

SUBJECT ACCESS REQUEST POLICY

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| Date policy reviewed: | 14 June 2019 |
| Date of next review: | 14 June 2021 |
| Person(s) responsible for review: | SLT (Bursar) |

Introduction

The Manor holds personal data on various individuals (known as 'data subjects') including current, past and prospective pupils (and their parents, carers or guardians), staff, contractors and suppliers, for a number of lawful purposes.

Under the General Data Protection Regulation ('GDPR'), individuals have a general right to find out whether we hold or process personal data about them, to access that data, and to be given supplementary information. This is known as the right of access, or the right to make a subject access request ('SAR'). The purpose of the right is to enable the individual to be aware of, and verify, the lawfulness of the processing of personal data that we are undertaking.

How to recognise a SAR (all staff)

A SAR is a request from an individual (or from someone acting with the authority of an individual, e.g. a parent making a request in relation to information relating to their child):

- for confirmation as to whether we process personal data about him or her and, if so
- for access to that personal data
- and certain other supplementary information

Such a request will typically be made in writing but may be made orally (e.g. during a telephone conversation or face to face meeting). It can also be made on social media platforms (e.g. Facebook and Twitter) if the message is directed to the School. The request may refer to the GDPR and/or to 'data protection' and/or to 'personal data' but does not need to do so in order to be a valid request. For example, a letter or social media message which states 'please provide me with a copy of all the information that you have about me' will be a SAR and should be treated as such.

All SARs should be immediately directed to the Bursar as detailed below. If you are in any way unsure as to whether a request for information is a SAR, please speak to the Bursar.

What to do when you receive a SAR (all staff)

If you receive a SAR by email you must immediately forward the request to the Bursar at this email address: bursar@manorprep.org. If you receive a SAR by post you must pass it to the Bursar in person.

If you receive a SAR orally, you must:

- take the name and contact details of the individual;
- inform the individual orally that you will notify the Bursar that the individual has made an oral request and that the School will contact them in relation to the request; and
- immediately email the Bursar and provide the individual's contact details and details of the oral request and the date on which it was received.

You must not take any other action in relation to the SAR unless the Bursar has authorised you to do so in advance.

Is the SAR valid?

Where we process a large quantity of information about an individual, we may need to ask the individual to specify the information or processing activities to which the request relates.

While it is not a requirement under GDPR that an individual must make a SAR in writing, it is helpful for the Manor if they do so. Individuals making an oral request should therefore be encouraged to put it in writing.

The Manor will not usually charge a fee for responding to a SAR. We may, however, charge a reasonable fee (based on the administrative cost of providing the information) for responding to a request:

- that is manifestly unfounded or excessive, e.g. repetitive; or
- for further copies of the same information.

How to verify the identity of the requestor

Before responding to a SAR, we will take reasonable steps to verify the identity of the person making the request. In the case of current employees, pupils and parents, this will usually be straightforward.

We will not retain personal data, e.g. relating to former employees, for the sole purpose of being able to respond to potential SARs in the future.

If we have doubts as to the identity of the person making the SAR, we may ask for additional information to confirm his or her identity. Typically we will request a copy of the individual's driving licence or passport. We may also ask for a recent utility bill (or equivalent) to verify the individual's identity and address.

Requests made on another's behalf

The Manor may receive a SAR from a third party acting on behalf of an individual. This may include parents, carers, legal representatives and those acting under a

power of attorney or other legal authority. The third party must provide sufficient evidence that he or she is authorised to act on behalf of the individual.

Children below the age of 12 are generally not regarded to be mature enough to understand their data rights and the implication of a SAR. Therefore, most SARs from parents or carers of pupils at the Manor may proceed without the express permission of the pupil. This is not a rule and a pupil's ability to understand their rights will always be considered on a case-by-case basis.

Refusing to respond to a request

We may refuse to act on a SAR where:

- even after requesting additional information, we are not in a position to identify the individual making the SAR; or
- requests from an individual are manifestly unfounded or excessive, e.g. because of their repetitive character.

If we intend to refuse to act on a SAR, we will inform the individual no later than one month after receiving his or her request:

- of the reason(s) why we are not taking action; and
- that they have the right to complain to the Information Commissioner's Office ('ICO').

Time limit for responding to a request

Once a SAR is received, the Manor must provide the information requested without delay and within one month of receiving the request.

However, if a SAR is complex or the requestor has made numerous requests, the Manor may extend the period of compliance by a further two months. We will inform the individual of the extension within one month of receipt of the request, and explain why the extension is necessary.

