



## St Mary Magdalene C of E School with Christ Church C of E Primary School

### **General Data Protection Regulation Subject Access Requests in Schools**

People have several rights under the General Data Protection Regulation, one of which is the right to access their personal data held by an organisation. This is known as a Subject Access Request.

#### **The request**

Applicants must put their request in writing asking for the information they want. Identification should be provided in order to satisfy the school of the applicant's identity (where required).

#### **What information are they entitled to?**

Individuals (members of the public and staff) are entitled to a copy of any information the school holds about them, where they are the focus of the information and the information says something significant about them. This type of information is known as 'personal data'.

If a school has engaged with a Local Authority e.g. for pension services and the applicant has requested this kind of information, the school must contact the service providers who may hold the information on their behalf, and request a copy of it. This is to ensure that the School meets its obligation to collate all information held, relating to the individual making the request.

#### **Parents requesting information about their child**

Parents do not have an automatic right to see information held about their child (other than educational records, requested under the Education (Pupil Information) (England) Regulations 2005). If a child is over 12 years old and is considered by the school to be mature, the child should be asked to request the information themselves. Alternatively, the parent can provide the school with written permission from their child, to release the child's records to them.

Schools should also consider the legal entitlement and appropriateness of the parent to receive the information, for example in cases where a parent does not have parental responsibility for the child. Where necessary legal advice should be sought.

#### **Time scales**

If the information requested forms part of an educational record, the school must make their disclosure within 15 working days. For all other types of information, the school must make their disclosure as quickly as possible and in any case within 40 calendar days.

#### **Can I charge for this information?**

Under the Subject Access Fee Regulations 2000 there is a fee that may be charged by the School if the request for information is manifestly excessive or unfounded, particularly if the request is repetitive. The fee charged will be determined on the basis of the administrative costs of complying with the request and therefore the level of the fee will vary depending on the remit of the request and the administrative costs incurred. The School will need to provide evidence to the requestor on how the request for information is manifestly excessive or unfounded.

### Consult authors

If the school is in possession of any letters, emails, documents, handwritten notes etc. which have been written by staff, members of the public or other organisations, the school must contact the authors and consult with them over the release of this information. There are some occasions when an unreasonable refusal of consent to release the information, may be overridden. In determining whether it is reasonable to disclose a document without consent from the author, the school should consider the following:

- Is there a duty of confidentiality owed to the individual (i.e. the author)?
- What steps have been taken with a view to seeking consent?
- Is the author capable of giving consent?
- Has the author refused consent and if so, is it reasonable to override the refusal?

### Are there any exemptions?

Yes. A list of the main exemptions can be found in Appendix one. Please note the list is not exhaustive.

### How do I redact/obscure information?

Any information which you are applying an exemption to e.g. third party data, must be completely obscured. One way of doing this is to cover the unwanted text with a black marker pen (do this on a copy not the original document). You will then need to photocopy this copy and check that you cannot see the text through the black. If necessary, repeat the process again.

If an exemption has been applied and text has been removed from a document, to the extent that the remaining text does not make sense, it may be appropriate to withhold the entire document.

### Do I need to keep a copy of the information I disclose?

Yes, it is good practice to keep an accurate copy of the information disclosed, for two years in case the contents are disputed.

### Criminal offence

It is a criminal offence to deliberately withhold (without lawful justification) or destroy personal data, when a Subject Access request has been made.

### Contact

For any further question relating to making your subject access request and the information held please contact the school office, for any GDPR related questions please contact the schools Data Protection Officer on [SKotb@koinoniafederation.com](mailto:SKotb@koinoniafederation.com).

## Appendix One

### General Data Protection Regulation Exemptions from Subject Access

Exemption	Summary
Prevention or detection of crime or the apprehension or prosecution of offenders, or assessment or collection of any tax or duty	This can only be applied if there is a real likelihood that the disclosure would prejudice those purposes.
Disclosure would result in serious harm to the physical or mental health or condition of the individual or some other person	This can only be applied where a 'health professional' has made this prognosis and there needs to be a real likelihood that the disclosure would cause serious harm to the individual.  This applies to information held for education welfare, social work and health purposes only.

