Subject Access Request Procedure for Schools

Version 1.0 – March 2018
Owner: Brent Council Data Protection Officer on behalf of Brent River College

Review Date: March 2019
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Using this procedure

This procedure has been developed by Brent Council’s Data Protection Service, on behalf of the Data Protection Officer to set out how the Data Protection Service will manage your school subject access requests. Once the Data Protection Act is finalised, we will update this procedure accordingly.

Please email school.dpo@brent.gov.uk with any feedback or questions.

Please store this procedure in a central place and use this procedure to inform your employees on how to report data breaches.
Scope

All personal data processed by Brent River College or on behalf of Brent River College (data processor) is within the scope of this procedure.

Data subjects are entitled to obtain:

- Confirmation as to whether Brent River College is processing any personal data about that individual;
- Access to their personal data;
- Any related information;

Responsibilities

All employees are responsible for forwarding subject access requests to school.dpo@brent.gov.uk and following instructions provided by school.dpo@brent.gov.uk

The Data Protection Officer is responsible for the application and effective working of this procedure, and for reporting to the Brent River College head teacher on Subject Access Requests (SARs). The Data Protection Officer is responsible for handling all SARs.

Data Protection Officer is responsible for managing the subject access process and reporting on performance.

The School Business Manager is responsible for ensuring the information is provided to the Data Protection Officer in accordance with this procedure.

Procedure

Subject Access Requests (SARs) for information must be made in writing and sent to the Data Protection Officer School.dpo@brent.gov.uk

If an individual is unable to provide a request in writing and justifiable assistance is required, it must be provided and the request can be made on behalf of the individual.

Brent River College does not need to respond to a request made orally but, depending on the circumstances, it might be reasonable to do so (as long as Brent River College is satisfied about the person’s identity). It is good practice at least to explain to the individual how to make a valid request, rather than ignoring them.

If a request does not mention the Data Protection Legislation specifically or even say that it is a subject access request, it is nevertheless valid and should be treated as such if it is clear that the individual is asking for their own personal data.
Requesters do not have to tell Brent River College their reason for making the request or what they intend to do with the information requested, although it may help to find the relevant information if they do explain the purpose of the request.

A request is valid even if the individual has not sent it directly to the person who normally deals with such requests. So it is important to ensure you recognise a subject access request (SAR) and forward it to the Data Protection Officer.

Any school employee who receives a request for a subject access request (SAR) must forward it immediately to the Data Protection Officer no matter what form it is received in.

The Data Protection Officer will log and acknowledge the request.

The data subject provides the Data Protection Officer with evidence of their identity and the signature on the identity must be cross-checked.

List of acceptable identity includes:

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

The data subject may specify to Brent River College a specific set of data held by Brent River College on their subject access request (SAR). The data subject can request all data held on them.

The Data Protection Officer will update the log and record the date that the identification checks were conducted and the specification of the data sought.

The Data Protection Officer provides the requested information to the data subject within one month from this recorded date. Under the GDPR Article 12 (3), the month deadline may be extended by two further months where necessary, taking into account the complexity and number of the requests.

The Data Protection Officer shall inform the data subject of any such extension within one month of receipt of the request, together with the reasons for the delay.
Example of reason for the delay:

- 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 form means, the information shall be provided by electronic means where possible, unless otherwise requested by the data subject.

Once received, the subject access request (SAR) is immediately forwarded to the Data Protection Officer (school.dpo@brent.gov.uk), who will ensure that the requested data is collected within the specified time frame.

Collection entails:

- Collecting the data specified by the data subject,
- Request Brent River College to search and retrieve information from all relevant databases and all relevant filing systems (manual files) in the school, including all back up and archived files (computerised or manual) and all email folders and archives

The Data Protection Officer maintains a record of requests for data and of its receipt, including dates and copies of correspondences. Performance of compliance with statutory timescales is reported quarterly.

The Data Protection Officer will review subject access requests from a child. Before responding to a Subject Access Requests (SARs) of the child data subject the Data Protection Officer considers their ability to make the request by explaining any implications of sharing their personal information.

A child has a right of access to the information held about them.

In most cases, these rights are likely to be exercised by those with parental responsibility for them. However, before responding to a SAR for information held about a child, you should consider whether the child is mature enough to understand their rights. It is reasonable, in most cases, for a child that is aged 13 years or more has the capacity to make a subject access request. The implications of sharing their information with others ought to be explained to a child aged 13 years or more because it should not be assumed it is fully understood. The assessment regarding the maturity of the child is carried out by Brent River College.

The Data Protection Officer reviews all documents that have been provided to identify whether any third parties are present in it, and either removes the identifying third party
information from the documentation or obtains written consent from the third party for their identity to be revealed.

If any of the requested data is being held or processed under one of the following exemptions, it does not have to be provided:

- National security
- Crime and taxation
- Health
- Education
- Social Work
- Regulatory activity
- Journalism, literature and art
- Research history, and statistics
- Publicly available information
- Corporate finance
- Examination marks
- Examinations scripts
- Domestic processing
- Confidential references
- Judicial appointments, honours and dignities
- Crown of ministerial appointments
- Management forecasts
- Negotiations
- Legal advice and proceedings
- Self-incrimination
- Human fertilization and embryology
- Adoption records
- Special educational needs
- Parental records and reports

In the event that a data subject requests Brent River College to provide them with the personal data stored by the controller, then the Data Protection Officer will provide the data subject with the requested information in electronic format, unless otherwise specified. All of the items provided to the data subject that shows the data subject’s name and the date on which the information is delivered to [and received by] the data subject.

In the event that a data subject requests details of what personal data is being processed then the Data Protection Officer provides the data subject with the following information:
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- 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.
- Brent River College removes personal data from systems and processing operations as soon as a request for erasure has been submitted by the data subject.
- Brent River College contacts and communicates with other organisations, where the personal data of the data subject is being processed, to cease processing information at the request of the data subject.
- Brent River College takes appropriate measures to act without undue delay in the event that the data subject has: withdrawn consent (objects to the processing of their personal data in whole or part; no longer under legal obligation and/or has been unlawfully processed.

Inform the data subject of their right to lodge a complaint with the ICO and a method to do so.

Information on the source of the personal data if it hasn’t been collected from the data subject.

Inform the data subject of any automated decision-making.

If and where personal data has been transferred and information on any safeguards in place.

Brent River College does not charge a fee for Subject Access Requests (SARs).

Brent River College uses the following electronic formats to respond to Subject Access Requests (SARs)

- Egress

Exceptions to the procedure

**Data Protection Bill**

There are other proposed exemptions that are contained in the draft DP Bill. Once the DP Bill is finalised, we will update this procedure accordingly, and provide further detail on the exemptions.

1. Business as Usual
If an individual is requesting information previously provided (for example correspondence), this should be provided by Brent River College to the individual as normal service activities. This also includes general questions by individuals about their information, such as how long a pupil has attended the school.

**Complaints against Subject Access Requests (SARs)**

Individuals that wish to make a complaint about the handling of their Subject Access Request (SAR) can raise a concern with the Data Protection Officer. They also have a right to raise their concern with the Information Commissioner’s Office. Any Subject Access Request (SAR) concern received by a school employee must be forwarded to the Data Protection Officer immediately.

The Brent River College’s privacy statement and data protection web pages provide information about Subject Access Requests (SARs) to individuals.