



TRUST IN LEARNING (ACADEMIES)
SUBJECT ACCESS REQUEST PROCEDURES

Date Created: November 2019
 Effective From: November 2019
 Dated Adopted by the Board: December 2019
 Review Date: November 2021

Date	Page	Change	Purpose of Change
November 2019		New Policy	

Trust in Learning (Academies) (TiLA) collects and uses personal information about staff, pupils, parents and other individuals who come into contact with the school. This information is gathered in order to enable it to provide education and other associated functions. In addition, there may be a legal requirement to collect and use information to ensure that the Trust and its schools comply with their statutory obligations.

Under the General Data Protection Regulations (GDPR), individuals have the right to access their personal data. This is commonly referred to as subject access.

Individuals can make a subject access request verbally or in writing. We have created a template for individuals to use which we will share on our schools and Trust websites.

We will respond to requests within one month. We will not charge a fee to deal with requests in most circumstances. In some cases where the request is more complex, we may comply within three months, but in that case, we will write to the individual and explain why we need longer. Individuals will be made aware that we may find it harder to access this information and respond during the summer holidays.

1. Rights of Access to Information

Individuals are only entitled to their own personal data and not information relating to other people, unless the information is also about them or they are acting on behalf of someone.

In addition to their personal data, we will provide the information below. Our Privacy Notice provides further details about this information:

- The purposes of our processing;
- The categories of personal data concerned;
- The recipients or categories of recipient we disclose the personal data to;
- Our retention period for storing the personal data or, where this is not possible, our criteria for determining how long you will store it;
- The existence of their right to request rectification, erasure or restriction or to object to such processing;
- The right to lodge a complaint with the ICO or another supervisory authority;
- Information about the source of the data, where it was not obtained directly from the individual;
- The existence of automated decision-making (including profiling); and
- The safeguards we provide if you transfer personal data to a third country or international organisation

2. Children and Subject Access Requests

Personal data about a child belongs to that child, and not the child's parents or carers. For a parent or carer to make a subject access request with respect to their child, the child must either be unable to understand their rights and the implications of a subject access request, or have given their consent.

a. Primary Schools

Children below the age of 12 are generally not regarded to be mature enough to understand their rights and the implications of a subject access request. Therefore, most subject access requests from parents or carers of pupils at our primary school may be granted without the express permission of the pupil. This is not a rule and a pupil's ability to understand their rights will always be judged on a case-by-case basis.

b. Secondary Schools

Children aged 12 and above are generally regarded to be mature enough to understand their rights and the implications of a subject access request. Therefore, most subject access requests from parents or carers of pupils at our secondary school may not be granted without the express permission of the pupil. This is not a rule and a pupil's ability to understand their rights will always be judged on a case-by-case basis. See Appendix 2 for the permission form.

3. Responding to Subject Access Requests

Requests for information may be received verbally or in writing (including by email). Key staff such as administrators, headteachers, pastoral staff and class teachers will be made aware of this. We have created a template for individuals to make requests, to help make the process easier (Appendix 1). This form is available on our schools and Trust websites and can be completed electronically. Staff receiving requests should download and use the form to record subject access requests received by any other means.

A designated person or team in each school will be responsible for responding to requests. More than one member of staff should be aware of how to process a SAR. Requests should be notified to the TiLA DPO – a scanned copy of the request should be emailed securely to dpo@tilacademies.co.uk

When responding to requests, we:

- Will contact the individual via phone to confirm the request was made
- May ask the individual to provide two forms of identification. It is the individual school's responsibility to verify the identity of the requestor before the disclosure of any information
- Checks should be carried out regarding proof of relationship to the child
- Will respond without delay and within one month of receipt of the request
- Will provide the information free of charge in most circumstances
- May tell the individual we will comply within three months of receipt of the request, where a request is complex or numerous. We will inform the individual of this within one month and explain why the extension is necessary

We will not disclose information if it:

- Might cause serious harm to the physical or mental health of the pupil or another individual
- Would reveal that the child is at risk of abuse, where the disclosure of that information would not be in the child's best interests
- Is contained in adoption or parental order records
- Is given to a court in proceedings concerning the child

If the request is unfounded or excessive, we may refuse to act on it, or charge a reasonable fee which takes into account administrative costs. A request will be deemed to be unfounded or excessive if it is repetitive, or asks for further copies of the same information. When we refuse a request, we will tell the individual why, and tell them they have the right to complain to the ICO.

Requests may be made on behalf of others, often a solicitor acting on behalf of a client. Schools must be satisfied the third party making the request is entitled to act on behalf of the individual. It is the third party's responsibility to provide evidence of this entitlement. This might be a written authority to make the request or a more general power of attorney. Schools should request the third party to confirm what identity checks have been carried out prior to releasing documents.

