

Subject Access Request Policy



Approved by: Trust Board

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Document Control

Issue No	Date	Amended by	Summary of Changes
1		Holly Walker	New policy; removed from combined DP and FOI policy

Authorisation (Responsible Owner)

Name	Role	Approval Date
Jemma Lynch	Trust Safeguarding Lead	5 July 2023

Approval (Accountable Owner)

Name	Role	Approval Date

Distribution List – Once authorised (Informed)

Name	
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	For uploading to Trust website

Review Period (at least annually or whenever statutory guidance changes)

Date Document Reviewed	By Whom
15/09/2023	Holly Walker
08/10/2024	Holly Walker Reviewed and no changes made

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1. Introduction

- 1.1 The Unity Schools Partnership and the schools therein (“the Trust”) collect and process certain types of personal data about staff, pupils, parents and other individuals who come into contact with the Trust in order to provide education and associated functions.
- 1.2 In accordance with the UK General Data Protection Regulation (UK GDPR¹) and other related legislation, including the Data Protection Act 2018 (DPA 2018²) all individuals have rights over their own data, including the right of access.

2. Aim of the policy

- 2.1 This policy outlines the procedure that the Trust follows when processing requests made by individuals to enact their right of access to their data, in accordance with article 15 of the General Data Protection Regulations (GDPR)
- 2.2 This policy is written with due regard to all relevant legislation and guidance including, but not limited to, the following:
- Data Protection Act 2018
 - General Data Protection Regulations (GDPR)
- 2.3 This policy operates in conjunction with the following Trust policies:
- Data Protection Policy
 - Records Retention Policy

3. Scope of the policy

- 3.1 This policy and the processes herein apply to all manual files and computerized data, if they come within the definition of a filing system. Broadly speaking, a filing system is one where the data is structured in some way that it is searchable on the basis of specific criteria (for example, you would be able to use something like the individual’s name to find their information), and if this is the case, it does not matter whether the information is located in a different physical location.
- 3.2 This policy will be updated as necessary to reflect best practice, or amendments made to data protection legislation, and shall be reviewed annually.

4. Definitions

- 4.3.1 The Trust – For the purposes of this policy, “The Trust” refers to Unity Schools Partnership and all schools within the Multi-Academy Trust.
- 4.2 Data subject –

¹ [Regulation \(EU\) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data \(United Kingdom General Data Protection Regulation\)\(Text with EEA relevance\) \(legislation.gov.uk\)](#)

² [Data Protection Act 2018 \(legislation.gov.uk\)](#)

4.2.1 A 'Data Subject' is someone whose details the Trust gather or process for any reason.

4.2.2 The data subject has rights under the UK GDPR, as defined in section 6.

4.3 Requester -

4.3.1 A 'Requester' is an individual who makes a request to enact one or more of the rights under the GDPR.

4.3.2 The 'Requester' and 'Data subject' may be the same person.

4.3.3 The 'Requester' may be a third party, authorised to act on behalf of the 'Data subject', for instance, a parent/guardian, carer or legal representative .

5. Responsibilities

5.1 The Trust has an overall responsibility to put in place clear policies and procedures and to monitor these processed to ensure that measures have been implemented and remain appropriate and effective.

5.2 Each school within the Trust will ensure that they have designated staff who are appropriately trained to ensure requests made are handled appropriately, in accordance with this policy and processes herein.

5.3 All staff are responsible for identifying and referring requests to the appropriate personnel within the Trust.

5.4 All staff are responsible for completing annual GDPR training.

6. Data Subjects' rights

6.1 Article 15 of the General Data Protection Regulations (GDPR) provides individuals with the right to access personal data collected and processed by an organisation.

6.2 Anybody who makes a request to see any personal information held about them by the Trust is making a subject access request. All information relating to the individual, including that held in electronic or manual files should be considered for disclosure, provided that they constitute a "filing system" (see clause 3.1).

6.3 The individual's full subject access right is to know:

- whether personal data about them are being processed
- the purposes of the processing
- the categories of personal data concerned
- the recipients or categories of recipient to whom their personal data have been or will be disclosed
- the envisaged period for which the data will be stored or where that is not possible, the criteria used to determine how long the data are stored
- the existence of a right to request rectification or erasure of personal data or restriction of processing or to object to the processing

- the right to lodge a complaint with the Information Commissioner's Office
- where the personal data are not collected from the individual, any available information as to their source
- details of the safeguards in place for any transfers of their data to locations outside the European Economic Area.

7. Parents/guardians rights

7.1 As a Multi-Academy Trust, the Education (Pupil Information) (England) Regulations (2005) are not applicable to our schools, with the exception of our special schools³.

7.2 Requests made for education data relating to pupils at any of our primary or secondary schools will be processed as subject access requests, in accordance with this policy.

