary, their parent or carer.

6.3. If we require consent from a current pupil then we would ask someone within our academy who knows that pupil to liaise with them and obtain their consent directly. If the pupil no longer attends our academy or, for whatever

reason, it is not possible to liaise with the person to obtain their consent directly, we may ask the requester to assist us with this.

6.4. Where consent is required, we will not be able to provide our response to a request until such consent is obtained.

7. TIMESCALES FOR RESPONDING

7.1. We must respond to your request without undue delay and within one month of receiving the request.

7.2. If we seek further clarification regarding your request, the time to respond will be paused whilst we await such clarification.

7.3. We will request ID and any required consent as soon as is reasonably practicable following receipt of your request. We will continue to process your request whilst we await your ID or any consent but will not be able to provide the information requested until such ID and/or consent is received. This may mean that we are unable to respond to your request within one month if we have received your ID and the consent within that timescale.

7.4. If we request ID or consent and you do not respond with this within one month of your initial request, we will send a final request to receive this within 7 days. If the ID and/or consent is not provided within that 7 days your SAR will be closed.

7.5. If you make a request to receive all of the information from the checklist or there is a lot of information held, it may be necessary to extend our time for responding by a further two months. If this is the case, we will notify you of this as soon as possible.

8. CHARGING A FEE

8.1. We are generally not able to charge a fee for providing a response to your subject access request. We will charge a reasonable fee for the administrative costs associated with responding to a request that is manifestly excessive.

8.2. Please see the section of this policy entitled 'manifestly unfounded and manifestly excessive' to see more information about how we assess whether a request is manifestly excessive.

8.3. If the request is deemed to be manifestly excessive then our reasonable fee for the administrative costs is £25 per hour.

9. REQUEST FOR EMAILS

9.1. We do not routinely save emails and have implemented a retention period of 12 months to our email records. If personal information is contained within emails this will usually be transferred onto another system that we use and the email would then be deleted.

9.2. For example, if a member of staff receives an email regarding information relating to a safeguarding concern, this would be recorded on our safeguarding system and the email would then be deleted.

9.3. It may be that an email is sent which contains no personal information other than the email addresses of the sender and the recipients. There may be a large number of emails where you have been the sender or recipient meaning that a large volume of data would be returned if we were to conduct a search of emails using your (or the data subjects) name.

9.4. We would therefore ask that you provide us with a specific email account that you would like us to search, a specific date range and the information that you are looking for so that we can try to retrieve the information.

9.5. If you do not wish to provide us with information to help us locate the information you are looking for, we may refuse to respond to your request on the basis that it is excessive or unfounded (there is more information about this below).

9.6. When a member of staff leaves their employment with us their email account is deleted and we would be unable to retrieve any data from that account.

10. MANIFESTLY EXCESSIVE OR UNFOUNDED REQUESTS

10.1. A request may be deemed to be manifestly unfounded if the individual clearly has no intention to exercise their right of access. For example, submitting a request but offering to withdraw it in exchange for some form of benefit from the Trust.

10.2. A request may be deemed manifestly unfounded if it is malicious in intent and is being used to harass our Trust or a member of staff with no real purpose other than to cause disruption.

10.3. For example, the individual:

- explicitly states, in the request itself or in other communications, that they intend to cause disruption;
- makes unsubstantiated accusations against our Trust or specific employees which are clearly prompted by malice;
- targets a particular employee against whom they have some personal grudge; or
- systematically sends different requests to us as part of a campaign, eg once a week, with the intention of causing disruption.

10.4. This is not an exhaustive list. We will consider each request in the context in which it is made. If the individual genuinely wants to exercise their rights, it is unlikely that the request is manifestly unfounded. It is also more likely that the individual will work with us to assist in establishing what information they are looking for.

10.5. If a request is deemed to be manifestly unfounded then we will provide a response confirming this and our reasons for reaching this decision together with your rights to raise this with the Information Commissioner's Office (ICO).

10.6. A request is manifestly excessive if it is clearly or obviously unreasonable. In deciding whether a request is manifestly excessive we will assess whether the request is proportionate when balanced with the burden of costs involved in dealing with the request.

10.7. This will mean taking into account all of the circumstances of the request, including:

- the nature of the requested information
- the context of the request, and the relationship between us and the individual;
- whether a refusal to provide the information or even acknowledge if we hold it may cause substantial damage to the individual;
- our available resources;
- whether the request largely repeats previous requests and a reasonable interval hasn't elapsed; or
- whether it overlaps with other requests (although if it relates to a completely separate set of information it is unlikely to be excessive).

10.8. A request is not necessarily excessive just because the individual requests a large amount of information.

10.9. As stated above, we will consider all the circumstances of the request. We will also consider asking the individual for more information to help us locate the information they want and whether we can make reasonable searches for the information.

10.10. We will consider the following when deciding whether a reasonable interval has elapsed:

- the nature of the data – this could include whether it is particularly sensitive; and
- how often we alter the data – if it's unlikely that the information has changed between requests, we will not respond to the same request twice. However, if we have deleted information since the last request, we will inform the individual of this.

