

GDPR Data Subject Access Response Plan

Heathlands School



Policy Review

This policy will be reviewed in full by the Governing Board.

The policy was agreed by the Full Governing Board on 8.7.20.

Next Review due July 2022.

Signature Date

Co-Head Teacher

Signature Date

Governor

Subject Access Request and Response Plan for Heathlands School

1. Introduction

- 1.1 This Subject Access Response Plan sets out how the School will respond adequately and within the time limit to a subject access request ("SAR") in order to comply with its obligations under the General Data Protection Regulation ("the GDPR") and other data protection legislation and should be read alongside our Data Protection Policy.
- 1.2 The procedures set out in this document are particularly important as the GDPR requires the School to respond to a SAR within one calendar month.
- 1.3 The School will ensure that staff are aware of and are trained on this Subject Access Response Plan to ensure it is effective should a SAR be received.
- 1.4 The School's DPO is Samantha Humphries, dpo@heathlands.herts.sch.uk.

2. What is a Subject Access Request?

- 2.1 Heathlands School ("the School") is the Data Controller for all the Personal Data processed by the School.
- 2.2 Personal Data means any information relating to an identified or identifiable natural person ('Data Subject'). An identifiable natural person is one 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 to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.
- 2.3 The GDPR extends to all data subjects a right of access to their own personal data. Parents can also ask to access data of their children in some circumstances. This is known as a subject access request. A request from a data subject for information that a Data Controller holds about them can be made in writing or verbally. A subject access request can be made by anyone including pupils, parents, staff, governors and members of the public.
- 2.4 Data subjects are also entitled to make a request for data rectification, erasure or restriction of processing. Any such request should be dealt with following the Data Erasure Response Plan.
- 2.5 It is important that all members of staff are able to recognise that any written request made by a person to access or amend their own information is likely to be a valid subject access request, even if the individual does not specifically use this phrase in their request or refer to the GDPR. In some cases, an individual may mistakenly refer to the "Freedom of Information Act" but this should not prevent the school from identifying the request as being made under the GDPR if appropriate. Some requests may be a combination of a subject access request for personal data under the GDPR and a request for information under the Freedom of Information Act 2000 ("FOIA"). Requests for information under the FOIA must be dealt with promptly and in any event within 20 school days.
- 2.6 Requests from pupils who are considered mature enough to understand their rights to access their data should be processed as a subject access request and the data should be given directly to the pupil (subject to any exemptions that apply under the Act or other legislation). It may be reasonable to adopt a presumption that by the age of 13 a

child has sufficient maturity to understand their rights and to make an access request themselves if they wish. In every case it will be for the Headteacher of the School to assess whether the child is capable of understanding their rights under the Act and the implications of their actions, and so decide whether the parent needs to make the request on the child's behalf.

- 2.7 Where the School considers the child to be mature enough to understand their rights to request their data following receipt of a request from a parent, the School should consult the child for their consent to disclosure of the personal data to the parent. If consent is not given to disclosure, the School should not disclose the personal data if to do so would breach any of the data protection principles.
- 2.7 Subject access requests from parents in respect of their own child where a child does not have sufficient maturity to understand their rights should be processed as requests made on behalf of the data subject (the child), subject to any court orders which may be in place.
- 2.7 It should be noted that the Education (Pupil Information) (England) Regulations 2005 give parents of children who attend maintained schools a right to access their child's educational records. This means that if a parent of a child at a maintained school submits a written request for a copy of their child's educational record, the school must respond within 15 school days. This is a separate statutory right that parents have aside from the DPA 2018, subject to any court orders which may be in place.