8. Making a subject access request

8.1 A request must be made by the data subject, or a third party authorised to make a request on their behalf. Where a third party makes a request on behalf of the data subject, they should provide evidence of authorisation to do so, in accordance with section 16 of this policy.

8.2 The Subject Access Request form in Appendix A of this policy is the recommended way to submit a SAR, as this enables the Trust to gather all of the necessary information efficiently.

8.3 If you do not wish to use the Subject Access Request form, the Trust requests that subject access requests are made in writing, to ensure that we are able to properly understand the nature and scope of the request. The Trust consider 'in writing' to include communications via post, fax, email, official school social media accounts and school-parent communication platforms where applicable.

9. Receiving a subject access request

9.1 All requests should be sent by the person who received the request to the Data Protection Officer or the school's Data Protection Lead within three working days of receipt and must be dealt with in full without undue delay.

10. Responding to a request

10.1 When making a SAR, the requester should clarify how they wish to receive communication about the request and provide appropriate contact details to facilitate this.

10.2 When making a SAR, the requester should clarify how they wish to receive the requested data. Data can be provided digitally or in hard (printed) copy. Where the data is provided digitally, it will be provided in an accessible format.

³ [Accessing pupils' information | ICO](#)

- 10.3 It is not required for the data to be provided in its original format. Data may be copied to an alternative format, including re-typing versions of hand-written paperwork where appropriate.
- 10.4 All files must be reviewed by the Data Protection Officer or their delegate before disclosure can be made. Access will not be granted until this review has been completed.

11. Refusal of a subject access request

- 11.1 Requests may be refused due to being considered “Manifestly Unfounded” or “Manifestly Excessive”.
- 11.2 Manifestly Unfounded requests include requests which have no clear intention or purpose or which are clearly malicious or disruptive.
- 11.3 Manifestly Excessive requests include repeated requests for the same or similar information when a reasonable time period has not elapsed, or where a request is deemed to involve disproportionate effort.
- 11.4 Where a request is being refused on the basis of being Manifestly Unfounded or Manifestly Excessive, the requestor will be advised of the refusal and the reasons for the refusal.
- 11.5 Requests may also be refused in part or in full for the following reasons:
- Insufficient evidence of identity (as per part 15)
 - Insufficient evidence of relationship to the data subject (as per part 15)
 - Insufficient evidence of authorisation from the data subject (as per part 16)
 - Lack of clarification (as per part 17)
 - Exempt data (as per part 19)
 - Disproportionate effort (as per part 20)

12. Fees

- 12.1 The Trust will usually respond to a subject access request free of charge.
- 12.2 Where the request is manifestly unfounded or manifestly excessive, or where requests are made for copies of data which have previously been provided to the requestor, a reasonable fee may be charged. The fee will relate to the administrative cost of providing the data.

13. Time limits

- 13.1 The Trust will respond to all subject access requests promptly, within one calendar month of the date of the request, or the date of authorisation and/or clarification, where appropriate.

- 13.2 Where it is not possible to respond within one calendar month, the Trust will ensure that the requester is informed of the extension and the reasoning for the extension within one month of receipt of the request.
- 13.3 Where the request is complex, or a number of requests have been received, the timeframe can be extended by two months, ensuring that the requester is informed of the extension and the reasoning behind it within one month of the receipt of the request.

14. Confirming the identity of the requester

- 14.1 The Trust will only release data in response to a SAR where the identity of the requester can be positively confirmed.
- 14.2 The Trust may be required to request proof of identity in order to verify that the requester does have rights to access the personal data. If requested, proof of identity should include a copy of two documents such as a birth certificate, passport, diving license, official letter addressed to the requester at their address e.g. bank statement, utilities bill or council tax bill. The documents should include name, date of birth and current address. If there has been a change of name, please supply relevant documents evidencing the change.
- 14.3 The requester must provide sufficient proof to verify their identity. If sufficient proof of identity is not provided, the Trust may not be able to proceed with the request.

15. Requests made by third parties

- 15.1 Any individual, including a child or young person with ownership of their own information rights, may appoint another person to request access to their records.
- 15.2 The Data Protection Officer must be satisfied that the third party making the request is entitled to act on behalf of the data subject.
- 15.3 Where a SAR is made by a parent/guardian, it may be necessary for proof of parental responsibility to be provided. If requested, proof of parental responsibility should include a copy of a birth certificate, court order or adoption certificate. The documents should include names of both parties. If there has been a change of name, please supply relevant documents evidencing the change. Where the Trust is not satisfied that the requester has parental responsibility, the Trust may not be able to proceed with the request.
- 15.4 Where a SAR is made by a legal representative, it may be necessary for proof of professional relationship to be provided, such as a letter of instruction signed by the data subject. Where the Trust is not satisfied that the requester has such professional relationship, the Trust may not be able to proceed with the request.

