

# Subject Access Request Policy

## Ellesmere Port Catholic High School



<b>Approved by:</b>	Mr J Coucill, Chair of Governors 
<b>Lead of Review:</b>	Mrs L Hughes, Data Manager
<b>Last reviewed on:</b>	August 2020
<b>Next review due by:</b>	July 2021

## **1. Making a Subject Access Request (SAR)**

1.1 Under the General Data Protection Regulation you have the right to request access to information we hold about you.

1.2 Under this right you can request:

- Confirmation that we hold personal information about you and why we do so
- A copy of any information we may hold about you.

1.3 An individual is entitled to make a request for the information we hold about them, but in certain circumstances they may be able to make a request for information we hold on someone else.

1.4 If you have parental responsibility for a child at this school, you may wish to make a request to identify what personal data we hold on that child, as well to request a copy of that information

1.5 The applicant must effectively communicate their request to the school. While there is no requirement for this request to be made in writing, the school will make available a SAR Request form to help facilitate this process.

## **2. Proof of Identification**

2.1. If we have any cause to doubt your identity we will ask you to provide any evidence we reasonably need to confirm your identity. This may be done by requesting a recognised form of identification. Items requested may be:

- Proof of Identity Passport, photo driving licence, national identity card, birth certificate.
- Proof of Address Utility bill, bank statement, credit card statement (no more than 3 months old); current driving licence; current TV licence; local authority tax bill, HMRC tax document (no more than 1 year old).

2.2. Where individual are unable to produce any of the above documentation, we may ask what identification you may possess which would allow us to satisfy ourselves as to your identity.

2.3. Where requesting details of information held about a pupil, we will confirm your right to this information. In order to do this we may request a copy of the child's birth certificate or other official documentation confirming parental/guardianship rights.

2.4. Where requesting information on behalf of another individual, we will request a copy of the written authority of the individual involved confirming both their and your identity and clearly stating you are acting on their behalf and with their full knowledge.

### **3. How we process Subject Access Requests**

3.1 The school will clarify the nature of the request and determine whether the request relates to information belonging to a child or whether the request has been made in relation to information belonging to the requestor.

3.2. In the event that a large quantity of information is being processed about an individual, the school may ask the individual to specify the information the request is in relation to.

3.3. If we identify information that relates to third parties we will take all reasonable steps to establish whether this information can be disclosed. In some cases, we may contact the 3<sup>rd</sup> party to seek consent for the release of this information.

3.4. We are not required to disclose information relating to third parties, unless they have provided their consent or it is reasonable to do so without their consent. If the third party objects to the information being disclosed we may seek legal advice on what action we should take.

3.5. Before sharing any information that relates to third parties, we will where possible anonymise information that identifies individuals not already known to the applicant. We will also edit information that may affect another party's privacy, and if necessary summarise the information provided (rather than provide a full copy of the document).

3.6. Once we have confirmed identification, resolved any queries around the applicant's request, and gathered the relevant information, we will issue our response electronically via a secure email service, or if requested, via hard copy. Hard copy responses will be sent by Royal Mail recorded delivery in an envelope or package marked 'Private and Confidential' and 'Addressee Only'.

3.7. Where requests relate to information in the form of video images captured by our CCTV security cameras, we may ask whether the requester would be satisfied with viewing these images at our premises.

### **4. Right to Information**

4.1. Parents accessing their child's personal data under the *GDPR* are exercising the **child's** right of subject access on the child's behalf.

4.1. A parent or guardian does not have an automatic right to information held about their child. The right belongs to the child and the parent(s) acts on their behalf, where they have parental responsibility for the child.

4.2. In England the age at which a child reaches sufficient maturity to exercise their own right to access their information is normally 12, but this may vary amongst individuals. Once a child reaches sufficient maturity, the parent may only act with their child's consent.

4.3. Where a child is over 12 and a request is made on their behalf, the school may contact them separately to seek their signed consent for someone to access their records on their behalf. When deciding whether information about a child can be released, consideration will be given to the best

interests of the child. This will be done in line with our recorded policy relating to the Rights of Children.

4.4. The school will not service a Subject Access Request for information held on a child if the child, having been deemed capable of understanding the nature of the request and the consequences of their actions, refuses to consent to this information being disclosed.

## **5. The cost of a Subject Access Request**

5.1. A copy of the information will be supplied to the individual free of charge; however, the school may impose a 'reasonable fee' to comply with requests for further copies of the same information.

5.2. Where a request is manifestly unfounded, excessive or repetitive, a reasonable fee may be charged.

5.3. All fees will be based on the administrative cost of providing the information.

5.4. Where a fee has been imposed the individual has the right to appeal to the cost specified in the first case to the School and, if they are still unsatisfied, they may complain to the Information Commissioner's Office.

## **6. Timeframe for responding to Subject Access Requests**

6.1. A response must be sent within 1 month starting from the day we received all the information necessary to identify you and, where necessary, identify the information requested. We will aim to respond to all requests as soon as possible within this timeframe.

6.2. Where a response is proving difficult to service we may provide information available while continuing to work through additional information.

