

Ysgol Aberconwy



Subject Access Request **Policy**

Policy Document No : 1

ISSUE NO: 5

THIS POLICY HAS BEEN APPROVED BY THE FULL GOVERNING BODY

Signed:

Date: 8/10/24

Review due date : 1/10/27

LT Link : KB

Purpose

This document sets out the School's policy for dealing with subject access requests under the current Data Protection legislation.

What is personal information?

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;

Data Protection Legislation

Data Protection legislation gives individuals the right to know what information is held about them. It provides a framework to ensure that personal information is handled properly.

The legislation works in two ways. Firstly, it states that anyone who processes personal information must comply with six principles, which make sure that personal information is:

- Fairly and lawfully processed and in a transparent manner.
- Processed for specific, explicit and legitimate purposes
- Adequate, relevant and limited to what is necessary
- Accurate and where necessary kept up to date
- kept in a form which permits identification of data subjects for no longer than is necessary
- Processed in a manner that ensures appropriate security of the personal data

Secondly, it provides individuals with important rights, including:

- Right of access
- Right to rectification
- Right to erasure (right to be forgotten)
- Right to restrict processing
- Right to data portability
- Right to object
- Right regarding automated decision making, including profiling

This policy deals only with the right of access.

What is the School's general policy on providing information?

We welcome the rights of access to information that are set out in the current Data Protection legislation. We are committed to operating openly and to meeting all reasonable requests for information that are not subject to specific exemptions.

What is a subject access request?

A subject access request is a written request for personal information (known as personal data) held about individuals by the School. Generally, individuals have the right to see what personal information we hold about them, they are entitled to be given a description of the information,

informed what we use it for, who we might pass it onto, and any information we might have about the source of the information.

Is a subject access request required to access any information?

The Educational Record for a pupil will contain copies of the annual reports along with copies of a student's behaviour log and attendance record. The annual pupil report to parents will include information on the pupil's general progress, their progress in all subjects and activities studied and their attendance record. It would not be necessary to complete a subject access request for this information as it will be shared with those with PR as a matter of course.

It should also be noted that this information might also be shared with those with a legitimate interest without a subject access request. Examples of such circumstances include, but are not limited to :

- Where a pupil is under consideration for admission to another school, that school may request a copy of a child's educational record and the Headteacher shall transfer it free of charge within 15 days. The records supplied shall include the results of any assessments of the pupil's achievements.
- When a child changes school, a completed common transfer file must be sent to the receiving school (maintained or independent) along with all educational records relating to the child, including copies of their pupil reports. This does not apply to a pupil who has been on roll for less than four weeks.
- A Special Educational Needs and Disability Tribunal may give directions requiring a party to deliver to the tribunal any document which the tribunal may require and which is in the power of the party to deliver.
- When conducting enquiries on behalf of a Local Authority, Social Services must be given assistance by the school if called upon unless it would be 'unreasonable in all the circumstances of the case'.
- Courts may also require a report on a pupil's school record and character. This will usually include details of the pupil's achievements, attendance and behaviour. Where relevant, reference may be made to the pupil's health and home circumstances as well as the fact of the involvement of any other agencies.
- Exceptionally the school may be required by a court to produce the school records of a named pupil.

What should we do when we receive a subject access request?

We will verify proof of identity and current address for any requests. Proof of identity can be established by providing one of the following, birth certificate, passport or driving license. Proof of address can be established by providing one of the following, utility bill, bank statement dated in the last 6 months or driving license. Utilizing other verification methods dependent upon the relationship with the requester. Original documents are required as photocopies are not acceptable. Original documentation should be sent securely (for example recorded delivery) and which will be returned immediately once verified.

If the person requesting the information is a relative/representative of the individual concerned, then the relative/representative must supply the individual's consent for the release of their personal data. If they have been appointed to act for someone under the Mental Capacity Act 2005, they must confirm their capacity to act on their behalf and explain how they are entitled to access their information. If they are the parent/guardian of a child under 16, we will need to consider whether the child can provide their consent.

Collation of information

We must check that we have enough information to find the records requested. If we feel we need more information, then we must promptly ask for this. We will gather any manual or electronically held information.

If we have identified information that relates to third parties, we will need to consider whether or not we have their consent to disclose it, or whether or not it is deemed reasonable in all the circumstances to disclose it without consent.

Before sharing any information that relates to third parties, we will where possible anonymize information that identifies third parties where appropriate.

Issuing our response

Once any queries around the information requested have been resolved, copies of the information in a permanent form will be sent except where you agree otherwise, or where it would involve undue effort. In these cases, a possible alternative would be to allow you to view the information at School. We must explain any complex terms or abbreviations contained within the information when it is shared. Unless specified otherwise, we may also provide a copy of any information that has been previously provided.

Will we charge a fee?

Under the current Data Protection legislation there is no charge however where requests from a data subject are manifestly unfounded or excessive, in particular because of their repetitive character, the School may either:

- charge a reasonable fee taking into account the administrative costs of providing the information or communication or taking the action requested; or
- refuse to act on the request.

What is the timeframe for responding to subject access requests?

We must respond within one month starting from when we have received all the information necessary to identify the requester and the requested information.

That period may be extended by two further months where necessary, taking into account the complexity and number of the requests.