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

The GDPR and Data Protection Act 2018 allows exemptions as to the provision of some information; therefore all information will be reviewed prior to disclosure.

Third party information is that which has been provided by another, such as the Police, Local Authority, Health Care professional or another school. Before disclosing third party information, consent should normally be obtained.

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

If there are concerns over the disclosure of information then additional advice should be sought from the Trust's DPO.

Where redaction (information blacked out/removed) has taken place then a full copy of the information provided should be retained in order to establish, if a complaint is made, what was redacted and why.

Information disclosed should be clear, thus any codes or technical terms will need to be clarified and explained. If information contained within the disclosure is difficult to read or illegible, then it should be retyped.

Information may be provided at the school with a member of staff on hand to help and explain matters if requested, provided at face to face handover or sent by secure email.

We will not send secure information by post.

The school will notify the DPO when a response has been provided, and the summary letter accompanying the response.

The DPO is responsible for monitoring and reporting on all Subject Access Requests to the TiLA Board.

4. Complaints

We take any complaints about our collection and use of personal information very seriously. If you think that our collection or use of personal information is unfair, misleading or inappropriate, or have any other concern about our data processing, please raise this with us in the first instance.

To make a complaint, please contact our data protection officer – dpo@tilacademies.co.uk

Alternatively, you can make a complaint to the Information Commissioner's Office:

- Report a concern online at <https://ico.org.uk/concerns/>
- Call 0303 123 1113
- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

5. Contact us

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please email our Data Protection Officer, Clare Anderson, dpo@tilacademies.co.uk

APPENDIX 1

Subject Access Request Form

Under the GDPR, individuals have the right to request access to the information we hold about them.

We've created this template for you to help make the process easier. We will provide this information free of charge and within one month. In some cases where the request is more complex, we may comply within three months, but in that case, we will write to you and explain why we need longer. Please be aware that we may find it harder to access this information and respond during the summer holidays.

We will telephone you to confirm the request is genuine and we will also need to check your identity, usually by asking for two forms of identification.

**TRUST IN LEARNING (ACADEMIES)
SUBJECT ACCESS REQUEST**

Dear Data Protection Officer

Subject Access Request

Please provide me with the information about me / my child (see Section 2 of the above policy) that I am entitled to under the General Data Protection Regulation. This is so I can be aware of the information you are processing about me, and verify the lawfulness of the processing.

Here is the necessary information:

Name of School:	
Parent Name:	
Child's Name	
Relationship with the school	<p>Please select: Pupil / parent / employee / governor / volunteer</p> <p>Other (please specify):</p>

Correspondence address	
Contact number	
Email address	
Details of the information requested	<p>Please provide me with:</p> <p>Insert details of the information you want that will help us to locate the specific information. Please be as precise as possible, for example:</p> <ul style="list-style-type: none"> ➤ My personnel file ➤ My child's medical records ➤ My child's behavior record, held by [insert class teacher] ➤ Emails between 'A' and 'B' between [date]

If you need any more information from me, please let me know as soon as possible.

Please bear in mind that, in most cases, you must supply me with the information within one month and free of charge.

If you need any advice on dealing with this request, you can contact the Information Commissioner's Office on 0303 123 1113 or at www.ico.org.uk

Yours sincerely

For Office Use Only:

Date received in school:		
Identity verified by school	ID 1 Seen:	Initials:
	ID 2 Seen:	Initials:
Date passed to DPO:		
School contact for SAR:		
Request acknowledged:		

TRUST IN LEARNING (ACADEMIES)

FORM FOR STUDENT TO AUTHORISE THEIR PARENT'S SUBJECT ACCESS REQUEST

- This form is to be used to allow students to choose whether to authorise a subject access request for their personal data from their parent (i.e. anyone with parental responsibility for them)
- You may seek this authorisation when a parent makes a subject access request for their child's personal data but you believe their child is mature enough to understand their own rights and the implications of making a request, and it isn't evident that disclosing information to their parent is in the best interests of the child.

[Name of Parent] has asked us to provide personal data about you. As you're old enough, it is up to you to decide whether we should give this information over to them. They have asked to see the details below.

Name of School:	
Parent's Name:	
Child's Name:	
Details of the information requested:	

Please tick a box below to let us know your response

I am happy for the school to supply the information set out above to [Name of Parent]	
I am not happy for the school to supply the information set out above to [Name of Parent]	

If you need any more information from me to help make your decision, please let me know as soon as possible.

Yours sincerely