

Southend High School for Boys

Subject Access Request (SAR) Procedure

Introduction

The Data Protection Act 2018 (the Act) gives individuals rights of access to their personal data held by Southend High School for Boys (the school). This is known as a Subject Access Request (SAR). A SAR can be made by anyone, including pupils, parents, staff, governors and members of the public.

Scope

All personal data processed by Southend High School for Boys or on behalf of Southend High School for Boys is within the scope of this procedure.

Data subjects are entitled to obtain:

- confirmation as to whether Southend High School for Boys is processing any personal data about that individual;
- access to their personal data.

This document outlines how an applicant can make a request for their personal data.

Requests for access to the records of people who are deceased are not within the scope of this procedure.

Procedure

Subject Access Requests can be made using the 'Subject Access Request' form (Appendix 1), which should be sent to the Office Manager at the school (Prittlewell Chase, Southend on Sea, Essex SS0 0RG or by email: enquiries@shsb.org.uk).

The Office Manager will log and acknowledge the request (by email) and inform the Data Protection Officer (DPO), who will monitor progress, and verify that data has been collected according to the school's Data Retention Schedules (Data Registers) and Third Party Registers. The Deputy Head will be consulted in respect of safeguarding information.

The data subject must provide the school with evidence of their identity and signature; the signature on the identity will be cross-checked. Pupils at the school are exempt from this requirement.

Acceptable identity includes either:

- Passport, or
- Driving licence

or, if neither of these is available, one or more of:

- Birth certificate
- Bank card
- Current vehicle registration document
- Bank statement (from last 3 months)
- Rent book (from last 3 months)
- Current Council tax bill

If the school is not satisfied about the identity of the requester, then the request will not be complied with.

If a request is made by a person seeking the personal data of a data subject, and which purports to be made on behalf of that data subject, then a response will not be provided unless and until written authorisation has been provided by the data subject. The requester is responsible for providing written authorisation from the data subject. Where consent cannot be obtained, or is denied, the request will be referred to the DPO.

The data subject may specify to Southend High School for Boys a specific set of data held by the school, or alternatively, request all data held on them. Requesters do not have to tell Southend High School for Boys their reason for making the request or what they intend to do with the information requested, but it may help to find the relevant information if they do explain the purpose of the request. The school may ask the requester to be more specific about the information that they require in order to ensure that the information they are provided with meets their requirements.

The Office Manager will update the log and record the date that the identification checks were conducted and the specification of the data sought.

The Office Manager will arrange to provide, securely, the requested information, as at the date of request, to the data subject within one calendar month from this recorded date (where the date of receipt is 'day 1', eg a SAR received on 3 September should be responded to by 3 October).

An extension of up to one calendar month may be applied if a school closure period is scheduled to occur during the initial one calendar month. In this event, the applicant will be notified with the reason.

Under GDPR Article 12 (3), the month deadline may also be extended by two further months where necessary, taking into account the complexity and number of the requests. The Office Manager will inform the data subject of any such extension within one month of receipt of the request, together with the reasons for the delay, for example:

- volume of information is over 1,000 pages
- open complex cases
- three or more third parties are included

Where the data subject makes the request by electronic means, the information will be provided by electronic means where possible, unless otherwise requested by the data subject.

Subject Access Requests received from Pupils and their Parents

Requests from pupils who are considered mature enough to understand their rights to access their data will be processed as a Subject Access Request and the data will be given directly to the pupil (subject to any exemptions that apply under the Act or other legislation).

Although the Act states that usually children over the age of 13 may be considered to be 'mature', It may be reasonable to assume that all pupils at Southend High School for Boys have sufficient maturity to understand their rights and to make an access request themselves if they wish. In every case it will be for the school, as data controller, to assess whether the child is capable of understanding their rights under the Act and the implications of their actions, and so decide whether the parent needs to make the request on the child's behalf.

