The Parkside School
Subject Access Request Procedure

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Signed:		
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INTRODUCTION

Scope

This procedure applies to all personal data processed by The Parkside School excluding personal data that is asked for as a matter of routine by data subjects.

Data subjects are entitled to exercise their right of access under the General Data Protection Regulation (GDPR) to any personal data about themselves and, if the request is valid, be provided with the requested information in an easy to access format, free of charge, within one calendar month* of the request.

*See 'Deadlines' below for variances to this.

Who

This procedure is applicable for all staff and managers:

- All staff are responsible for ensuring that any request for information they receive is dealt with in line with the requirements of the GDPR by following this procedure;

- All staff have a responsibility to recognise a request for information and ensure it is passed to the responsible member of staff and/or the Data Protection Officer within two working days.

What is the purpose of the right of access under GDPR?

- The GDPR gives as the reason for allowing individuals to access their personal data as so that they are aware of, and can verify the lawfulness of, the data processing (Recital 63).

Definitions

- **Personal data** means any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is a person who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or by one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

- **Data subject rights** – this refers to the rights that the GDPR gives to data subjects in relation to their personal or sensitive data including:

    - The right to be informed on what data is processed/shared, how and why;

    - The right of access (i.e. subject access requests);

- The right to rectification, correcting errors;
- The right to erasure (i.e. the right to be forgotten);
- The right to restrict processing;
- The right to data portability;
- The right to object;
- Rights in relation to automated decision making and profiling using personal data.

- **Subject access request (SAR)** – a request made by a data subject for information about, and access to, personal data about themselves that The Organisation is processing, including:
- A description of the personal data;
- Where/how it is being processed;
- The purposes for which it is being processed;
- Details of who is allowed to see the personal data;
- How long it will be kept.

How to recognise a valid Subject Access Request (SAR)

There is no formal way to submit a request. Valid SARs could be sent in writing, including by letter, fax or by electronic means for example: by e-mail, a website form, texts, Facebook or Twitter. They can also be submitted verbally.

They include all requests for personal data, whether or not the data subject has referred to data protection, SARs, the Data Protection Act and include requests which refer to Freedom of Information instead. It is up to you to recognise the request and deal with it as helpfully as possible.

Verbal requests are considered valid, but good practice suggests staff members receiving such requests, should record the details of the request and confirm the details with the requester in order to avoid later disputes. (We recommend that the request is documented on the SAR FORM in the appendix.)

Who can receive a SAR?

A SAR can be given to any member of staff, contracted, permanent or otherwise.

Deadlines

Schools must deal with all reasonable requests within one calendar month, starting on the day the request is received. Variances to this may include:

- If an identity (ID) check or further information is required to comply with the request, then the deadline will be calculated from the date when the new information is received.

- If the request is deemed complex, the data subject should be informed of the decision and the deadline may be extended by up to two months.

The data subject must also be informed as soon as possible if school holidays could impact the school's ability to carry out ID checks and/or meet the one calendar month deadline.

THE SAR PROCEDURE

The objective of the procedure is to make sure that the request is properly received and documented and that the nominated Data Protection person can respond to the request in a correct and timely manner.

General staff role:

1. Request is received from a Data Subject.

2. Log the request and inform the relevant people:

2.1 Record the request in the Subject Access Request log:

2.1.1 Log onto the Data Protection Knowledge Bank at: http://kb.dataprotection.education

2.1.2 Visit Logs>SAR Logs

2.1.3 Select your school and click "Add"

2.1.4 Add the known details as listed in the form, including the date the SAR must be completed. Further details can be added later.

2.1.5 Click the "Submit" button to save and log the SAR.

2.2 Notify the responsible member of staff (the Data Protection Lead or Head Teacher). Data Protection Education will be notified automatically;

2.3 Do this without delay, and within two working days of receipt of the request.

2.4 Updates from both the organisation and Data Protection Education should be added to the existing log online.

2.5 When the SAR is completed, the DPO will mark as closed.

Data Protection Lead & DPO

3. The responsible members of staff for dealing with SARs Fiona Webster-Lee Assistant Head Teacher and DPE qualifies the request and confirms the identity of the data subject.

3.1 If an ID check is needed, the one calendar month deadline starts from when the new information is received.

3.2 If further information to clarify the data request is needed, the one calendar month deadline starts from when the information is received. If the data subject does not provide further clarification, the SAR must still be actioned.

4. If the identity/request is qualified, evaluate the request and compile the requested information:

4.1 The time available under GDPR is one month to provide the information of charge, unless a request is complex, manifestly unfounded or excessive/repetitive.