16. Authorisation of third parties

- 16.1 Where a request is made by a third party, the requester is responsible for providing written evidence that the individual has authorised the person to make the application and the Data Protection Officer, or their delegate must be confident of the identity of the individual making the request and the authorisation of the data subject.

16.2 In these circumstances, the Data Protection Officer or their delegate must be satisfied that the request and evidence of authorisation is legitimate. If the Trust are not satisfied that the request or authorisation is genuine, a member of staff may be required to confirm this with the data subject directly.

16.3 Where an individual does not have sufficient understanding to make his or her own request (Usually where the individual is under 12 years of age, or where the individual is 12 years or older but is understood to lack the mental capacity to consent for example, where there is evidence of special educational needs which effects the individual's mental capacity to understand their rights), a person with parental responsibility can make a request on their behalf or consent to a third party making a request on their behalf. The Data Protection Officer or their delegate must, however, be satisfied that:

- the child or young person lacks sufficient understanding; and
- the request made on behalf of the child or young person is in their interests.

17. Clarification of the request

17.1 It is the responsibility of the requester to provide clear direction as to what information is being requested. This may include providing details of relevant dates, search criteria, categories of data or relevant staff names, where appropriate. It may also be useful to provide context behind the request.

17.2 If the requester is unclear on what data they may want, or what types of data are held, it may be useful for them to speak with a relevant member of staff prior to submitting their request.

17.3 Where it is unclear what data is being requested via the SAR, or where the request is very broad, the Trust may be required to contact the requester to provide further clarification of what information is being requested. If clarification is not provided, the Trust may not be able to proceed with the request.

17.4 Where the request made is very broad, it may take longer to provide the requested data.

18. Scope of the request

18.1 Unless specifically otherwise stated, searches for requested data will be conducted only within the school where the Data Subject is based.

18.2 For requests made where the data subject is a Unity Schools Partnership central team member, searches for data will be conducted only within the central team's digital and manual storage areas, unless specifically otherwise stated.

19. Exemptions to access

19.1 The Trust is exempt from disclosing third party personal data, unless the third party data has consented to their personal data being disclosed, or it is reasonable in the circumstances for the third parties data to be disclosed without their consent.

19.2 Other data may not be disclosed if it meets the criteria for exemptions within Schedule 2 of the Data Protection Act (2018)⁴. This includes but is not limited to:

- Health, education and social work data
- Child abuse data
- Management information
- Legal professional privilege
- Confidential references
- Exam scripts and exam marks

19.3 Where data includes information about the data subject and information related to a third party or relating to one of the exemptions within Schedule 2, the Trust will make reasonable efforts to redact the exempt data. If this is not possible, the Trust may be unable to release the information to the requester.

19.4 Where data is provided to us by a third party organisation such as the Local Authority or NHS, we may not be authorised to disclose it. In these circumstances, the requester will be advised to make a request for this data to the respective organisation.

20. Disproportionate effort

20.1 The Trust reserve the right to refuse to provide data requested within a subject access request if to do so would involve disproportionate effort.

20.2 In determining whether responding to a SAR would involve disproportionate effort, the Trust will consider the time, financial implications and technical expertise required to provide the requested data.

20.3 Where the decision is made to refuse to provide any data requested due to disproportionate effort, the Trust will advise the requester of the refusal and the reasons for the refusal.

20.4 The requester may submit an amended request, for example by providing search terms to narrow the scope of the request.

21. Complaints

Trust

All complaints must be made within 20 working days of the response being received and must detail the reasons for the appeal. A review will then be carried out internally by someone not involved in the original decision, usually this will be the Trust's Data Protection Officer.

⁴ [Data Protection Act 2018 \(legislation.gov.uk\)](https://legislation.gov.uk)

Complaints can be made via dpo@unitysp.co.uk, via write to DPO, Unity Schools Partnership, Park Road, Haverhill, CB9 7YD

Information Commissioner's Office

Complaints can also be made to the Information Commissioner's Office via <https://ico.org.uk/concerns/> or via telephone 0303 123 1113 or write to Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

22. Contact

Any questions about this policy should be directed in the first instance to the Data Protection Officer via dpo@unitysp.co.uk

23. Appendix A: SAR FORM

Subject Access Request Application Form Guidance

Please consider the below information before completing this form.

This information is to be read in conjunction with the Subject Access Request policy.

Application information:

Access to the data held by Unity Schools Partnership and the schools herein is governed by the Data Protection Act.

This application applies to data which is held within a 'filing system' or is intended to be part of a 'filing system', as outlined within the Subject Access Request policy.

