THE MOUNTBATTEN SCHOOL

Subject Access Requests - Procedure

All Subject Access Requests should be made in writing stating the information required and sent for the attention of the Data Protection Officer either via email to dpo@mountbatten.school or via post for the attention of: The Data Protection Officer, The Mountbatten School, Whitenap Lane, Romsey, SO51 5SY.

1. Policy Statement

1.1. All **Data Subjects** have rights of access to their **personal data**. This document sets out the procedure to be followed in relation to any requests made for the disclosure of **personal data processed** by the school.

2. Definition of data protection terms

2.1. All defined terms in this policy are indicated in bold text, and a list of definitions is included in Annex 1 to this policy.

3. Recognising a subject access request

3.1. As The Mountbatten School **processes personal data** concerning **data subjects**, those **data subjects** have the right to access that **personal data** under Data Protection law. A request to access this personal data is known as a subject access request or SAR.

3.2. A **data subject** is generally only entitled to access their own **personal data**, and not to information relating to other people.

3.3. Any request by a **data subject** for access to their **personal data** is a SAR. This includes requests received in writing, by email, and verbally.

3.4. If any member of our **Workforce** receives a request for information they should inform the Data Protection Officer ("DPO") as soon as possible.

3.5. In order that the school is properly able to understand the nature of any SAR and to verify the identity of the requester, any requester making a request verbally should be asked to put their request in writing and direct this to the DPO.

3.6. A SAR will be considered and responded to in accordance with the Data Protection Law.

3.7. Any SAR must be notified to the DPO at the earliest opportunity.

4. Verifying the identity of a Requester

4.1. The school is entitled to request additional information from a requester in order to verify whether the requester is in fact who they say they are.

4.2. Where the school has reasonable doubts as to the identity of the individual making the request, evidence of identity may be established by production of two or more of the following:

4.2.1. Current passport
4.2.2. Current driving licence
4.2.3. Recent utility bills with current address
4.2.4. Birth/marriage certificate
4.2.5. P45/P60
4.2.6. Recent credit card or mortgage statement

4.3. If the school is not satisfied as to the identity of the requester then the request will not be complied with, so as to avoid the potential for an inadvertent disclosure of **personal data** resulting to a data breach.

5. Fee for Responding to Requests

5.1. The school will usually deal with a SAR free of charge.

5.2. Where a request is considered to be manifestly unfounded or excessive a fee may be requested. Alternatively, the school may refuse to respond to the request. If a request is considered to be manifestly unfounded or unreasonable the school will inform the requester why this is considered to be the case.

5.3. A fee may also be requested in relation to repeat requests for copies of the same information. In these circumstances a reasonable fee will be charged taking into account the administrative costs of providing the information.

6. Time Period for Responding to a SAR

6.1. The school has one month to respond to a SAR. This will run from the later of a. the date of the request, b. the date when any additional identification (or other) information requested is received, or c. payment of any required fee.

6.2. In circumstances where the school is in any reasonable doubt as to the identity of the requester, this period will not commence until sufficient information has been provided by

the requester as to their identity, and in the case of a third party requester the written authorisation of the **data subject** has been received (see below in relation to sharing information with third parties).

6.3. The period for response may be extended by a further two calendar months in relation to complex requests. What constitutes a complex request will depend on the particular nature of the request. The DPO must always be consulted in determining whether a request is sufficiently complex as to extend the response period.

6.4. Where a request is considered to be sufficiently complex as to require an extension of the period for response, the school will notify the requester within one calendar month of receiving the request, together with reasons as to why this is considered necessary.

6.5. A request may be received during or less than one month prior to a school holiday. Where a request is made prior to a holiday period the school will seek to respond prior to that holiday commencing, however where this is not possible then the school will inform the requester that this is the case.

6.6. Requests received during extended holiday periods may not be able to be responded to within the one-month response period. The school will in those circumstances send out an initial acknowledgement of the request followed by a further acknowledgment as soon as possible following commencement of the next term setting out details of when a full response will be provided (being not more than one month of commencement of that term).

