

APPROVED



The Bishop Konstant Catholic Academy Trust

Learning Communities, Inspired by Faith

Trust Subject Access Request Guidance for Academies 2019



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POLICY DOCUMENT	Trust Subject Access Request Guidance
Legislation/Category: Academy Schools	Highly Recommended
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All policies are written in line with our ethos:

Within the Bishop Konstant Catholic Academy Trust, our academies are communities where our children and young people are given a clear vision for life, a vision which is rooted in the person and teachings of Jesus Christ and which is faithful to the mission of the Catholic Church.

The Trust seeks to serve all our families (Catholic and non-Catholic alike) and to work with other partners in education for the benefit of our children and young people; we are committed to working together as academies and with the wider community for the common good. In our academies, we uphold the dignity and unique human value of every person as we strive for excellence in education; gifts and talents are shared between our academies as we aim to provide the highest standards for all our children and young people, aged 3 to 19 years throughout the Trust.



Trust Subject Access Request Guidance for Academies

Introduction

The General Data Protection Regulation (GDPR), provides individuals the right of subject access to information about themselves. It does not give a right of access to information about anyone else, unless it is a parent acting on behalf of a child, for example.

It is important that the Data Controller ensures that third party information is removed from the record prior to release to the applicant (data subject) unless the third party has given their consent to the release of the information.

This guidance should be read in conjunction with the Trust GDPR Policy. This guidance applies also to Subject Access Requests made to the Trust.

1 What is a Subject Access Request?

The legislation ensures transparency of processing personal data by obliging data controllers to explain to individuals how their data will be processed and the right of data subjects to access that information.

A data subject may make a formal request to any organisation to have a copy of all data in which that person may be identified. There is a need for transparency of processing to ensure that individuals can identify those organisations which have access to and process their data. This enables them to understand how their personal information is to be used and to exercise their rights over the processing of that information.

2 What is a valid Subject Access Request?

A valid Subject Access Request must:

- Be made by the data subject (or a person authorised by the data subject)
- Be in writing though reasonable adjustments should be made if a person finds it impossible or unreasonably difficult to make a Subject Access Request
- Be a request to access their own personal information (held either manually or electronically) and not to information relating to other people

If a request does not refer to the GDPR legislation specifically or even state that it is a Subject Access Request, it is still valid and should be treated as such, if it is clear that the individual is asking for their own personal data. It may be restricted to only limited information (but need not be).

The academy must take reasonable steps to verify that the person making the Subject Access Request is the data subject (proof of identification must be checked).

A copy of the information held on the data subject must be provided free of charge, however the academy reserves the right to charge a 'reasonable fee' when a request is manifestly excessive or repetitive.



A Subject Access Request must be complied with within one month from the date of receipt of the request. The academy holds the right to extend the period of compliance by a further two months, where requests are complex or numerous. If this is the case, you must inform the individual within one month of the receipt of the request and explain why the extension is necessary.

3 Finding and Checking the Requested Information

If an employee receives a Subject Access Request for information, it is important that they do not respond to the query directly, but instead liaise immediately, with the Data Protection Coordinator in the academy who will manage the agreed process within the one month upon receipt:

The Data Protection Coordinator will:

- Check the validity of the request and if necessary request that a Trust Subject Access Request form is completed, ensuring proof of identity by the data subject is provided
- Log the details and acknowledge receipt of the request and fee (if appropriate)
- Contact the relevant line manager to provide all data each department is holding on the individual and confirm a response date.
- Instruct the senior member of staff of each department to check records. These include manual records, system information, audiotapes and archive data (if requested) and CCTV data (if requested).
- Check the data collated from each department in line with this guidance and send a copy of the requested information to the individual with a covering letter, by Special Delivery or by an alternative secure method of delivery, as agreed with the individual.

4 Denial of Access

The academy may refuse a Subject Access Request when a request is manifestly unfounded or excessive, particularly if repetitive.

If an academy refuses to respond to a request, the reason must be explained to the individual, informing them of their right to complain to the supervisory authority (Information Commissioners Office) and to a judicial remedy without undue delay and at the latest within one month of receipt of the request.