Requirements:

When making your application, we ask that you give as much detail as possible to assist with the processing of the application, including detail of the time period and parts of the record which you require, where applicable. Staff may be required to request additional information to support your request. If the information provided is insufficient to verify the legitimacy of the request, identify the required information and assess its suitability for disclosure.

Where records requested relate to data provided to us by an external organisation, for example the Local Authority or NHS, we may be unable to provide the requested data.

If you are making a request on behalf of another person (e.g. you are a parent making a request on behalf of your child) you may be required to provide evidence of your relationship with the data subject and/or provide evidence of their consent for you to act on their behalf. You can use the form in Annex B of this policy to do so.

If you are making a request on behalf of a child who is deemed to have legal rights over their own data (as per section 16 of the SAR policy) you must provide evidence of their consent for you to act on their behalf. You can use the form in Annex B of this policy to do so.

Submission of application:

Please send your completed application form, copies of relevant Id and supporting documentation via email to dpo@unitysp.co.uk or submit to the applicable school FAO the Data Protection Lead. Alternatively, forms may be submitted via post FAO Data Protection Officer, Unity Schools Partnership, Park Road, Haverhill, CB97YD

Once your completed application form and appropriate supporting evidence are received, the request will be processed and confirmation will be sent to you.

Incomplete forms will be returned with correspondence stating what would be required for the application to be accepted.

Retention period:

A copy of this application form and any authorisation forms will be retained on file.

Upon confirming identity and/or parental responsibility, any copies of documents relating to your identity will be securely destroyed. A note will be retained on file of what evidence was seen.

Subject Access Request Application Form

1 – School details

School Name	
-------------	--

2 - Data Subject's details

Surname	
Forename(s)	
Previous/Other names (if applicable)	
Date of Birth	
Address, including post code	
Contact email address	
Year group (if applicable)	

3 – Requestor's details* (if different from above)

Surname	
Forename(s)	
Address, including post code	
Contact email address	
Contact telephone number	
Relationship to the data subject	

4 – Request scope

Date from	
Date to	
Scope of request	
Any additional information (locations, staff names, context)	

5 – Confirmation of how you wish to receive communication regarding your request –

Email Address (as above)

Postal Address (as above)

6 – Confirmation of how you wish to receive the requested records –

Email Address (as above)

Postal Address (as above)

7 – Declaration

Please note, signatures must be handwritten. Typed signatures will not be accepted.

Data Subject:

I, _____, certify that the information provided on this form is correct to the best of my knowledge and that I am the person to whom it relates. I understand that Unity Schools Partnership is obliged to confirm proof of identity and that it may be necessary to obtain further information in order to comply with this subject access request.

Signed _____

Dated _____

Third party, on behalf of the Data Subject:

I, _____, certify that the information provided on this form is correct to the best of my knowledge and that I am legally authorised to act on behalf of the data subject. I understand that Unity Schools Partnership is obliged to confirm proof of identity/authorisation, and that it may be necessary to obtain further information in order to comply with this subject access request.

Signed _____

Dated _____

24. Appendix B: SAR AUTHORISATION FORM

SAR authorisation form guidance

Please consider the below information before completing this form.

This information is to be read in conjunction with the Subject Access Request policy.

Application information:

Access to the data held by Unity Schools Partnership and the schools herein is governed by the Data Protection Act.

This authorisation applies to data which is held within a 'filing system', or is intended to be part of a 'filing system', as outlined within the Subject Access Request policy.

If you are aged 12 or older, and have no significant impairment to your cognitive function, you are deemed to have ownership over your own data.

Requirements:

In completing this authorisation form, you ("the data subject") are freely consenting to the data requested about you being disclosed to the named individual ("the requester"). If you are unsure about what has been requested, please clarify this with the requester prior to signing this form.

Consent can be withdrawn at any time, up to the date that the data is disclosed to the requester – this is usually within one calendar month. If you wish to withdraw consent, you should contact the Data Protection Officer via dpo@unitysp.co.uk or speak to your school's Data Protection Lead.

Submission of application:

This form should be submitted with the Subject Access Request form where possible. Alternatively, this form may be submitted following the application via email to dpo@unitysp.co.uk or submit to the applicable school FAO the Data Protection Lead. Alternatively, forms may be submitted via post FAO Data Protection Officer, Unity Schools Partnership, Park Road, Haverhill, CB97YD

Incomplete forms will be returned to the requester with correspondence stating what would be required for the application to be accepted.

Subject Access Request authorisation form

Please note, signatures must be handwritten. Typed signatures will not be accepted.

I, _____, certify that the information provided on this form is correct to the best of my knowledge and that I am the person to whom it relates. I understand that I have rights over my own personal data, and I hereby confirm that I consent to (requester name)_____ (requester relationship to data subject) _____being provided with the requested data relating to me.

Signed _____

Dated _____