

**Rack House Primary School  
GDPR Data Subject Access Policy**

**May 2018**

# GDPR Data Subject Access Request Policy

## Contents

1. Introduction	3
2. Scope and Purpose	3
3. Rights of the Data Subject	3
4. Subject Access Request Requirements	4
5. Review & Update	7
6. Training	7
7. Approvals and version control	8
Appendix A – Subject Access Request Form	9

## **GDPR Data Subject Access Request Policy**

### **1. Introduction**

Rack House processes (including collecting, storing and transmission) different types of personal data about pupils, parents, staff, governors, volunteers, other stakeholders and members of the public who have been in contact with the school to fulfil its role and to meet its legal obligations.

Rack House has a responsibility to protect this information and ensure its confidentiality, integrity and availability.

This document sets out Rack House's policy and procedures relating to responding to subject access requests, that is, requests from individuals to access their own personal data.

### **2. Scope and Purpose**

#### **2.1 Scope of this policy and procedure**

Rack House defines a 'personal subject access request' as a request in any form received by a member of staff where the data subject expresses a request to access some or all of their personal data.

Rack House's Subject Access Request policy and procedure applies to permanent employees, and third parties who act as a data processor on behalf of Rack House. For the purposes of this document, "Rack House staff" refers to both permanent employees and third-party data processors.

#### **2.2 Purpose of this policy and procedure**

Rack House's Data Protection Policy requires that a procedure will be developed and maintained for dealing with subject access requests. This document contains the procedures to establish the methodology for handling a request from an individual who wishes to exercise their right to access their personal data.

### **3. Rights of the Data Subject**

#### **3.1 Right to Access**

Under Article 15 of the Regulation (EU) 2016/679 (known as the General Data Protection Regulation (GDPR)), an individual has a right to access personal data which has been collected concerning them by Rack House. Article 15 allows an individual to access that personal data and be provided with the following information;

- (a) The purposes of the processing;
- (b) The categories of personal data concerned;
- (c) The recipients or categories of recipients concerned, in particular recipients in third countries (where applicable), and the safeguards in place relating to the transfer of personal data;
- (d) Retention periods;
- (e) Information on the rights of the individual to have their personal data rectified, restricted, erased or objected to;
- (f) The right to lodge a complaint with a Supervisory Authority;
- (g) If personal data have not been collected directly, the source of the personal data;
- (h) The existence of automated decision making and/or profiling relating to the personal data;

## GDPR Data Subject Access Request Policy

Where a controller processes a large amount of data in relation to the data subject, prior to providing the information, the school may request the data subject to specify the information to which the request relates (Recital 63, GDPR). The relevant articles are contained in Appendix A and relevant recitals in Appendix B of this document.

### 3.2 Right to Portability

Where the right to access requires personal data to be provided in a commonly used form, the right to portability goes further under Article 20 and requires the [SCHOOL NAME] to provide the information to the data subject “in a structured, commonly used and machine-readable format” so it can be transferred to another controller “without hindrance.”

The right to portability applies to the following:

- Personal data processed by automated means;
- Personal data provided to the controller;
- Only where the legal basis is for consent or data is being processed to fulfil a contract;

This right should not adversely affect the rights or freedoms of others, including trade secrets or intellectual property and, in particular, copyright protecting the software. However, the result of those considerations should not be a refusal to provide information to the data subject.

As outlined in Rack House’s Data Protection Policy, it is expected that this right will apply only to a small number of data subjects based on the lawful basis for the processing carried out by the school.

## 4. Subject Access Request Requirements

### 4.1 Format of Response

Rack House must provide a copy of the personal data to the data subject. In line with Article 15 of the GDPR, where the data subject submits an access request by electronic means, the information should be provided to the data subject by electronic means, unless otherwise requested by the data subject.

### 4.2 Costs

A SAR should be provided to the data subject free of charge. However, for additional copies provided to the data subject, Rack House may charge a reasonable fee or where access requests are “manifestly unfounded or excessive” taking into account the administrative costs of providing the information as outlined under Article 15 and Article 12 of the GDPR.

### 4.3 Subject Access Request Form

Rack House publishes on its website a Subject Access Request Form. The form gives information to data subjects about how to make a valid subject access request. The form is included in Appendix A of this document.

### 4.4 Information about examinations

Special rules apply to subject access requests relating to information about the outcome of academic, professional or other examinations. These rules, which apply to requests for examination scripts, marks or markers’ comments, are designed to prevent the right of subject

## GDPR Data Subject Access Request Policy

access being used as a means of circumventing an examination body's processes for announcing results.

Information comprising the answers given by a candidate during an examination is exempt from the right of subject access. So a subject access request cannot be used to obtain a copy of an individual's examination script.

Although this exemption does not extend to an examiner's comments on a candidate's performance in an examination (whether those comments are marked on the examination script or recorded on a separate marking sheet), or to details of the marks awarded, there is a special rule governing the time limit for responding to a subject access request for such information in cases where the request is made before the results are announced. In such cases, a response must be provided within the earlier of:

- five months of the date of the request; and
- 40 days of the date on which the results are announced.

Where a subject access request is made for an individual's examination marks, a response may only be refused (or delayed) for reasons permitted by the GDPR. So, it would not be appropriate to refuse to provide details of examination marks in response to a subject access request because the requester had failed to pay their tuition fees. Clearly, though, providing information about examination results is not the same as conferring a qualification.

### 4.5 Parents right of access to children's "educational record"

Parents have a separate right of access to their child's 'educational record' (in England, Wales and Northern Ireland this right of access is only relevant to maintained schools – not independent schools, English academies or free schools. However in Scotland the right extends to independent schools). Whilst this right overlaps with subject access rights, the right to educational records is not dealt within this policy and procedure.