3. Response Plan

- 3.1 On receipt of any request from a person requesting a copy of their personal data held by the School, the recipient of the request must forward the request to the Co-Heads of the School by email without delay. The email address for contacting the Co-Heads are sarah.shields@heathlands.herts.sch.uk and lesley.reevescosti@heathlands.herts.sch.uk. The email account should be regularly reviewed.
- 3.2 If a member of staff is unsure if a request for information is a SAR, the above procedure must still be followed without delay so that the School can fulfil its obligations under GDPR.
- 3.3 The Co-Heads will then be responsible for assessing whether a SAR has been made or whether the request relates to the rights that people have to request information under the Freedom of Information Act 2000.
- 3.4 The Co-Heads will complete the Subject Access Request Log in Appendix 1 as accurately as possible with the details of the request. The Log will include the reasons why the Co-Heads considers the request is a SAR or alternatively is not a SAR but a request for information under FOIA, if relevant, and does not need to be escalated to the DPO. The Co-Heads will inform the DPO and advise the DPO that the Subject Access Request Log has been completed.
- 3.5 In the context of a school, a subject access request may be part of a broader complaint or concern from a parent or may be connected to a disciplinary or grievance for an employee. The Co-Heads should therefore ensure that the broader context is taken into account when responding to a request.
- 3.6 The DPO will confirm in writing to the requestor that the SAR has been received. In addition, the DPO will clarify with the requestor exactly what information they require if it is not clear. The DPO may ask the requestor to complete a form for clarity – see Appendix 2. The requestor is not obliged to complete the form however.

- 3.7 The DPO will also ask the requestor to supply their address and valid evidence to prove their identity before the SAR can be responded to. The School will accept the following forms of identification (* These documents must be dated in the past 12 months, +These documents must be dated in the past 3 months):
- Current UK/EEA Passport
 - UK Photocard Driving Licence (Full or Provisional)
 - Firearms Licence / Shotgun Certificate
 - EEA National Identity Card
 - Full UK Paper Driving Licence
 - State Benefits Entitlement Document*
 - State Pension Entitlement Document*
 - HMRC Tax Credit Document*
 - Local Authority Benefit Document*
 - State/Local Authority Educational Grant Document*
 - HMRC Tax Notification Document
 - Disabled Driver's Pass
 - Financial Statement issued by bank, building society or credit card company+
 - Judiciary Document such as a Notice of Hearing, Summons or Court Order
 - Utility bill for supply of gas, electric, water or telephone landline+
 - Most recent Mortgage Statement
 - Most recent Council Tax Bill/Demand or Statement
 - Current Council Rent Card
 - Current Council Tenancy Agreement
 - Building Society Passbook which shows a transaction in the last 3 months and your address
- 3.8 The DPO will request the relevant employee(s) to locate and supply information relating to the SAR. The employee(s) must make a full, exhaustive search of the records to which they have access. Depending on the degree to which information is organised and structured, the employee(s) will need to search the following non-exhaustive areas: emails (including archived emails and those that have been deleted but are still recoverable), Word documents, spreadsheets, databases, systems, CCTV, removable media (for example, memory sticks, floppy disks, CDs), tape recordings, paper records in relevant filing systems etc. which the employee(s) is responsible for or owns.
- 3.9 The employee(s) must not withhold information because they believe it will be misunderstood; instead, they should provide an explanation with the information. They must provide the information in an "intelligible form", which includes giving an explanation of any codes, acronyms and complex terms. If a SAR is submitted in electronic form, any information should preferably be provided by electronic means as well. The information must be supplied in a permanent form except where the requestor agrees or where it is impossible or would involve undue effort. The DPO may be able to agree with the requester that they will view the information on screen or inspect files on School premises.
- 3.10 The employee(s) must ensure data will not be changed as a result of the SAR. Routine changes as part of the processing activities concerned are permitted.
- 3.11 The DPO should consider whether to involve the Data Protection Team which consists of:
- 3.11.1 Sarah Shields, Co-Head,

