

**SUBJECT ACCESS POLICY
FOR
THE BUCKINGHAM SCHOOL
A SPECIALIST SPORTS COLLEGE**



NAMED PERSON:	DAVE OSBORNE
ATTACHED COMMITTEE:	FINANCE & RESOURCES
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1 Introduction and purpose

The General Data Protection Regulation and The Data Protection Act 2018 (the Act) gives individuals rights over the use, the processing and of access to their personal records held by the school. This Policy explains how the school will fulfil its obligations under the Act.

2 Policy Statement

The school is committed to upholding its responsibilities under the data protection legislation and respects the rights of data subjects.

The aim of this policy is to ensure that the school complies with its legal obligations under GDPR and the Data Protection Act 2018 and can evidence that you have done so. It also aims to ensure we:

- Have robust processes in place for dealing with SARs, saving time and effort;
- Increase levels of trust and confidence by being open with individuals about the personal information we hold;
- Improve the transparency of our activities in line with public policy requirements.

This policy should be read in conjunction with the Subject Access Request Procedure.

3 Scope of the Policy

This document outlines how an applicant can make a request to exercise their rights in relation to the information we hold about them. The Act and how it will be processed. An applicant may be a member of the school, their legal representative or a member of staff

4 Key Definitions

Subject Access Request or SAR	A request for access to data by a living person under the Act is known as a Subject Access Request or SAR. All records that contain the personal data of the subject will be made available, subject to certain exemptions.
Freedom of Information Request or FOI.	A request for access to data held is dealt with under the Freedom of Information Act 2000 and is known as a Freedom of Information Request or FOI. Requests for the data of deceased people may be processed under this legislation.
Personal Data	Personal data means data which relates to a living individual who can be identified directly or indirectly from the data, particularly by reference to an identifier. Personal data can be factual (such as a name, address or date of birth) or it can be an opinion (such as a performance appraisal).

Special Category Data	<p>Certain personal data, special category data, is given special protections under the Act because misuse could create more significant risks to a person's fundamental rights and freedoms. For example, by putting them at risk of unlawful discrimination. Special category data includes:</p> <ul style="list-style-type: none"> • a person's racial or ethnic origin; • political opinions; • religious or similar beliefs; • trade union membership; • physical or mental health or condition or sexual life; • biometric or genetic data.
Data Controller	<p>The organisation which determines the purposes and the manner in which, any personal data is processed is known as the data controller. The school is the data controller of all personal data used and held within each part of the school</p>
Data Processors	<p>Organisations or individuals who process personal data on behalf of a data controller are known as data processors. Employees of data controllers are excluded from this definition, but it could include suppliers which handle personal data on our behalf.</p>
Data Subject	<p>A living individual who is the subject of personal data is known as the data subject. This need not be a UK national or resident. Provided that the data controller is subject to the Act, rights with regards to personal data are available to every data subject, wherever his nationality or residence.</p>
Third Party	<p>An individual who is not the subject of the data but may be connected to or affected by it is known as a third party.</p>
Relevant Professional	<p>The practitioners who supply information held on Social Services records, and various other medical and educational records. A relevant professional will consider where disclosure is likely to cause serious physical or mental harm to the applicant or any third party.</p>

5 Data Subject Rights

Subject access is most often used by individuals who want to see a copy of the information the school holds about them. However, subject access goes further than this and an individual is entitled to be:

- Told whether any personal data is being processed;
- Given a description of the personal data, the reasons it is being processed, and whether it will be given to any other organisations or people;
- Given a copy of the personal data; and
- Given details of the source of the data (where this is available).

An individual can also request information about the reasoning behind any automated decisions taken about him or her, such as a computer-generated decision for benefit or a grant entitlement, or an assessment of performance at work.

6 Roles and Responsibilities

Adhering to the GDPR and Data Protection Act 2018 is the responsibility of every member of staff acting for or on behalf of the school. Subject Rights requests fall within the data protection statutory framework and the ability to identify and appropriately handle a request for information or to exercise any other rights is considered to be part of every employee's role.

DPO with DPO Lead	Data Protection Officer and DPO lead hold overall responsibility for compliance with the Act.
DPO Lead	IT director has responsibility for the management of Subject Access Requests; this includes assisting your Data Protection Officer in dealing with complaints from the Information Commissioners Office, general compliance issues and data subject queries and concerns. Ensures that SARs are responded to in a timely manner and that only data that the data subject is entitled to access are sent out. Also responsible for completing a double check of all SAR's before they are securely dispatched.
Employees	All employees, including temporary staff, must understand their duty of care to ensure the confidentiality of all personal data. In addition, they must have an understanding of this Policy and where to direct individuals enquiring about subject access requests.