### 4.6 Exemptions

A subject access request may be refused where it is deemed "manifestly unfounded or excessive, in particular because of its repetitive character." The burden of demonstrating the manifestly unfounded or excessive character will rest with the Rack House as outlined under Article 12 of the GDPR.

There are other instances where the school may decide to refuse the request. Examples of reasons to refuse a request include where the requester is involved in a claim against the school, seeking compensation, and the information requested reveals details of the organisation's decision process in relation to their claim; or if releasing the personal data requested would mean that the personal data of another individual would be unfairly disclosed.

### 4.7 Refusing a Request

Under Article 12 of the GDPR, where Rack House refuses to respond to a subject access request, Rack House shall inform the data subject without delay and at the latest within one month of receipt of the request of the following:

- Reasons for refusing to respond;
- The right to lodge a complaint with the Information Commissioner's Office;
- The right to seek a judicial remedy.

### 4.8 Deleting data

## **GDPR Data Subject Access Request Policy**

It is an offence under the GDPR to delete data that is the subject of an access request. Under no circumstances should the data be deleted even if it has been retained for a period longer than Rack House's retention schedule permits.

### **4.9 Data Processors**

Where Rack House uses a data processor, then we must notify the processor of the subject access request and ensure that contractual arrangements are in place to guarantee that such requests are dealt with efficiently by all data processors.

## **GDPR Data Subject Access Request Policy**

### **5. Review & Update**

This policy and procedure will be reviewed and updated annually or more frequently if necessary to ensure any changes to Rack House's organisation structure and business practices are properly reflected in the policy.

The most up to date version of this policy is published on the school's website.

### **6. Training**

All Rack House Staff are trained to be aware of their responsibility to report subject access requests as quickly as possible. They will also be made aware of the procedure for responding to subject access requests and the point of contact to whom subject access requests are required to be reported. This is likely to be the School's Data Protection Officer in most instances.

Rack House expects its staff to comply with the school's data subject access request policy and procedures in full. Any breach of this policy may result in disciplinary action against the individual in accordance with Rack House's procedures.

## **7. Approvals and version control**

This document was approved and came into effect as follows

<b>Document Control</b>	
<b>Approved By</b>	<b>Darren Amesbury</b>  <b>Headteacher</b>
<b>Date approved</b>	<b>May 2018</b>
<b>Approved by</b>	<b>Mary Ann Daviosn</b>  <b>Data Protection Officer</b>
<b>Date approved</b>	<b>May 2018</b>
<b>Next review date</b>	<b>May 2019</b>
<b>Previous versions</b>	<b>n/a</b>

## Appendix A – Subject Access Request Form

### Requests for Access to Personal Data under Article 15 of the General Data Protection Regulation (GDPR) 2018.

Under the GDPR, you may receive a copy of your personal data held by Rack House electronically or in manual filing systems simply by submitting a subject access request.

Access requests can be submitted by written or electronic means. You may use Rack House's subject access request application form, write a letter, or submit your request using other electronic means, such as an email. You may also submit a request verbally, although a written request is preferable if possible, so that there can be no doubt as to the details of the request.

All written applications along with proof of identity should be addressed to:

Data Protection Officer,  
Rack House Primary School  
Yarmouth Drive  
Northern Moor  
Manchester  
M23 0BT

To help us answer your request please be as specific as possible about the information you wish to see, and give as much information as you can to help us find it.

You are legally entitled to a decision regarding your request within *30 days* of Rack House's receiving your request. The 30 days begins the day after the school receives your request. So, for example, if your request is received on 29 March, the school would have until 30 April to respond to your request, irrespective of weekends. Public holidays, however, are excluded from the 30 days. However, every effort will be made by the Data Protection Officer to deal with your request as soon as possible, and you will receive an acknowledgement on receipt of your application, which will outline the deadline for your particular request.

If you are unhappy with the decision of the Data Protection Officer you have the right to complain to the Information Commissioner's Office who will investigate the matter for you. The Information Commissioner's Office has legal powers to ensure that your rights are upheld. You also retain the right to seek a judicial remedy.

#### Role of the Information Commissioner's Office

The Information Commissioner's Office, with whom Rack House is registered as a data controller, oversees compliance with the terms of data protection legislation. The Information Commissioner's Office has a wide range of enforcement powers, including investigative and corrective powers. The telephone number to contact them is 0303 123 1113, and website is [www.ico.org.uk](http://www.ico.org.uk).

**GDPR Data Subject Access Request Policy**

**Access Request Form:** Request for a copy of Personal Data under Article 15 of the General Data Protection Regulation 2018.

**Important: A photocopy of your proof of identity (E.g. passport or driver’s licence) and a photocopy of proof of address must accompany this Access Request Form (see Note below).**

**Section A - please complete this section**

**Full Name**.....

**Postal address**.....

.....

.....

**Telephone/e-mail\***

.....(include area code)

\* we may need to contact you to discuss your Access Request

**Section B - please complete this section**

I, .....[insert name] wish to have access to data that I believe the [School Name] retains on me as outlined below (please include any relevant information to assist us)

.....

.....

.....

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

<b>Checklist: Have you:</b>	<b>Yes</b>	<b>No</b>
Completed the Access Request Form in full?	<input type="checkbox"/>	<input type="checkbox"/>
Attached a photocopy of proof of your identity and address?	<input type="checkbox"/>	<input type="checkbox"/>
Signed and dated the Access Request Form?	<input type="checkbox"/>	<input type="checkbox"/>

If you have ticked **No** to any question above Rack House cannot process your request.

Please return this form to: **Data Protection Officer, Rack House Primary School, Yarmouth Drive, Northern Moor, Manchester, M23 0BT**

**Note:** we require proof of the applicant’s identity and address to ensure that the person making this access request is acting legitimately.