

# Sytchampton Endowed Primary School

## Subject Access Request Policy

Signed by:

Headteacher

Date:

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Chair of Governors

Date:

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Review date: 23<sup>rd</sup> June 2021

Next review due: June 2022

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## Guidance for dealing with a subject access request

Step by step instructions on how to respond to a subject access request under Data Protection legislation.

### **What is a subject access request?**

A subject access request applies to all personal data held by the School. If the information does not fulfil the definition of personal data then the School does not have to disclose it in response to a subject access request (although you may choose to do so at your discretion).

#### Subject Access Requests

- Must be responded to within 40 calendar days
- No fee chargeable unless request unfounded or excessive
- Must tell requester of right to complain to ICO and seek judicial remedy

### **What to do**

You must ensure the subject access request is valid.

A valid subject access request is one which:  
provides all the information you require to locate the information the person wants  
provides sufficient information to verify the data subject's identity.

### **Before disclosing any personal information you must verify the identity of the data subject.**

Whilst it is important that you do not send copies of personal information to people who are not the data subject, you must not appear obstructive.

Data Protection legislation requires you to take 'reasonable measures' to verify the identity of a data subject. You can often verify their identity from their circumstances, such as their address or signature.

If you require further verification of the data subject's identity you have two options.

1. Telephone the individual and ask them two questions based on the information you hold about them ask so as to confirm their identity.

2. Write to the individual and ask them to send you a photocopy of their passport or drivers licence.

### **Collate the information**

Once the information you have requested has been confirmed you can begin the process of contacting colleagues across the school and collating the information on the data subject.

If the request contains a substantial amount of information (from various sources), then collating it can be time consuming. We aim to release information within 40 calendar days of the request being received. At certain times of the year (due to school holiday closures) the timeframe for replying to requests may be longer due to the availability of staff.

#### Unfavourable information

You may discover material which does not reflect favourably on us. For example, you may find documents which show that standard procedures have not been followed, or documents which may cause offence to the data subject. **These documents must be disclosed.**

However, you should bring their contents to the attention of the relevant manager, and ensure that appropriate action is taken to address any issues they raise.

You must not destroy or refuse to disclose records because they would be embarrassing to disclose: this is a criminal offence if it is done after you know a subject access request has been made.

We DO NOT have to provide:

- References given (but must disclose references received)
- Legally privileged information
- Data intertwined with third party data – unless third party data redacted or consent from that third party given
- Data surrounding child abuse cases could be a conflict

### **Review the information**

Before we release information, it is very important that we review it to ensure that it does not contain the personal data of other individuals (third parties). If the record is primarily about the data subject, with incidental information about others, you should redact the third party information (see details below).

All personal information of other individuals will be redacted (removed or blocked out), as it is not relevant to the data subject. If we have to redact information, then this should be explained in a covering letter.

If information has to be redacted, follow these procedures:

For hard copy documents -

Print out the document or, if it is a paper record, make a photocopy.

Using a black marker pen, blank out the exempt information.

Make a photocopy of the blanked out version. This is the copy that will go to the person making the request.

For electronic documents -

Using the highlighter tool, highlight the exempt information in black.

Save the blanked out version as a separate copy.

Print out the document and send to the data subject - do not send the document in electronic format as it is possible the highlighting could be removed.

### **Keep a record for management purposes and log any queries**

Create a file for each subject access request and in it keep:

Copies of the correspondence between yourself and the data subject, and between yourself and any other parties.

A record of any telephone conversation used to verify the identity of the data subject.

A record of your decisions and how you came to those decisions.

Copies of the information sent to the data subject. For example, if the information was anonymised, keep a copy of the anonymised version that was sent to the data subject.

### **Release the information**

Once the information has been reviewed contact the data subject and confirm the details for releasing it to them. If they have requested that we provide their information electronically, this must be encrypted with a password. If they have requested that we send information by post, then do so using Royal Mail 'Signed For' delivery.

### **Delete the information**

It is important that we do not retain personal data for any longer than is necessary. Therefore, all of the information **collated as part of a SAR** will be deleted either 12 months after the release date, or 12 months after the last query made regarding the request has been resolved; whichever is the later. Original copies of the requested information will remain where they were located and will be retained as per the school's Record Retention Policy.

All queries should be directed to the school office at [office@sytchampton.worcs.sch.uk](mailto:office@sytchampton.worcs.sch.uk) or 01905 620418 in the first instance.