7 How can an individual make a SAR?

A valid SAR does not have to be made in writing, but it is good practice to have a written request or confirmation in writing, so that the scope of the request is clear.

NOTE: *No matter how a request is received there is no requirement for the requester to mention either the Data Protection Act or Subject Access for it to be a valid request. In some cases, the requester may even state the wrong legislation e.g. Freedom of Information Act, but the request will still be valid.*

It is the responsibility of **all** staff to recognise a subject access request and process it accordingly. Failing to recognise a SAR is not an excuse for non-response and the school will still need to comply with the request in the statutory time period of a month from receipt of the request.

8 Can individuals request personal information on behalf of another person?

Yes, they can. The Act allows for an individual to make a request on behalf of another person. This may be a solicitor acting on behalf of the individual, a parent making a request for their child's information, a third party making the request for someone who has limited capacity, or indeed many other reasons.

However, to ensure the security of the personal information we hold, we must confirm identity and a right to exercise the rights, before we act on a request. For example, a parent is not necessarily automatically entitled to all information about their children.

Further information with regards to SARs made on behalf of another person can be found in the Subject Access Procedure.

9 How long do we have to respond?

A maximum of a month starting from the day the request and identification (if required) is received. In exceptional circumstances an extension can be agreed.

Is there a fee to pay? No. – the rights are fundamental, and no fee can be charged for handling a request

However, a 'reasonable fee' can be charged when a request is manifestly unfounded or excessive, particularly if it is repetitive.

You may also charge a reasonable fee to comply with requests for further copies of the same information. This does not mean that you can charge for all subsequent access requests.

The fee must be based on the administrative cost of providing the information.

10 What do I do if I receive a request?

In practice, if the request is simple e.g. someone wants to see a small part of their data (an exam result or written consent); you need to apply common sense. We do not require a formal SAR if the individual can prove their identity, the information is readily available there and then, and no other third-party data will be unreasonably released. Such requests should be dealt with quickly, as business as usual and with little formality.

All other (“non-routine”) requests for rights relating to the personal data we hold which are likely to take a reasonable amount of resource must be directed to the dpo@buckinghamschool.org to be completed by the school within one month and be logged.

Which information is covered by a request?

Requests relate to all the information we hold, not just for “live” files. SARs cover all information held by the school regardless of the format it is in or where it is stored, whether it is closed, archived, and in some cases even deleted information (eg. located in outlook deleted items).

11 Can I provide all information found relating to the data subject?

The simple answer is no. The school must consider whether it is possible to comply with the SAR without revealing information that relates to and identifies a third-party individual or any other exempt information.

Examples of third-party information that cannot be shared routinely without specialist consideration are:

- Safeguarding concerns which may contain information about multiple children including siblings and estranged parents
- Files containing legally privileged information
- Files containing advice from relevant professionals such as doctors, police or probation services
- Employee files containing information identifying managers or colleagues who have contributed to (or are discussed in) that file.

Special consideration should be given to sharing this type of information. More information can be found in the Subject Access Request Procedure.

12 What is a double check?

Before a SAR is sent out to the data subject the Head teacher’s PA will carry out a double check. This is done to ensure that all third-party data has been removed appropriately and that any documents have been redacted appropriately.

Third party data sent out in error to the wrong person constitutes a data breach under the Data Protection Act 2018 and can have very serious consequences for the school.

The Head teacher is ultimately responsible for completing a double check of the information to be provided to the data subject. For further guidance on the double check please refer to the Subject Access Request Procedure.

13 Complaints

If an applicant is unhappy with the service, they have received or the response to their request they should contact: complimentsandcomplaints@buckinghamshire.gov.uk or by Letter: Compliments & Complaints Team, Buckinghamshire Council, Walton Street, Aylesbury, Buckinghamshire, HP20 1UA

As there is a statutory complaint process in place, these complaints will be dealt with outside the School's Complaint Policy.

All complaints must be responded to within 1 month of receipt.

Where a complaint relates to the response to a subject access request, the response must include an explanation of why that response was given e.g. why information was not deleted from a record.

The Data Protection Officer will make an independent assessment of the case. If the applicant remains dissatisfied, they may ask the Information Commissioners Office to carry out an independent investigation.

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

Telephone: 0303 123 1113

Fax: 01625 524510

<https://ico.org.uk/make-a-complaint/>

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Mr Matthew Watkins
Chairman
Governing Body

A handwritten signature in black ink, appearing to read 'M. Watkins', with a stylized flourish at the end.