Sarah.shields@heathlands.herts.sch.uk

3.11.2 Lesley Reeves-Costi, Co-Head,

Lesley.reevescosti@heathlands.herts.sch.uk

3.11.3 Carol Bush, School Business Manager,

carol.bush@heathlands.herts.sch.uk

- 3.12 The employee(s) should give the information found in 3.8 to the DPO.
- 3.13 The DPO will check that the information provided is complete.
- 3.14 All the information that has been requested must be provided unless an exemption can be applied. The DPO will consult with the Co-Heads to consider whether any other exemptions apply to the data and have particular regard to whether any safeguarding concerns could arise if the information is disclosed. The School may have to seek further legal advice if there is any doubt.
- 3.15 The DPO will check that any exempt information from the released documents is redacted and explain to the requestor why that information is being withheld. Exempt information generally refers to a person other than the third party who has not consented to their information being passed on.
- 3.16 The DPO must respond within one calendar month after accepting the request as valid.
- a. If more time is needed to respond to complex requests, an extension of another two months is permissible, provided this is communicated to the data subject in a timely manner within the first month;
 - b. If the School will not take any action on the request of the data subject, the DPO will inform the data subject on this decision without delay and at the latest within one month of receipt of the request.
- 3.17 If data on the data subject is processed, the following should be included as a minimum in the SAR response:
- a. the purposes of the processing;
 - b. the categories of personal data concerned;
 - c. the recipients or categories of recipients to whom personal data has been or will be disclosed, in particular in third countries or international organisations, including any appropriate safeguards for transfer of data;
 - d. where possible, the envisaged period for which personal data will be stored, or, if not possible, the criteria used to determine that period;
 - e. the existence of the right to request rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing;
 - f. the right to lodge a complaint with a supervisory authority (i.e. the ICO);
 - g. if the data has not been collected from the data subject: the source of such data;

- h. the existence of any automated decision-making, including profiling and any meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.
- 3.18 The DPO must update the SAR Log with the actions taken.
 - 3.19 Subject Access Requests must be undertaken free of charge to the requestor
 - 3.20 Where a requestor is not satisfied with a response to a SAR, the School must manage this in accordance with its complaints policy.
 - 3.21 When responding to a complaint, the DPO must advise the requestor that they may complain to the ICO if they remain unhappy with the outcome
- 4. School holidays**
- 4.1 The School recognises that there are times throughout the year when our ability to identify and respond to a SAR swiftly and robustly may be impeded because the school is closed during school holidays. A SAR may still occur during these periods and we will implement the following steps to respond to a SAR during the school holidays:
 - 4.1.1 The DPO email address will be monitored regularly by the assigned members of staff.
 - 4.1.2 Should a request be received in the holidays, the requestor of the SAR will be asked if the SAR can be dealt with in term time.
 - 4.1.3 The DPO or School Business Manager will have the contact details for the Co-Heads and senior staff and will agree the course of action and the timescale.
 - 4.1.4 The DPO or School Business Manager should follow the steps set out above as best as he / she can in the circumstances and respond to the SAR within the deadline.
- 5. Review**
- 5.1 This Subject Access Response Plan will be kept under review by the DPO and Co-Heads and may be revised to reflect good practice or changes to our organisational structure.

Appendix 1 – Subject Access Response Log for Heathlands School

This Subject Access Response Log must be completed by the Head and DPO following a SAR. Staff must follow the School's Subject Access Response Plan following the receipt of a SAR.

Information	Response
Date and time this record was completed	
Name of person completing this record	
Is the request a SAR or request for information under The Freedom of Information Act 2000?	
Has the Data Protection Officer been informed?	
Name and job title of person who received the SAR and the circumstances	
The data subject's name	
The name and address of requester (if different)	
If the data subject is a pupil over the age of 13, the Co-Heads to consider if the pupil has the maturity to request the SAR and to how/if to involve parents or guardians.	
The type of data required (e.g. Student Record, Personnel Record),	
The planned date for supplying the information (not more than one calendar month from the request date).	
The name of staff sourcing the information	
Date of the DPO initial response to the requestor of the SAR. Confirm if clarification of the information required was requested.	
Evidence obtained to prove the identity	

Information	Response
of the data subject	
Date of substantive response to SAR by DPO	
DPO to update Log if the requestor has further information or comments.	
Do any other steps need to be taken in the wider context of a parent or staff issue e.g. communications to governors, provision of complaints policy, consult legal advisors. The Co-Heads to specify what actions are required.	
Is there likely to be press / media interest? The Co-Heads to specify what actions are required.	
Outline any actions that need to be taken to improve responses to a future SAR, who is responsible for implementing them and the relevant timescales.	

Appendix 2 – Clarification of Request Form

Re: subject access request

Dear

Please provide me with the information listed below so that I can respond adequately to your Subject Access Request under the General Data Protection Regulation.