5 Exemptions

The Trust must protect the legal rights of other individuals when responding to a Subject Access Request. The consideration of the decision should not be a refusal to provide all information to a data subject. Where the Data Controller processes a large amount of data regarding the subject, it is reasonable that the data subject specify the information and processing activities to which the request relates.



Monitoring and Review of this Policy

The Trust shall be responsible for reviewing this policy from time to time to ensure that it meets legal requirements and reflects best practice.



Appendix A: Subject Access Request Form

Section 1 – Applicant Details

Title (please tick one):	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Title (please state):
Forename(s):	
Family Name:	
Previous Family Name:	
Other name(s) known by:	
Date of Birth (dd/mm/yyyy):/...../..... Male <input type="checkbox"/> or Female <input type="checkbox"/>
Nationality:	
Place of Birth:	

Section 2 – Applicant Details

Current Address:	
Postcode	
Daytime Telephone No:	
Email Address:	
Previous Address:	
Postcode:	



Section 5 – Declaration

The information which I have supplied in this application is correct, and I am the person to whom it relates or a representative acting on his/her behalf. I understand that the school may need to obtain further information from me/my representative in order to comply with this request.

Signature of Applicant:	Date:
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Section 6 – Representative Details

(The academy will reply to the address you provide in this section)

Name of Representative:	
Company Name:	
Address & Postcode:	
Daytime Telephone No:	
Email Address:	

Section 7 – Proof of the Representative’s identity

Please provide copies of two pieces of identification, one from list A and one from list B below and indicate which ones you are supplying.

Please DO NOT send an original passport, driving licence or identity card
(following receipt and sight, these documents will be confidentially destroyed)

List A (photocopy of one from below)	✓	List B (plus one original from below)	✓	Office use only Date of receipt/sight
Passport/Travel Document	<input type="checkbox"/>	A letter sent to you by the Passport Office	<input type="checkbox"/>	<input type="checkbox"/>/...../.....
Photo driving licence	<input type="checkbox"/>	Utility bill showing current home address	<input type="checkbox"/>	<input type="checkbox"/>/...../.....
Foreign National Identity Card	<input type="checkbox"/>	Bank statement or Building Society Book	<input type="checkbox"/>	<input type="checkbox"/>/...../.....



Section 8 – Authority to release information to a Representative

A representative needs to obtain authority from the applicant before personal data can be released. The representative should obtain the applicant’s signature below, or provide a separate note of authority.

This must be an original signature, not a photocopy.

If the applicant is signing as the guardian of a child under 12, proof of legal guardianship must also be provided.

I hereby give my authority for the representative named in Section 6 of this form to make a Subject Access Request on my behalf under the Data Protection Act 2018.	
Signature of Applicant:	Date:
Signature of Representative:	Date:

Section 9 – Responding to Subject Access Requests

When responding to requests we:

- Will ask the applicant/representative to provide two forms of identification
- Will respond in accordance with the current legislation and ICO Code of Practice
- Will provide the information free of charge
- Will inform the applicant within one month if an extension to the request is necessary, where a request is complex or numerous

We will not disclose information if it:

- Might cause serious harm to the physical or mental health of the pupil or another individual
- Would reveal that the child is at risk of abuse, where the disclosure of that information would not be in the child’s best interests
- Is contained in adoption or parental orders
- Is given to a court in proceedings concerning a child

If a request is unfounded or excessive, we may refuse to act on it, or charge a reasonable fee which takes into account administrative costs.

A request will be deemed unfounded or excessive if it is repetitive, or asks for further copies of the same information.

When we refuse a request, we will tell the individual why and advise them they have the right to complain to the ICO.

The Bishop Konstant Catholic Academy Trust is an exempt charity regulated by the Secretary of State for Education. It is a company limited by guarantee registered in England and Wales, company number 8253770, whose registered office is at The Zucchi Suite, Nostell Business Estate, Nostell, Wakefield, WF4 1AB