7. Form of Response

7.1. A requester can request a response in a particular form. In particular, where a request is made by electronic means then, unless the requester has stated otherwise, the information should be provided in a commonly readable format.

8. Sharing Information with Third Parties

8.1. **Data subjects** can ask that you share their **personal data** with another person such as an appointed representative (in such cases you should request written authorisation signed by the **data subject** confirming which of their **personal data** they would like you to share with the other person).

8.2. Equally if a request is made by a person seeking the **personal data** of a **data subject**, and which purports to be made on behalf of that **data subject**, then a response must not be provided unless and until written authorisation has been provided by the **data subject**. The school should not approach the **data subject** directly but should inform the requester that it cannot respond without the written authorisation of the **data subject**.

8.3. If the school is in any doubt or has any concerns as to providing the **personal data** of the **data subject** to the third party, then it should provide the information requested directly to the **data subject**. It is then a matter for the **data subject** to decide whether to share this information with any third party.

8.4. **Personal data** belongs to the **data subject**, and in the case of the **personal data** of a child regardless of their age the rights in relation to that **personal data** are theirs and not those of their parents. Parents, in most cases, do not have automatic rights to the **personal data** of their child.

8.5. However, there are circumstances where a parent can request the **personal data** of their child without requiring the consent of the child. This will depend on the maturity of the child and whether the school is confident that the child can understand their rights. Generally, where a child is under 12 years of age they are deemed not to be sufficiently mature as to understand their rights of access and a parent can request access to their **personal data** on their behalf.

8.6. In relation to a child 12 years of age or older, then provided that the school is confident that they understand their rights, and there is no reason to believe that the child does not have the capacity to make a request on their own behalf, the school will require the written authorisation of the child before responding to the requester, or provide the **personal data** directly to the child in accordance with the process above.

8.7. In all cases the school should consider the particular circumstances of the case, and the above are guidelines only.

9. Withholding Information

9.1. There are circumstances where information can be withheld pursuant to a SAR. These are specific exemptions and requests should be considered on a case by case basis.

9.2. Where the information sought contains the **personal data** of third party **data subjects** then the school will:

9.2.1. Consider whether it is possible to redact information so that this does not identify those third parties, taking into account that it may be possible to identify third parties from remaining information;

9.2.2. If this is not possible, consider whether the consent of those third parties can be obtained; and

9.2.3. If consent has been refused, or it is not considered appropriate to seek that consent, then to consider whether it would be reasonable in the circumstances to disclose the

information relating to those third parties. If it is not, then the information may be withheld.

9.3. So far as possible the school will inform the requester of the reasons why any information has been withheld.

9.4. Where providing a copy of the information requested would involve disproportionate effort the school will inform the requester, advising whether it would be possible for them to view the documents at the school or seeking further detail from the requester as to what they are seeking, for example key word searches that could be conducted, to identify the information that is sought.

9.5. In certain circumstances information can be withheld from the requester, including a **data subject**, on the basis that it would cause serious harm to the **data subject** or another individual. If there are any concerns in this regard, then the DPO should be consulted.

10. Process for dealing with a Subject Access Request

10.1. When a subject access request is received, the school will:

10.1.1. notify the DPO who will be responsible for managing the response and relevant department heads;

10.1.2. [subject to para 6.6 above,] acknowledge receipt of the request and provide an indication of the likely timescale for a response within 5 working days;

10.1.3. take all reasonable and proportionate steps to identify and disclose the data relating to the request;

10.1.4. never delete information relating to a subject access request, unless it would have been deleted in the ordinary course of events – it is an offence to amend or delete data following receipt of a SAR that would not have otherwise been so amended or deleted;

10.1.5. consider whether to seek consent from any third parties which might be identifiable from the data being disclosed;

10.1.6. seek legal advice, where necessary, to determine whether the school is required to comply with the request or supply the information sought;

10.1.7. provide a written response, including an explanation of the types of data provided and whether and as far as possible for what reasons any data has been withheld; and

10.1.8. ensure that information disclosed is clear and technical terms are clarified and explained.