Information to be provided in response to a request

The individual is entitled to receive access to the personal data we process about him or her and the following information:

- the purposes for which we process the data;
- the recipients or categories of recipient to whom the personal data has been or will be disclosed, in particular where those recipients are in third countries or international organisations;
- where possible, the period for which it is envisaged the personal data will be stored, or, if not possible, the criteria used to determine that period;
- the fact that the individual has the right:
 - to request that the Manor rectifies, erases or restricts the processing of his or her personal data;
 - to object to its processing; and
 - to lodge a complaint with the ICO;

- where the personal data has not been collected from the individual, any information available regarding the source of the data; and
- any automated decision we have taken about him or her together with meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for him or her.

How to locate information

The personal data we need to provide in response to a SAR may be located in several of our electronic and manual filing systems or on those of our data processors or other third parties. This is why the School will aim to identify at the outset the type of information requested so that the search can be focused.

Depending on the type of information requested, the Manor may need to search all or some of the following:

- electronic systems, e.g. databases, networked and non-networked computers, servers, pupil records, human resources system, email data, back up data, CCTV;
- manual filing systems in which personal data are accessible according to specific criteria, e.g. chronologically ordered sets of manual records containing personal data;
- data systems held externally by our data processors; and
- other devices used by employees where there is a reason to think that school business has been conducted by these means and that such a search will recover the requestor's personal data.

The Manor will search these systems using the individual's name, employee number (where relevant), or other personal identifier (e.g. nicknames and initials) as keywords.

What is personal data?

Once we have carried out the searches and gathered the information, the School will select the information to be supplied in response to the SAR. The individual is only entitled to receive information which constitutes his or her personal data, not whole documents or reports.

Personal data is any information *relating to* an identifiable person who can be directly or indirectly identified in particular by reference to an identifier, e.g. their name, identification number, location data or online identifier. It may also include personal data that has been pseudonymised depending on how difficult it is to attribute the pseudonym to a particular individual.

Exemptions to the right of subject access

In certain circumstances the School may be exempt from providing some or all of the personal data requested. Some of these exemptions are described below and should only be applied on a case-by-case basis after a careful consideration of all the facts.

- Crime detection and prevention: We do not have to disclose any personal data if its disclosure would prejudice the prevention and detection of crime;
- Protection of rights of others: We do not have to disclose personal data to the extent that doing so would involve disclosing information relating to another individual (including information identifying the other individual as the source of information) who can be identified from the information (or that information and any other information that we reasonably believe the data subject is likely to possess or obtain), unless:
 - that other individual has consented to the disclosure of the information to the individual making the request; or
 - it is reasonable in the circumstances to disclose the information to the individual making the request without the other individual's consent;
- Confidential references: We do not have to disclose any confidential references that we have given to or received from third parties for the purpose of actual or prospective education and employment;
- Legal professional privilege: We do not have to disclose any personal data which is subject to legal professional privilege;
- Management forecasting: We do not have to disclose any personal data which we process for the purposes of management forecasting or management planning to assist us in the conduct of any business or any other activity. Examples of management forecasting and planning activities include staff relocations, redundancies, succession planning, promotions and demotions;
- Negotiations: We do not have to disclose any personal data consisting of records of our intentions in relation to any negotiations with the individual where doing so would be likely to prejudice those negotiations. For example, if HR is negotiating with a member of staff in order to agree the terms of a redundancy package and the employee makes a SAR, HR can legitimately withhold giving access to information which would prejudice those redundancy negotiations;
- Safeguarding: We do not have to disclose any personal data that might prejudice any process designed to protect the public (including pupils) from seriously improper conduct;
- Child abuse data: We do not have to disclose personal data consisting of information as to whether the individual is (or has been) the subject of, or may be at risk of, child abuse, where disclosure would not be in the individual's best interests; and
- Serious harm: We do not have to disclose personal data that is likely to cause serious mental or physical harm to any individuals, in the context of records: held on a pupil (past or present) by the School or which concern medical or social work.

Consequences of failing to comply with this policy

The Manor takes compliance with this policy seriously. If we fail to fully comply with a subject access request we may be in breach of GDPR and other relevant legislation. This may put at risk the individual(s) whose personal information is being processed

and lead to the individual complaining to the ICO and/or taking the School to court. Because of the importance of this policy, an employee's failure to comply with any requirement of it may lead to disciplinary action.

Point of contact

Any questions regarding this Policy should be address to the Bursar at bursar@manorprep.org

Review of this policy

This policy will be reviewed as necessary to ensure that it remains legally compliant and fit for purpose.