Are there any grounds we can rely on for not complying with a subject access request?

Previous request

If a previous subject access request has been made we must respond only if a reasonable interval has elapsed since the previous request. A reasonable interval will be determined upon the nature of the information, the time that has elapsed, and the number of changes that have occurred to the information since the last request.

Exemptions

Data Protection legislation contains a number of exemptions to our duty to disclose personal data and we may seek legal advice if we consider that they might apply. Possible exemptions would be: information covered by legal professional privilege, information used for research, historical and statistical purposes, and confidential references given or received by the School.

Complaints procedure

If a data subject is not happy with the way their subject access request has been handled, they may complain through the Schools Data Protection Officer in the first instance. If still not happy they may submit complaint to the Information Commissioner and/or the courts. The Schools Data Protection Officer will deal with any written complaint about the way a request has been handled and about what information has been disclosed.

Contact – Schools Data Protection Officer

Email schoolDPO@conwy.gov.uk

Post – School Data Protection Officer, Conwy County Borough Council, PO Box 1, Conwy, LL30 9GN

Subject Access Request Form

Data Protection legislation provides you, the data subject, with a right to receive a copy of the data/information we hold about you or to authorise someone to act on your behalf. Please complete this form if you wish to see your data and send to one of the addresses below. You will also need to provide **proof of your identity**. Your request will be processed within one month upon receipt of a fully completed form, proof of identity and address, unless you are notified otherwise.

Proof of identity:

We require proof of your identity and address before we can disclose personal data. Proof of identity can be established by providing one of the following, birth certificate, passport or driving licence. Proof of address can be established by providing one of the following, utility bill, bank statement dated in the last 6 months or driving licence.

Section 1

Please fill in the details of the person whose information is being requested (the data subject).

Title:	Mr	Mrs	Ms	Miss	Other:
Surname/ Family Name:					
First Name(s)/Forenames:					
Date of Birth:					
Address:					
Post Code:					

Previous Addresses:		
Post Code:		
Day Time Telephone Number (s)		

I am enclosing one of the following original documents as proof of identity:

Birth certificate* Passport* Driving Licence*

I am enclosing one of the following original documents as proof of address:

Utility bill* (dated in the last 6 months) Bank statement* (dated in the last 6months)

Driving Licence*

Delete as appropriate*

If none of these are available please contact the Data Protection Officer. (contact details below)

Personal Information Requested

Please tell us what information you are requesting, together with any names or dates or contact details you may have – please provide as much information as you can, which will help direct our searches and enable us respond to your request as soon as possible. If your request relates to employment records, social services or educational records, please leave this part blank and complete one of the boxes below.

Closed Circuit Television (CCTV)

If requesting CCTV footage you will need to provide date/time/location of footage and photographic evidence of identity and/or detailed description to allow for identification.

Employment Records

If you are now, or have been employed by the School and are seeking personal information in relation to your employment, please provide as much information as you can, which will help direct our searches and respond to your request as soon as possible.

Education Records

If you are requesting specific education information, please provide as much information as you can (including any names or dates or contact details), which will help direct our searches and respond to your request as soon as possible.

Section 2

Please complete this section of the form with your details if you are **acting on behalf of someone else** (i.e. acting on behalf of the data subject).

If you are **NOT** the data subject, but an agent appointed on their behalf, you will need to provide evidence of your identity as well as that of the data subject and proof of your right to act on their behalf.

Title:	Mr	Mrs	Ms	Miss	Other –
Surname/ Family Name:					
First Name(s)/Forenames:					
Date of Birth:					
Address:					
Post Code:					
Email Address:					
Day Time Telephone Number (s)					

Please provide proof of identity as detailed on page 1.

I am enclosing one of the following original documents as proof of identity:

Birth certificate* Passport* Driving Licence*

I am enclosing one of the following original documents as proof of address:

Utility bill* (dated in the last 6 months) Bank statement* (dated in the last 6 months)

Driving Licence*

Delete as appropriate*

If none of these are available please contact the Data Protection Officer. (contact details below)

What is your relationship to the data subject? (e.g. parent, carer, legal representative)

I am enclosing the following documents as proof of legal authorisation to act on behalf of the data subject:

Letter of authority* Lasting or Enduring Power of Attorney*

Evidence of parental responsibility* Other* (give details):

Delete as appropriate*

Data Subject Declaration: (if you have completed Section 1 please complete the declaration below)

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 the School is obliged to confirm proof of identity/authority and it may be necessary to obtain further information in order to comply with this subject access request.

Name:

Signature:

Date:

OR if you have completed Section 2 please complete the declaration below:

Authorised person – Declaration (if applicable):

I confirm that I am authorised to act on behalf of the data subject. I understand that the School is obliged to confirm proof of identity/authority and it may be necessary to obtain further information in order to comply with this subject access request.

Name:

Signature:

Date:

Warning: a person who unlawfully obtains or attempts to obtain data is guilty of a criminal offence and is liable to prosecution.

I wish to:

Receive the information by post*

Collect the information in person*

View a copy of the information only*

Go through the information with a member of staff*

Delete as appropriate*

Please send your completed form and proof of identity to the Headteacher.

The School will retain the information provided and only share the information with those it is legally entitled to. The information will only be retained in accordance with our retention policy and will be disposed of in a safe and secure manner.