10.11. Whilst each request is taken on a case by case basis, it is likely a request which takes more than 10 hours to collate the information, review and redact the records and provide a response would be considered excessive given the resources available to us to deal with such requests.

10.12. If the work involved to provide a response is likely to exceed 10 hours, we would charge any time over the 10 hours at a rate of £25 per hour.

10.13. If we deem that the request is excessive, we will write to the requester to notify them of this and the likely costs involved with responding before we proceed.

11. THE PROCESS OF DEALING WITH A SUBJECT ACCESS REQUEST

11.1. When we receive a Subject Access Request we will follow the process set out below:

- We will review the request and ensure we have the following information:
  - Clear instructions regarding what data is being sought
  - ID
- We will check whether consent is required and either obtain that consent directly from the data subject or seek your assistance with this.
- We will write to you to acknowledge the request and, where necessary, ask you to clarify what information you are looking for and/or request a copy of your ID.

- We will search across our electronic systems and physical records and assess the scale of the material recorded.
- An assessment is carried out to work out how many hours of work are required to collate, review and redact these records.
- If this assessment indicates that less than 10 hours work is involved, we will continue to collate, review and redact the records and will provide a response to you as soon as possible and no later than one month from the date of your request or clarification of the request (whichever is later).
- If the assessment indicates that more than 10 hours of work is involved, we will contact you to establish whether we can narrow the scope of your request to bring us within the 10 hours or to ascertain whether you wish to continue with your request and pay the administrative fee for any time over the 10 hours. We would make you aware of the likely timescales and costs in this correspondence.
- If you wish to continue and pay the fee we will let you know of the likely timescale to provide our response as it may be that we need to rely on the two month extension.
- We will provide you with a copy of the information you request and the further information set out in **s.45(2) Data Protection Act 2018**.
- We will redact any records that identify another individual, unless we have consent from that individual to provide this information to you.
- We will withhold any information if we believe that providing that information may pose a safeguarding risk to any individual. In most cases, if we withhold or redact information, we will provide you with a reason for this in our response. In some circumstances this may not be possible if we believe that providing this information may, in itself, pose a safeguarding risk to any individual.

12. APPENDIX ONE - TEMPLATE LETTER AND CHECKLIST

12.1. The letter below should be used if you are a pupil, former pupil, parent/carer of a pupil or former pupil or if you are making a request on behalf of a pupil or former pupil but do not hold parental responsibility for that individual.

12.2. Please copy and paste the text below and amend the sections highlighted in yellow then email this to dpo@outwood.com or post this to:

Data Protection Officer
Outwood Grange Academies Trust
Potovens Lane,
Outwood, Wakefield,
West Yorkshire,
WF1 2PF

12.3. **Template letter**

[insert date you are writing this letter]

Dear Data Protection Officer,

Subject Access Request

I am writing to request information under **s.45 Data Protection Act 2018**, Right of Access.

My name is [insert full name here] and I am requesting the information you hold [about me] or [about my child - include child's name here] or [about a third party who I do not hold parental responsibility for - include their name here].

The date of birth for the person I am requesting the data for is [insert date of birth here].
I am making this request in relation to information held at [insert academy name here].
I am looking for information relating to [please insert details of the incident/records or information you are looking for here].

I would like to request the following records*:

Student file/Education record:	
Praising Stars reports	
Attendance certificates	
Attainment data (eg. Departmental trackers)	
Paper file	
Behaviour:	
Consequences log (Inclusion Tracker)	
Exclusion information (from SIMS)	
Exclusion letters/correspondence	
Alternative Provision paperwork	
SEND and Safeguarding:	
CPOMS entries	
Primary School safeguarding file	
Referrals	
Minutes of meetings	
Causes for concern	
Pastoral information	
EP reports	
External Advisory Reports	
Communication/Correspondence:	
Letters sent/received	
Emails	

*I acknowledge that if I tick every box, I may be contacted and asked to provide clarification regarding my request and/or this may lead to my request being assessed as excessive.

I would like to request this information for the period [insert date range].

I can confirm that I am making this request to receive information that is held about [me/another person].

[If this request is for information about another person please include the following:

I can confirm that my relationship with the person who this request relates to is - include details here].

Please find attached a copy of the following identification documents:

- ☐ Passport, or
- ☐ Driving Licence

and

- ☐ Utility Bill,
- ☐ Bank Statement
- ☐ Mortgage Statement
- ☐ Council Tax Letter

I would be grateful to receive the response as soon as possible but understand that this may take one month from the date of this request or the date I provide any further clarification that you seek.

I understand that you will not be able to provide the information until you have received identity documents from me and, if necessary, consent from the data subject.

I can confirm that the best contact number to reach me on is [insert phone number] and I would be grateful if you could provide the response [by email - include email address] or [by post - include postal address].

Yours sincerely,
[insert your name here]