



MALTMAN'S GREEN
SCHOOL

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Subject Access Request (SAR) Policy

Related documents

CCTV Policy
Complaints Procedures for Parents
Data Protection Policy
Data Retention Policy

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1 Introduction

The Data Protection Act 2018 and UK GDPR provide individuals with a right to access personal data held about them. This is known as a Subject Access Request (SAR) and is established under Article 15 of the UK GDPR.

This right enables individuals to obtain confirmation that their personal data is being processed and to access that data, together with supplementary information about how and why it is processed. This may include the purposes of processing, the categories of personal data held, the recipients to whom it may be disclosed, and, where available, the source of the data.

The School recognises the importance of transparency and accountability in the handling of personal data and is committed to ensuring that all Subject Access Requests are handled lawfully, fairly and within the required timescales.

2 Compliance with UK GDPR and Data Protection Law

The School will comply fully with its obligations under data protection law when responding to Subject Access Requests. Requests will normally be responded to within one calendar month of receipt. Where a request is complex or involves a significant volume of information, the School may extend the response period by up to a further two months. In such circumstances, the individual will be informed within the initial one-month period and provided with an explanation for the delay.

The School will ensure that all staff are able to recognise a Subject Access Request and understand the importance of forwarding it promptly to the Data Protection Lead. Appropriate advice will be sought where necessary, particularly in cases involving sensitive data or safeguarding considerations.

Failure to comply with data protection law may result in regulatory action or a complaint to the Information Commissioner's Office.

3 Aim

The aim of this policy is to ensure that the School meets its legal obligations in respect of Subject Access Requests and that individuals are supported in exercising their rights. It also seeks to ensure that staff understand their responsibilities and that requests are managed consistently, transparently and in accordance with statutory requirements.

4 Legislation

This policy is informed by the requirements of UK GDPR and the Data Protection Act 2018. It also takes account of the Access to Health Records Act 1990 where requests relate to health records, including those of deceased individuals.

The School will also have regard to wider legislation relating to the security and confidentiality of personal data where relevant.

5 Related Guidance

The School will have regard to guidance issued by the Information Commissioner's Office when applying this policy, ensuring that practice reflects current regulatory expectations.

6 Roles and Responsibilities

6.1 Accountable Officer

The Governing Body has overall responsibility for ensuring that the School complies with data protection law and meets the requirements of the Independent School Standards Regulations. This includes ensuring that appropriate policies, procedures and oversight arrangements are in place.

6.2 Data Protection Lead

The Data Protection Lead (the Bursar) is responsible for the day-to-day management of Subject Access Requests. This includes coordinating responses, ensuring that information is identified and reviewed appropriately, maintaining records of requests, and ensuring that the School meets statutory timescales. The Data Protection Lead will also escalate any significant risks or compliance concerns to the Governing Body.

6.3 All Staff

All staff are responsible for supporting the effective implementation of this policy. This includes recognising when a Subject Access Request has been made, reporting it without delay, and ensuring that personal data is handled securely and in accordance with the School's data protection procedures.

7 Training

The School will ensure that all staff receive appropriate data protection training as part of their induction and at regular intervals thereafter. Additional training will be provided for staff with specific responsibilities for handling Subject Access Requests.

8 Dissemination and Implementation

This policy will be made available to staff and, where appropriate, to parents and pupils in accordance with the School's obligations under the Independent School Standards Regulations. Any significant changes to this policy will be communicated through appropriate channels.

9 Monitoring and Audit

The Governing Body will monitor compliance with this policy and will ensure that it is reviewed regularly. The policy will also be reviewed in response to changes in legislation, regulatory guidance, or identified operational need, including anticipated developments in data protection law.

Appendix 1: Procedure for Handling Subject Access Requests

When a Subject Access Request is received, it must be forwarded immediately to the Data Protection Lead, who will coordinate the School's response. A record of the request will be maintained to ensure that statutory timescales are met and that the School can demonstrate compliance if required.

The School may take reasonable steps to verify the identity of the individual making the request before disclosing any information. This will be proportionate to the nature and sensitivity of the data requested.

Requests will normally be processed free of charge. However, the School reserves the right to charge a reasonable fee where a request is manifestly unfounded or excessive. Where a request is made on behalf of another individual, the School will seek appropriate evidence of authority and will consider whether disclosure is in the best interests of the individual concerned.