6.3. In the event of numerous or complex requests, the period of compliance will be extended by a further two months. The individual will be informed of this extension, and will receive an explanation of why the extension is necessary, within one month of the receipt of the request.

6.5. In the event that a large quantity of information is being processed about an individual, the school may ask the individual to specify the information the request is in relation to.

6.6. The school will adopt an appropriate procedure that will allow it to service any Subject Access Requests made during a period of school closure (holiday periods). The [admin@epchs.co.uk](mailto:admin@epchs.co.uk) email account is monitored on a regular basis during this time and any requests can be actioned.

6.7. As a matter of course, requests submitted during any holiday period will be responded to within the required timescales. However, the school is conscious of the fact the ability to service such requests may be made more complex by staff absence but will strive to ensure appropriate procedures are in place to deal with requests made during those periods.

6.8. Should a holiday close down period severely affect the school's ability to facilitate the production of the required information, the requestor will be notified as to the cause of any expected delay within good time.

6.9 In such circumstance we may provide the requestor with the material most readily available while we work to identify any additional information.

## **7. Grounds for not complying with Subject Access Requests**

7.1. Where a request is manifestly unfounded or excessive, the school holds the right to refuse to respond to the request. The individual will be informed of this decision and the reasoning behind it, as well as their right to complain to the supervisory authority and to a judicial remedy, within one month of the refusal.

7.2 If you have made a previous subject access request we must respond only if a reasonable interval has elapsed since this previous request was made. We will define a reasonable interval by reviewing the elapsed time, nature of information, and changes that have occurred since the last request was made.

## **8. What to do if you identify inaccurate information in our records**

8.1. If you identify an error in the information we hold please notify us as soon as possible. If we agree that the information is inaccurate we will take all reasonable steps to correct the information or if relevant and practically possible, remove the inaccurate information by deletion or destruction.

8.2. If we believe the information is accurate, or we are unable to make a decision as to the accuracy of the information, we will keep a note of the alleged error on the file.

## **9. What to do if you want us to stop processing your data.**

9.1. You have the right to ask us to delete or completely stop processing some or all of your data, or stop processing this data in relation to a particular purpose or in a particular way. The right to prevent processing applies in certain limited circumstances.

9.2. We will respond to an objection within 30 days of receipt, and in writing, advising that we have either complied with your request, intend to comply with it, or state the extent to which we will comply with it and why.

9.2. Where we will not or cannot comply with a request to delete or stop processing data we will clearly communicate those reasons to you.

## **10. Online SAR Platform**

10.1. Where individuals submit a Subject Access Request via an online SAR platform (such as Tapmydata) and in line with ICO advice, the school will not consider a SAR to have been officially made and will not engage with the online SAR provider.

10.2. We would not consider that the school has 'received' a subject access request (SAR) made via an online platform in cases where the school would be required to 'sign up' and/or pay a fee in order to even view the request. Therefore the school's Article 15 obligations wouldn't be triggered.

10.3. Even if the school did choose to accept a SAR from a portal, unless or until the school can verify the identity of the data subject making the request it will not be subject to the Article 15 obligations until that time. The portal would be responsible for providing evidence that it has authority to act on

behalf of the data subject. Therefore the school does not need to comply with the third party request until it is satisfied that the third party is acting on the behalf, and with the authority of, the data subject.

10.4. As it is also likely that these platforms would become data controllers for any personal data they process in connection with the completion of any SARs, they would need to be compliant with data protection law. If the school wasn't satisfied that the portal would process personal data in compliance with the legislation then it could choose not to share personal data in order to ensure its own compliance.

10.5. As a result of these conditions, the school will not accept SARs made through online portals as triggering an individual's Right of Access as defined by Article 15 of the GDPR.

## **11. Complaints Procedure**

10.1 An individual having any complaint in connection with our actions has the right to present a complaint in writing to the School' Data Protection Officer

School's Data Protection Officer  
Cheshire West and Chester Council,  
3<sup>rd</sup> Floor,  
Civic Way,  
4 Civic Way,  
Ellesmere Port,  
CH65 0BE

Email: [schoolDPO@cheshirewestandchester.gov.uk](mailto:schoolDPO@cheshirewestandchester.gov.uk)

10.2 If you remain dissatisfied, you have the right to report your concern to the Information Commissioner's Office (ICO).

The Information Commissioner's Office,  
Wycliffe House,  
Water Lane,  
Wilmslow,  
Cheshire  
SK9 5AF

Telephone: 08456 30 60 60 or 01625 54 57 45  
<https://ico.org.uk>

## **12. Policy review**

11.1. This policy is reviewed annually.

10.2. The next scheduled review date for this policy is May 2021.



## Ellesmere Port Catholic High School Subject Access Request Form

Please complete this form if you want us to supply you with a copy of any personal data we hold about you or your child

You are currently entitled to receive this information under the General Data Protection Regulation (GDPR).

We will endeavour to respond promptly and in within one month of the latest of the following:

- Our receipt of your request; or
- Our receipt of any further information we may ask you to provide to enable us to comply with your request.