Third Party Data / Information about 'other individuals'	Data subjects are only entitled to information held about them. Schools are not obliged to comply with a request if it would identify someone else, unless the other individual has consented to the disclosure of the information, or it is reasonable in all the circumstances to comply with the request without the consent of the other individual.
Legal Professional Privilege	This relates to the confidentiality between a client and their legal adviser. Any advice which comes from a legal advisor may be exempt from disclosure and should not be disclosed without the legal advisor's permission.
Confidential references given by the data controller	Schools are not obliged to disclose references which they have provided. However, they are obliged to disclose references which they have received. Any information which would identify the referee must be removed unless the referee consents to the release their information.
Cost of complying exceeds the appropriate limit	Unstructured, paper held documents and records are exempt from disclosure if it would take longer than 18hrs to locate and extract the information the data subject is entitled to, from within those documents and records.  This exemption cannot be applied to educational records, social services records, health records or any other information held electronically.
Self-incrimination	If by complying with any subject access request the school would reveal evidence of the commission of any offence, other than an offence under GDPR, exposing them to proceedings for that offence, the school need not comply with the subject access request.
Prohibited or restricted by law	Where an act of law or an order from a court prohibits the disclosure.
Negotiations	Where the information contains the intentions of the school in relation to any negotiations with the data subject, that information is exempt from disclosure, if disclosure would prejudice those negotiations.
Examination Scripts	Information recorded by candidates during an examination is exempt from disclosure. However any comments recorded by the examiner in the margins of the script are not exempt and as such should be provided even though they may not appear to the school to be of much value without the script itself.
Examination Marks	This is not an exemption as such but is rather an adaptation of the requirement to disclose personal data within 40 calendar days. If a Subject Access request is received for examination marks, the school can extend the 40 day timescale to be either 5 months from the day on which the school received the request or 40 calendar days from the announcement of the examination results, whichever is earlier.

**This is not an exhaustive list**

## SUBJECT ACCESS REQUEST FORM

Dear school,

Please provide me with the information about me that I am entitled to under the General Data Protection Regulation. This is so I can be aware of the information you are processing about me, and verify the lawfulness of the processing.

Here is the necessary information:

1. Details of applicant/representative:	
Full name	
Date of request	
Name of school including campus (e.g. Peninsula, Christ Church, Woolwich)	
Relationship with the school	Please select: Pupil / parent / employee / governor / volunteer Other (please specify):
Correspondence home address	
Contact number	
Email address	
Details of the information requested	Please provide me with: Insert details of the information you want that will help us to locate the specific information. Please be as precise as possible, for example: My personnel file My child's medical records My child's behavior record, held by [insert class teacher] Emails between 'A' and 'B' between [date]
Are you the data subject? (The persons whose information is being requested)	<b>Yes</b> <b>No</b> (If you are requesting information/records on behalf of a pupil please complete section 2)
Details for Identity Verification	I understand that I must be able to verify my identity. I will provide upon request x2 forms of identification from the list below to enable my request to be processed. Passport UK Driving License

## 1. Details of applicant/representative:

	Birth Certificate Utility Bill Other (please specify)
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## 2. Requests made on behalf of a pupil

Full name of child	
Name of school including campus (e.g. Peninsula, Christ Church, Woolwich)	
Class (if a current pupil)	
Date of leaving (if applicable)	
Home address	
Contact number	
Email address	
Are you acting on behalf of the data subject with their written consent or in another legal authority?	<b>Yes</b> <b>No</b>
If 'Yes' please state your relationship with the data subject (e.g. parent, legal guardian or solicitor)	
Has proof been provided to confirm you are legally authorised to obtain the information? (E.g. letter of authority, this is required where the child is over 12 years of age and the request is not related to educational records requested under the Education (Pupil Information) (England) Regulations 2005)	<b>Yes</b> <b>No</b>
Please state in detail which information/records you require	

**FOR OFFICE USE**

Receipt Date:		Reference no:	
ID required/received:		Received by:	
Proof of address required/received:		Fee required/received:	