5. IF requests are complex, manifestly unfounded or excessive, in particular because they are repetitive, the DPO can decide to:

5.1. For complex requests - extend the time by a further two months (while still notifying the data subject of this decision within one month). In these cases, the most senior level of the organisation will be involved, usually the Governing Board or board of Trustees;

5.2. For excessive/repetitive/unfounded requests - charge a reasonable fee for administrative costs of providing the information; or provide a negative response to the request.

6. Compile and send the requested data.

6.1 If the request was made electronically (digitally), you should provide the information in a commonly used electronic format.

7. Close the request in the Subject Access Request Log.

STAFF PROCEDURE & FURTHER CONSIDERATIONS

What must I do?	Why?	How?
Be clear about the nature of the request and identify what information is being requested.	Being clear about the nature of the request will enable you to decide whether the request needs to be dealt with in accordance with statutory requirements, who needs to deal with the request, and/or whether this is business as usual (BAU). If needed ask the submitter of the request for clarity.	Review the request and identify: If the request is for the personal information of the requester or made by an individual on behalf of another person (e.g. on behalf of a child or an adult lacking capacity) – this is a subject access request; If the request is for non-personal information – this may be dealt with as BAU or formally under the Freedom of Information Act 2000 (the FOIA) or the Environmental Information Regulations 2004 (the EIR). NB: The request can be received in a range of different formats e.g. letter, email, a completed form, or can be made via social media (e.g. a Facebook page or Twitter account).
If the request is a SAR the request must be forwarded to the responsible member of staff (usually the Head Teacher) and the Data Protection Officer within two working days of receipt of the request.	The GDPR stipulates that SARs must be completed within one month of the request – but in reality, as soon as possible.	Log the SAR in the subject access request log and inform all appropriate staff required to deal with the request.

If the information requested is for non-personal information i.e. is organisational or statistical information, this will fall under the FOIA or EIR, or BAU and will be dealt with, as follows: All non-routine FOIA or EIR requests must be forwarded to the responsible member of staff (usually the Head Teacher) and the Data Protection Officer within two working days of receipt of the request.	The FOIA and EIR stipulates that requests must be completed within 20 working days of the request – therefore the more swiftly requests are being dealt with, the more likely The Parkside School will meet its statutory deadlines. BAU requests need to be dealt with by an individual in that particular service area, who can identify and locate the information requested and provide a response within a reasonable timeframe.	If the request is for non-routine/FOIA/EIR information, contact the responsible member of staff (usually the Head Teacher) and the Data Protection Officer.
If the information requested is for the personal information of an individual for use in a criminal investigation by the police, or any other agency investigating criminal offences, this will fall under either the regulatory Investigative Powers Act 2000 (RIPA) or Data Protection.	It is in the public interest that requests are identified and dealt with as quickly as possible.	Scan and email the request to the responsible member of staff (usually the Head Teacher) and the Data Protection Officer as needed.
The request can be for either hard copy or any type of electronic information including email traffic i.e. the time and information that an email was sent. The request must be forwarded to the responsible member of staff (usually the Head Teacher) and the Data		

Protection Officer within two days.		

SUBJECT ACCESS REQUEST (FORM) – PART 1

By completing this form, you are making a subject access request under the General Data Protection Regulation (GDPR) for personal information held about you by The Parkside School that you are eligible to receive. Please complete this form and return it to The Parkside School

A) The Data Subject Details

Title	
Surname	
First Name(s)	
Current Address	
Telephone (Home)	
Telephone (Work)	
Telephone (Mobile)	
Email address	
Date of birth	
Details of identification provided to confirm name of data subject in question	
Details of data requested: *[Example: Emails between "A" and "B" from 1 May 2017 to 6 September 2017.]*	

B) Declaration of Data Subject

By signing below, you indicate that you are the individual named above. The organisation cannot accept requests regarding your personal data from anyone else including family members – see Part 2. We may need to contact you for further identifying information before responding to your request. You warrant that you are the individual named and will fully indemnify us for all losses and expenses if you are not.

Signature: ……

Date: ……

SUBJECT ACCESS REQUEST (FORM) – PART 2
C) Declaration of behalf of Data Subject

If you are requesting the information on behalf of a data subject, please complete this section:

Are you acting on behalf of the data subject with their written consent or in another legal authority?	Yes	No
If 'Yes' please state your relationship with the data subject (e.g. parent, legal guardian or solicitor)		
Has proof been provided to confirm you are legally authorised to obtain the information?	Yes	No

Title	
Surname	
First Name(s)	
Current Address	
Telephone (Home)	
Telephone (Work)	
Telephone (Mobile)	
Email address	

I hereby request that The Parkside School provide me with the information about the data subject above.

Name ……

Signature: ……

Date: .....