In the case of pupils, the School will consider the rights of the child alongside those of any parent or carer. Where a pupil seeks to exercise their own rights, or to withhold consent to disclosure, the School will assess whether the pupil has sufficient understanding and maturity to make this decision, in accordance with the principles established in *Gillick v West Norfolk and Wisbech AHA*. This assessment will consider the pupil's ability to understand the nature of the request and the implications of granting or withholding consent.

Where a pupil is assessed as competent, their decision will normally be respected. However, the School may depart from this position where it is necessary to act in the pupil's best interests or where safeguarding considerations apply. In such cases, appropriate advice will be sought and the Designated Safeguarding Lead may be consulted.

The School will carry out a reasonable and proportionate search for personal data, which may include electronic systems, emails and manual records. Only information that relates to the individual will be disclosed.

Information will be provided in a secure and accessible format. Copies will be supplied rather than original documents, and explanations will be provided where necessary to ensure that the information can be understood.

Where the requested information includes personal data relating to other individuals, the School will consider the rights of all parties before deciding whether disclosure is appropriate. This may result in the redaction of third-party information.

The School may withhold information where a lawful exemption applies. This may include circumstances involving legal professional privilege, confidential references, safeguarding concerns, or the prevention or detection of crime. Where information is withheld, the reasons will be explained where it is appropriate to do so.

The School will ensure that responding to a request does not compromise the safety or wellbeing of any individual. In particular, information will not be disclosed where doing so would place a child at risk of harm or prejudice a safeguarding investigation, in line with the School's safeguarding obligations.

A copy of the information disclosed will be retained securely in case of any subsequent challenge.

If an individual is dissatisfied with the handling of their request, they may raise the matter through the School's Complaints Procedure. They also have the right to complain to the Information Commissioner's Office or to seek a judicial remedy.

Appendix 2: Subject Access Request (SAR) Form

A subject access request (SAR) is a request made by, or on behalf of, an individual for the information which they are entitled to ask for under Article 15 of the UK GDPR. This includes personal data and other supplementary information, such as the reason for the school processing the data.

This form is intended to help individuals exercise this right. Hard copies of the form can be requested from the school office. SARs do not have to be made via this form and can also be made by other means, e.g. verbally, by letter or email. Further information about the right of access is available at <https://ico.org.uk/for-the-public/your-right-to-get-copies-of-yourdata/>.

Personal data about a child belongs to that child, and not the child's parents. For a parent to make a SAR in respect of their child the school will consider whether the child is mature enough to understand their rights. The school will determine this on a case-by-case basis; however, children below the age of 13 are typically not regarded to be mature enough to understand their rights and its implications, and most SARs for children in this age group by parents will be granted without requiring the child's consent.

In order to respond to a SAR, the school must be assured of the requester's identity. The school may ask for two forms of identification, e.g. a passport and proof of address. The school will respond to a SAR within one calendar month of receipt unless an extension is necessary in line with the UK GDPR. Where a SAR is refused in line with the UK GDPR, an explanation will be provided in writing and information provided on the next steps the requester may take in seeking to access the information.

Subject Access Request (SAR) Form	
Requester information	
Name	
Address	
Email address	
Contact number (if required)	
Preferred format of response – e.g. by email, post or verbally.	

<p>Additional needs – Specify if you have any relevant additional needs, e.g. visual impairment, that the school will need to understand to be able to respond in an accessible format. Leave this section blank if not.</p>	
<p>Date</p>	
<p style="text-align: center;">Request on behalf of another individual (Leave this section blank if you are requesting your own personal information)</p>	
<p>What is the name of the individual whose information you are requesting to access?</p>	
<p>What is your relationship to the individual?</p>	
<p>What evidence do you have to confirm you are legally authorised to access the information, e.g. letter of authority, proof of parental responsibility?</p>	
<p style="text-align: center;">Information being requested</p>	
<p>Details of the personal information you wish to access – Be as specific as possible to ensure relevant information is provided, e.g:</p> <ul style="list-style-type: none"> • Your staff personnel file • Your child’s behaviour record • Emails between ‘Teacher A’ and ‘Teacher B’ • CCTV footage at ‘Location A’. 	

<p>Time period – Provide a date range for the information you are requesting, and specific times, if applicable.</p>	
<p>Reason for requesting this information – You are not required to provide a reason; however, it can help the school to provide the specific information you want as soon as possible.</p>	
<p>Additional details – Provide any additional details you think may be relevant to the request and may help the school to find the information.</p>	

Please return this form to the school office marked for the attention of the Bursar.