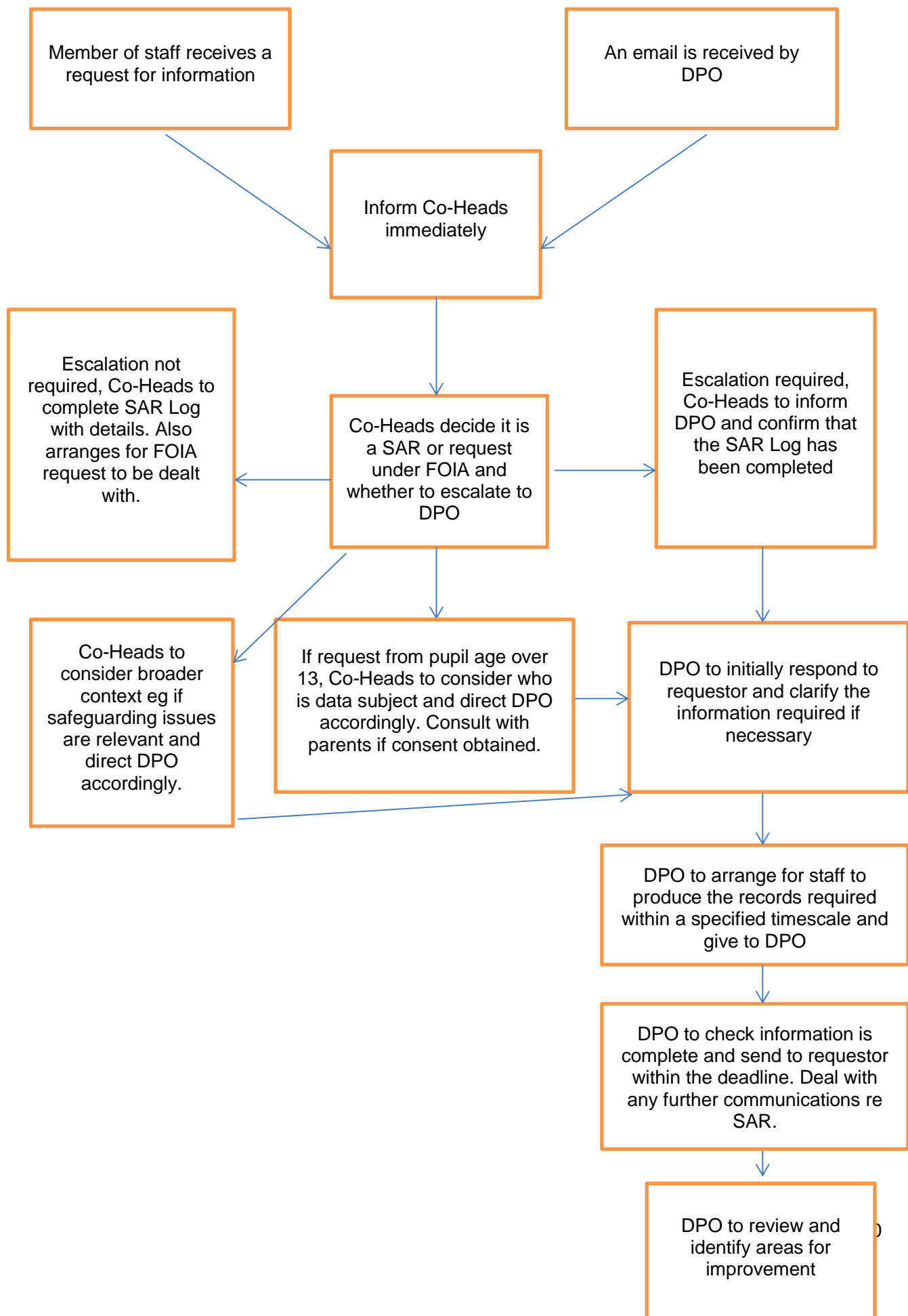
Name	
Relationship with the school	Please select: Pupil / parent / employee / governor / volunteer Other (please specify):
Correspondence address	
Contact number	
Email address	
Details of the information requested	Please clarify which records you wish to access. Please be as precise as possible, for example: <ul style="list-style-type: none">• <i>Your personnel file</i>• <i>Your child's medical records</i>• <i>Your child's behavior record, held by [insert class teacher]</i>• <i>Emails between 'A' and 'B' between [date]</i>

If you need any advice on dealing with this request, you can contact the Information Commissioner's Office on 0303 123 1113 or at www.ico.org.uk

Yours sincerely,

Data Protection Officer

Appendix 3 – SAR Response Plan Flow Chart



Appendix 4 – SAR Erasure Request Flow Chart

