



Oldbury on Severn CEVC Primary School

Subject Access Request Policy

Signed (Headteacher): <i>A. F. W. A. G. M.</i>	Name: A F. W. A. G. M.	Date: 30. 3. 26.
Signed (Chair): <i>P. J. Hodder</i>	Name: P. J. Hodder	Date: 30. 3. 26
Ratified by: Governing Body 30.3.26		Next Review: MARCH 2028

Contents

1.The General Data Protection Regulation	2
2. What is a subject access request?	2
3. Subject Access Procedures	3
4. Requests made on behalf of others	3
5. Requests for information about children	4
6. Editing information (exemptions)	4
7. School Office visits.....	5

1.The General Data Protection Regulation

The General Data Protection Regulation (GDPR) regulates the processing of 'personal data'.

Personal data is information that relates to a living individual which allows that individual to be identified from that information (or that information with other information likely to come into the organisation's possession).

Oldbury on Severn CEVC Primary School is a Data Controller as it determines the purposes, and the way in which personal data is processed.

The GDPR provides individuals with certain rights, one of which enables individuals to find out what personal data is held, why it is held and who it is disclosed to. This right, is commonly known as subject access, and is set out in Article 15 of the GDPR. Individuals may exercise the right by making a 'subject access request' (SAR).

2. What is a subject access request?

A Subject Access Request (SAR) is simply a written request made by or on behalf of an individual for the information which he or she is entitled to ask for under Articles 12 and 15 of the GDPR. The request does not have to be in any particular form, nor does it have to include the words 'subject access' or make any reference to the GDPR.

These requests are most often made by individuals who want to see a copy of the information an organisations holds about them. However, except where an exemption applies subject access entitles an individual 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 details of the source of the data (where this is available).

Subject access provides a right to see the personal information or a right to have copies of the documents that include that information. If the request is made electronically, you should provide the information in a commonly used electronic format.

Formal requirements

A Subject Access Request (SAR) is a request made by or on behalf of an individual for access to their personal data under Articles 12 and 15 of the UK General Data Protection Regulation (UK GDPR).

A SAR **does not have to be in writing** and may be made verbally, in writing, or by any other means (including email, letter, telephone, or face-to-face). Where a request is made verbally, the school will ensure that the request is appropriately recorded to enable it to be processed in accordance with statutory timescales.

The school has a Subject Access Request form and a Data Protection Policy, both of which are available from the school website. Although use of the form may assist applicants in providing relevant details, there is no requirement for an individual to use it.

Adults and children who can understand their subject access rights may apply to the school for their personal information. Requests may also be made by authorised representatives

acting on behalf of an individual (see section on requests made on behalf of others and requests for information about children).

To avoid personal data being disclosed to someone who is not entitled to receive it, the school will take reasonable steps to confirm the identity of the requester. Identification will only be requested where it is necessary and proportionate to do so, particularly where the individual is not already known to the school.

Subject Access Requests to the school are generally free of charge under UK GDPR. A reasonable fee may only be charged where a request is manifestly unfounded or excessive, or where an individual requests further copies of the same information.

The statutory response time for a Subject Access Request is **one month** from receipt of the request or from receipt of any additional information required to verify identity or clarify the request.

3. Subject Access Procedures

When a SAR is received which meets the formal requirements above, the one month response begins to run. This one month deadline is set by the GDPR, however in all cases the school should respond promptly.

Where a request is complex or where a number of requests are received from the same individual, the school may extend the response time by up to a further **two months**. In such cases, the school will inform the requester of the extension and the reasons for it **within one month** of receiving the request.

On receipt of subject access request, it may be more appropriate for staff members to try to satisfy the request informally by telephone, perhaps when individuals are requesting copies of documents which have previously been provided or should have been provided.

Upon receipt of a subject access response, an individual may wish to contact the school. If they remain dissatisfied following this they may also contact the Information Commissioner's Office at any time if they are not satisfied with their response, or the way their request has been handled, although they may ask the school to resolve these concerns directly in the first instance.

A detailed record of Subject Access Requests and the school's responses will be retained in accordance with the school's data retention schedule. This record will normally be retained for **7 years** to demonstrate compliance with data protection legislation and to support the school in the event of complaints, legal claims, or regulatory enquiries.

4. Requests made on behalf of others

The GDPR does not prevent an individual making a subject access request via a third party. Often, this will be a solicitor acting on behalf of a client. In these cases, you need to be satisfied that the third party making the request is entitled to act on behalf of the individual, but it is the third party's responsibility to provide evidence of this entitlement. This might be a written authority or might be a more general power of attorney.

When a SAR is received from a Law firm, staff must ensure that the request letter confirms that the school will not be a party to the claim. If the school is a party, the matter should be

sent directly to the Risk Management & Insurance Team for their advice. The request letter must also include a signed consent or release form from the client. The information disclosed should be exactly as outlined in the client's consent form. Information must not be released without the client's consent form.

5. Requests for information about children

Pupils attending any type of school have a right of access under the GDPR to their own information. When a child cannot act for themselves or the child gives permission, parents will be able to access this information on their behalf.

Parents have an independent right of access to their child's educational record, under separate education regulations. This covers information that comes from a teacher or other employee of a local authority or school, the pupil or a parent, and is processed by or for the school's governing body or teacher, except for information the teacher has solely for their own use. It will cover information such as the records of the pupil's academic achievements as well as correspondence from teachers, local education authority employees and educational psychologists engaged by the school's governing body. It may also include information from the child and from a parent. Information provided by the parent of another child would not form part of a child's educational record.

A request for an educational record must receive a response within 15 school days. The school can charge what it costs to supply a copy of the information. It is free for a parent to **view** the educational record.

Requests made under the UK GDPR for a child's personal data are **separate from requests for educational records**. Subject Access Requests under UK GDPR are normally provided free of charge, whereas requests for educational records are governed by education legislation and may incur a charge for copies, as permitted by those regulations.

There are certain circumstances where the school can withhold an educational record; for example, where the information might cause serious harm to the physical or mental health of the pupil or another individual. The request for access would also be denied if it would mean releasing examination marks before they are officially announced.

If you are an academy or a free school in England, or an independent school

There is no equivalent legal right to access the child's educational record. It will be up to the school to decide whether to grant such access, and it is likely to depend on the contractual relationship between the parent and the school.

A parent can access all the other information about their child if their child is unable to act on their own behalf or gives their permission. As a general guide, a child of 12 or older is expected to be mature enough to make this kind of request.

6. Editing information (exemptions)

Some types of personal information are exempt from the right of subject access. Information may be exempt because of its nature or because the effect that its disclosure would have. There are also restrictions where this would involve disclosing information about another individual (third parties).

If third parties are included in material to be released, a balancing of interests between the applicant and the third party should be carried out. The third party's views on the release of

this information to the applicant may be sought. If, as a result of this consultation, information is to be edited it should be kept to a minimum and the context of information should always be retained where possible.

Decisions about disclosing third party information should be made on a case by case basis. It may be necessary to seek legal advice where appropriate.

7. School Office visits

Applicants may be encouraged to visit the school offices to view the information they have requested. If this is to occur, the Head Teacher must first view the documents and consider whether the information can be released or whether an exemption may apply. The applicant should also be accompanied by an appropriate member of staff so that information can be explained and clarified. Office visits should be carried out within the statutory time limit and the visit documented. A reference should be kept on the database to the information that was viewed.