Although the Education (Pupil Information) (England) Regulations 2005 give parents of children who attend maintained schools a right to access their child's educational records, this does not apply to academies. Academies are obliged to provide parents with an annual report of progress and attainment to parents as set out in the Education (Independent School Standards) (England) Regulations 2014.

Where a child is deemed to be capable of understanding their rights under the Act and the implications of their actions, a parent may only make a Subject Access Request on behalf of their own child with the written authorisation of that child.

Where the school deems that a pupil does *not* have sufficient maturity to understand their rights, Subject Access Requests from parents in respect of their own child will be processed as requests made on behalf of the data subject (the child), subject to any court orders which may be in place.

The Office Manager will maintain a record of requests for data and of its receipt, including dates and copies of correspondences.

All documents will be reviewed that have been provided, to identify whether any third parties are present in it, and either the identifying third-party information will be removed from the documentation or written consent from the third party will be obtained for their identity to be revealed.

Where a requester asks whether or why personal data is being processed, then they will be provided with the following information:

- Purpose of the processing
- Categories of personal data
- Recipient(s) of the information, including recipients in third countries or international organisations
- How long the personal data will be stored
- The data subject's right to request rectification or erasure, restriction or objection, relative to their personal data being processed.

Southend High School for Boys takes appropriate measures to act without undue delay in the event that the data subject objects to the processing of their personal data in whole or part; or the processing is no longer under legal obligation and/or the data has been unlawfully processed.

The school will also: inform the data subject of their right to lodge a complaint with the ICO and a method to do so; inform the data subject of any automated decision-making; give information about whether personal data has been transferred and information on any safeguards in place.

Southend High School for Boys does not charge a fee for Subject Access Requests. However, if a request can be demonstrated as 'manifestly unfounded or excessive', the request may be declined or a fee charged to cover costs.

Exemptions

The Data Protection Act currently sets out a number of exemptions which allow information to be withheld from data subjects in circumstances in which it would otherwise need to be disclosed. Current exemptions which are relevant include:

- Confidential references – schools do not have to provide subject access to references they have confidentially given in relation to an employee's employment;
- Management information – personal data which relates to management forecasting or planning is exempt from subject access (to the extent complying with the SAR would be likely to prejudice the business activity of the organisation);
- Legal advice and proceedings – schools do not have to disclose data which is covered by legal professional privilege;
- Settlement negotiations – the subject is not entitled to personal data which consists of a record of the employer's intentions in respect of settlement discussions that have taken place or are in the process of taking place with that individual;
- Health data – where there is risk of serious harm to the subject due to the release of the data held – the decision on whether to release information would be taken following consultation with a health or social care professional at the time of the subject access request, or be based on such a consultation within the 6 months prior to the request. The Deputy Head will be consulted in respect of safeguarding information.

Complaints in respect of Subject Access Requests

Individuals that wish to make a complaint about the handling of their Subject Access Request can raise a concern with the Data Protection Officer (dpo@shsb.org.uk) in the first instance. They also have a right to raise their concern with the Information Commissioner's Office (www.ico.gov.uk).

Appendix 1: Subject Access Request Form

Data Subject's details (the person whose personal data you are requesting):

Title	
Full Name	
Date of Birth	
Address:	
Subject's relationship with the school	Please select: Pupil (Year group:) / Parent / Employee / Governor / Volunteer Other (please specify):

Requester details:

Title	
Full Name	
Address	
Phone number	
Email address	
Status of requester	Data Subject Parent (or person with parental responsibility) Other (please state):
Evidence of identity (eg passport, driving license) <i>(for office use only)</i>	Evidence provided: Yes/No Details: Date:

Details of data requested:

Details of the data requested <i>Insert details of the information you want that will help us to locate the specific information. Please be as precise as possible, for example:</i> • Your personnel file • Your child's medical records • Your child's school record • Emails between 'A' and 'B' between [date]	
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Signed:

Date:

for office use only: Date form received: