



ST. MARY'S
ACADEMY TRUST

St Mary's Academy Trust

Subject Access Request Procedure

Date Agreed by the Committee: February 2024

Date to be Reviewed: February 2025

1. The Right of Access

1.1 In accordance with the Data Protection Act 2018 (UK GDPR), you have the right to ask an organisation whether they are using or storing your personal information. You can also ask them for copies of your personal information, verbally or in writing. This is called the right of access and is commonly known as making a subject access request or SAR – refer to point 3.

2. Why Make a Subject Access Request?

2.1 You can make a subject access request to find out:

- What personal information an organisation holds about you
- How they are using it
- Who they are sharing it with
- Where they got your data from

3. How to Make a Request to St Mary's Academy Trust

3.1 Subject access requests can be made verbally or in writing, however, the Trust will provide a form for such requests that is designed to collect the information needed to identify the data you are requesting. The form is available on SharePoint.

3.2 Once the form is complete, it must be sent, with the appropriate identification documents, either by post or by email, to the Headteacher of the school, you can alternatively arrange to bring your original identification documents to the Headteacher.

3.3 There is no fee.

4. The Information We Do and Do Not Require

Please include the following information: -

- A clear label for your request (e.g. use 'subject access request' as your email subject line either in a letter or in the e-mail title)
- The date of your request
- Your name (including any aliases, if relevant)
- Any other information used by us to identify or distinguish you from other individuals
- Your up-to-date contact details
- A comprehensive list of what personal data you want to access, based on what you need
- Any details, relevant dates, or search criteria that will help us identify what you want
- How you would like to receive the information (e.g. by email or printed out)

5. What Data Will be Provided to You?

- 5.1 You will receive copies of the personal data relating to you. Personal data is defined as data that identifies a living individual and relates to that individual. Therefore, the data you receive will not only name you but also have some reference to you.
- 5.2 The Trust still holds some paper files as well as electronic records, thus a search will be carried out initially for files / folders that are named using your name in any format. After that, electronic searches will be carried out for any electronic records that contain your name in the body of the data – not just the title. It is not always possible to carry out this search fully without any background information on the type of record you are looking for.
- 5.3 Whether you receive copies of particular emails will depend on whether the data may relate to you. So, for example, you will not receive copies of emails that have been sent to a list of email addresses including yours, where the information in the email does not relate to you. However, you will receive a copy of an email that has been sent to a list of email addresses including yours, where the information in the email does relate to you.
- 5.4 Your personal data may be held in a document or database that contains personal data relating to other individuals. To avoid providing you with a third party's personal data, it may be necessary to redact the other person's data (that is, blank it out or obscure it in other ways) or to extract your data from the larger document / database. Therefore, you may receive copies of documents with blank spaces in the text, or with only one line of information under column headings. These are examples of redacted documents or where your data has been extracted.

6. Will You Receive All of the Data that Relates to You?

- 6.1 It is important to note that it is not always possible to know exactly what information is held about an individual when a search is made. It may not always be possible for the Trust to provide every piece of information about your employment as there may have been some discussions relating to a final decision made at a meeting or over the telephone, which will not always be recorded.
- 6.2 Emails are often seen as an informal method of communication and staff are encouraged to retain emails in line with their subject matter, but that does mean that all emails will be kept for the same length of time. Therefore, an email in which someone agrees to attend a meeting does not need to be kept for as long as one that includes a decision on a particular subject that has ramifications for others or over a length of time.

6.3 There may be times when the Trust holds personal data about you which it does not / cannot disclose to you. This may be because it is not possible to disclose your personal data without disclosing a third party's data, and either the third party has refused to give consent for their data to be disclosed or the third party's data is awarded a degree of confidentiality which means the data cannot be disclosed.

6.4 There are other exemptions in the General Data Protection Regulations which mean that personal data can be withheld. Details and examples of these instances can be found in the Information Commissioner's Office, Subject Access Code of Practice. If it is necessary to withhold any data, you will be informed of the reasons for the non-disclosure, but the School/Trust will endeavour to release as much of your data as possible.

6.5 Examples of information which (depending on the circumstances) may be withheld include information that:

- 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 disclosure of that information would not be in the child's best interests
- Is contained in adoption and parental order records
- Is legally privileged, including certain information given to a court in proceedings concerning a child
- Records the intentions of the school in negotiations with the individual making the SAR
- Consists of confidential references either given or received by the school
- Is held for purposes of management planning (e.g. redundancy planning)
- Would prejudice the prevention and detection of crime if disclosed (e.g. in live investigations)
- Might cause serious harm or distress in limited social work contexts

6.6 The organisation is not required to retrieve deleted data.

7. Time Schedule – Receiving Your Data

7.1 The Trust has one month in which to provide the data you have requested. This period starts on the date that the Trust receives all of the information it needs to confirm firstly, your identity, or your right to request a third party's data, and secondly, the type of search you want carried out (either a general search or a search for specific information). The date on which you will receive your requested information will be confirmed once the Trust has received all the required information.

7.2 If it is a complex request the organisation can ask the ICO for a 2 month extension.

8. Providing Your Data to You

- 8.1 The General Data Protection Regulation requires that you receive a permanent copy of any personal data held about you. Therefore, you will receive either an electronic or paper copy of the personal data found about you, depending on the preference you selected on the SAR form, and the size of the data.
- 8.2 If you wish to receive your data in paper form, this will be sent to you using first class recorded delivery post. The Trust uses recorded delivery post to ensure an audit trail exists to show where the parcel was sent, who signed for it and when. In the event that no-one is available to sign for your parcel, it will be held at a local office until it is collected or finally returned to the Trust office. This ensures your data is held as securely as possible until you receive it.
- 8.3 If you wish to receive your data electronically, assuming the file size is not too large, it will be sent to you by email as an attachment. The file will be password protected and once you receive the file, you will need to contact the Trust for the password in order to access the attachment. Information on how to do this will be included in the email that sends your data to you.
- 8.4 The Headteacher will provide you with a covering letter which will detail your right to complain to the ICO and list what has been disclosed to you. A copy of this letter will be retained by the Data Protection Officer.

9. Requests for Information about Children

- 9.1 Before responding to a SAR for information held about a child, you should consider whether the child is mature enough to understand their rights.
- 9.2 If the request is from a child and you are confident they can understand their rights, you should usually respond directly to the child. You may, however, allow the parent or guardian to exercise the child's rights on their behalf if the child authorises this, or if it is evident that this is in the best interests of the child. If the request is for their own purposes and is not in the best interest of the child, please contact the DPO who may take legal advice.
- 9.3 If a child is competent, they may authorise someone else, other than a parent or guardian, to make a SAR on their behalf.

10. Third Party Requests

- 10.1 Examples include requests for data about you from a relative, Solicitor or the Police
- 10.2 The Trust will only release information if they are satisfied, they can act on your behalf and if they have provided physical authorisation from you.
- 10.3 For Police requests the Trust can only release your data for reasons of crime or taxation

10.4 Where the Trust do release data to a third party, the Headteacher will only disclose what is required.

10.5 Where the Trust do release data to a third party, the Headteacher will provide you with a letter which will details your right to complain to the ICO and list what has been disclosed to you. A copy of this letter will be retained by the Data Protection Officer.

11. What You Can Do if You Are Unhappy with the Response to Your Request

11.1 You should contact the Headteacher to clarify any queries about the information you have received or to point out any omissions in the data that you expected to receive – although if you are looking for anything particular, it is best to stipulate this in your original request. We will look again at the information held within the Trust to see if any new information can be sourced with the extra detail provided by you. If you remain dissatisfied, please contact the Data Protection Office on 01226 282721.

11.2 If we are unable to resolve your issue internally and you remain dissatisfied with the responses to your request, you may submit a complaint to the Information Commissioner's Office (ICO). More advice on how to do this is available by contacting the ICO on its helpline number of 0303 123 1113.

11.3 If you are an employee and your subject access request submitted is part of a grievance, the actual detail of the grievance should be on the Grievance form which is available on SharePoint.

11.4 If you are a parent/guardian, and your subject access request submitted is part of a complaint, the actual detail of the complaint should be on the Complaint form which can be found on the Trust's website.