**Please Note:** The information you supply in this form will only be used for the purposes of identifying the personal data you are requesting and responding to your request. You are not obliged to complete this form to make a request, but doing so will make it easier for us to process your request quickly.

### 1. Details of the person requesting the information:

Full Name:	
Address:	
Contact Telephone:	
Email Address:	

### 2. Are you the subject of the information you are requesting?

Please tick the appropriate box and read the instructions which follow it.

**YES:** I am the data subject.

**NO:** I am acting on behalf of the data subject in a parental capacity.

**NO:** I am acting on behalf of the data subject and have enclosed written authority and proof of the data subject's identity and my own identity (see below).

## Proof of Identity

To ensure we are releasing data to the right person we require you to provide us with proof of your identity and of your address. Please supply us with a photocopy or scanned image (do not send the originals) of one of both of the following:

- 1) Proof of Identity Passport, photo driving licence, national identity card, birth certificate.
- 2) Proof of Address Utility bill, bank statement, credit card statement (no more than 3 months old); current driving licence; current TV licence; local authority tax bill, HMRC tax document (no more than 1 year old).

Where requesting details of information held about a pupil, we need to confirm your right to this information. In order to do this we need a copy of the child's birth certificate or other official documentation confirming your parental/guardianship rights.

Where requesting information on behalf of another individual, we need a copy of the written authority of the individual involved confirming both their and your identity and clearly stating you are acting on their behalf and with their full knowledge.

If we are not satisfied you are who you claim to be, we reserve the right to refuse to grant your request.

**Note:** where requests are made in person and we can identify an individual due to a current or prior relationship with the school, for example if you are a parent known to us, we may wave the right of identification at our discretion.

### 3. Details of the Data Subject (if different to 1 above)

Full Name:	
Address:	

Please tick the box which applies to (this information may help to speed up your request):

	Student <input type="checkbox"/>	Former Student <input type="checkbox"/>	Parent/ Guardian of student/ former student <input type="checkbox"/>	Current Staff <input type="checkbox"/>	Former Staff <input type="checkbox"/>
Age:					
Year group/class:					
Insert Year of leaving:					
Insert Years From/To:					

**Please Note:** A parent or guardian does not have an automatic right to information held about their child. The right belongs to the child and the parent(s) acts on their behalf, where they have parental responsibility for the child. In England the age at which a child reaches sufficient maturity to exercise their own right to access their information is normally 13, but this may vary amongst individuals. Once a child reaches sufficient maturity, the parent may only act with their child's consent.

Where a child is over 13 and a request is made on their behalf, we may contact them separately to seek their signed consent for someone to access their records on their behalf. When deciding whether information about a child can be released, consideration is also given to the best interests of the child.

Please refer to the school's Information Rights Policy for further information.

**4. What information are you seeking?**

Please describe the information you are seeking. Please provide any relevant details you think will help us to identify the information you require.

**Please note:** that if the information you request reveals details directly or indirectly about another person we will have to seek the consent of that person before we can let you see that information. In certain circumstances, where disclosure would adversely affect the rights and freedoms of others, we may not be able to disclose the information to you, in which case you will be informed promptly and given full reasons for that decision.

While in most cases we will be happy to provide you with copies of the information you request, we nevertheless reserve the right, not to provide you with copies of information requested if to do so would take “disproportionate effort”, or may charge a fee or refuse the request if it is considered to be “manifestly unfounded or excessive”.

However we will make every effort to provide you with a satisfactory form of access or summary of information if suitable.

### **5. Information about the collection and processing of data**

If you want information about any of the following, please tick the boxes:

- Why we are processing your personal data
- To whom your personal data are disclosed
- The source of your personal data

### **6: Disclosure of CCTV images**

If the information you seek is in the form of video images captured by our CCTV security cameras, would you be satisfied with viewing these images at our premises?

- YES
- NO

### **7. Declaration**

Please note that any attempt to mislead may result in prosecution.

I confirm that I have read and understood the terms of this subject access form and certify that the information given in this application to **Ellesmere Port Catholic High School** is true. I understand that it is necessary for **Ellesmere Port Catholic High School** to confirm my / the data subject’s identity and it may be necessary to obtain more detailed information in order to locate the correct personal data.

I further understand that, in line with the School’s Subject Access Request Policy, if I am requesting information in relation to my child the school reserves the right to request the consent of my child in relation to the releasing of information. If consent is not forthcoming, the school are unable to comply with my request.

Signed..... Date .....

Documents which must accompany this application:

- Evidence of your identity (see section 2)
- Evidence of the data subject's identity (if different from above)
- Authorisation from the data subject to act on their behalf (if applicable)

Please return the completed form to: ***Laura Hughes – Data Protection Lead***

**Additional Rights:** If after you have received the information you have requested you believe that:

- the information is inaccurate or out of date; or
- we should no longer be holding that information; or
- we are using your information for a purpose of which you were unaware;
- we may have passed inaccurate information about you to someone else;

then you should notify our Data Protection Officer at once.