

## SUBJECT ACCESS REQUEST FORM

### Introduction

The College holds personal data (or information) about job applicants, employees, pupils and parents and other individuals for a variety of purposes.

Under Data Protection Law, individuals (known as 'data subjects') have a general right to find out whether the College hold or process personal data about them, to access that data, and to be given supplementary information. This is known as the right of access, or the right to make a data subject access request (SAR).

This document provides guidance for all individuals on how to make a SAR. If you have any questions regarding this procedure, please contact the Head of Data and Information or the Trust's DPO whose details are as follows:

Data Protection Officer: Handsam  
Email: [info@handsam.co.uk](mailto:info@handsam.co.uk)  
Telephone: 03332 070737

### What is a subject access request (SAR)

A data subject access request is a request from an individual (or from someone acting with the authority of an individual, e.g. a solicitor or a parent making a request in relation to information relating to their child):

- for confirmation as to whether the College process personal data about him or her and, if so
- for access to that personal data
- and/or certain other supplementary information

A valid SAR can be both in writing (by letter, email, WhatsApp text) or verbally (e.g. during a telephone conversation). The request may refer to the GDPR and/or to 'data protection' and/or to 'personal data' but does not need to do so in order to be a valid request. For example, a letter which states 'please provide me with a copy of all the information that you have about me' will be a data subject access request and should be treated as such.

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

### How to make a data subject access request

We request any individuals who wish to make such a request to use the College's form at Appendix A of this document to allow the College to easily recognise that you wish to make a data subject access request. When completed this should be directed to the **Data Manager** as there are limited timescales within which the College must respond to a request, so it is crucial to ensure that requests are passed to the relevant individual without delay.

## **Acknowledging the request**

When the College receive this form we will acknowledge the request as soon as possible and inform the requester of the statutory deadline to respond to the request and any extensions that may be necessary. In addition to acknowledging the request, the College may ask for:

- Proof of ID (such as a passport, driving license, a recent utility bill with current address, birth/marriage certificate, credit card or a mortgage statement)
- Further clarification about the requested information so that we can process the requests as quickly as possible.
- Permission to act on behalf of the data subject if that person is over the age of 13.

In each case, the period of responding begins when the additional information has been received. If the College do not receive this information, they will be unable to comply with the request.

## **Fee for responding to a SAR**

The College will usually deal with a SAR free of charge. Where a request is considered to be manifestly unfounded or excessive a fee to cover administrative costs may be requested.

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.

If a fee is requested, the period of responding begins when the fee has been received.

## **Time Period for Responding to a SAR**

The College has one calendar month to respond to a SAR, running from either the day after the request has been received or from the day when any requested additional identification, information, written authorisation or fee payment has been received.

The period for response may be extended by a further two calendar months in relation to complex requests, in which case the College will respond to explain the reasons why the extension is necessary.

## **College closure periods**

Requests received during or just before College closure periods will not be able to be responded to within the one calendar month response period. This is because the College will be closed. We may not be able to acknowledge your request during this time (i.e. until a time we receive the request) and the time period will not start until the College re-opens. If your request is urgent, please aim to provide your request during term times and not during/close to

## **Where we will locate information**

The personal data the College need to provide in response to a data subject access request may be located in several of the electronic and manual filing systems. This is why it is important to identify at the outset the type of information requested so that the search can be focused.

Depending on the type of information requested, the College may need to search areas such as, but not limited to:

- electronic systems, e.g. databases, networked and non-networked computers, servers, customer records, human resources system, email data, back up data, CCTV;
- manual filing systems in which personal data is accessible according to specific criteria, e.g. chronologically ordered sets of manual records containing personal data;
- data systems held externally by our data processors;
- occupational health records held by Heals Medical (Occupational Health provider for DCAT);
- pensions data held by DCAT, Strictly Education and East Sussex County Council;

- insurance benefit information held by Teachers Pensions and the Local Government Pension Scheme.
- data held by Ellis Whittam (legal services) Stone King (legal services)
- third party software used by the College to support learning.

### **Requests made by third parties**

The College need to be satisfied that the third party making the request is entitled to act on behalf of the individual, but it is the third party's responsibility to provide evidence of this entitlement. This might be a written authority to make the request or it might be a more general power of attorney. The College may also require proof of identity in certain circumstances.

If the College 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.

### **Requests made on behalf of children**

Generally, a person aged 13 years or over is presumed to be of sufficient age and maturity to be able to exercise their right of access and it is still the right of the child, rather than of anyone else such as a parent or guardian, to have access to the child's personal data. Before responding to a SAR for information held about a child, the College will consider whether the child is mature enough to understand their rights and if so, the College will require the written authorisation of the child before releasing their information to the requester, or provide the personal data directly to the child.

The College may also refuse to provide information to parents if there are consequences of allowing access to the child's information – for example if it is likely to cause detriment to the child.

When considering borderline cases the following will be taken into account, among other things:

- the child's level of maturity and their ability to make decisions like this;
- the nature of the personal data;
- any court orders relating to parental access or responsibility that may apply;
- any duty of confidence owed to the child or young person;
- any consequences of allowing those with parental responsibility access to the child's or young person's information. This is particularly important if there have been allegations of abuse or ill treatment;
- any detriment to the child if individuals with parental responsibility cannot access this information; and
- any views the child or young person has on whether their parents should have access to their information.

### **Protection of third parties - exemptions to the right of subject access**

In order to protect the data rights of third parties the College will redact certain information so that this does not identify third parties. If their data cannot be redacted (for example, after redaction it is still obvious who the data relates to) then the College does not have to disclose personal data to the extent that doing so would involve disclosing information relating to another individual unless:

- the other individual has consented to the disclosure; or
- it is reasonable to comply with the request without that individual's consent.

Any decisions to disclose third party information without their consent will involve balancing the data subject's right of access against the other individual's rights and will be made in consultation with the DPO.

### **Other exemptions to the right of subject access**

In certain circumstances the College may be exempt from providing some or all of the personal data requested. These exemptions are described below and should only be applied on a case-by-case basis after a careful consideration of all the facts.

- Crime detection and prevention;
- Confidential references;
- Legal professional privilege;
- Management forecasting;
- negotiations

### **Refusing to respond to a request**

The College can refuse to comply with a request if the request is manifestly unfounded or excessive (including repetitive) and can:

- request a "reasonable fee" to deal with the request; or
- refuse to deal with the request.

In either case the College need to justify the decision and inform the requestor about the decision.

## Appendix A

### Subject Access Request Form

Please complete this form if you wish to make a request for data. Your request will normally be processed within one calendar month upon receipt of a fully completed form and proof of identity.

Proof of identity: We require proof of your identity before we can disclose personal data. Proof of your identity should include a copy of a document such as your birth certificate, passport, driving licence, official letter addressed to you at your address e.g. bank statement, recent utilities bill or council tax bill. The document should include your name, date of birth and current address. If you have changed your name, please supply relevant documents evidencing the change.

Please send your completed form and proof of identity by email to: [ejames@stcatherines.college](mailto:ejames@stcatherines.college)

#### Section 1

Please fill in the details of the **data subject** (i.e. the person whose data you are requesting).

Title & Surname/Family Name	
First Name(s)/Forename	
Date of Birth	
Address	
Post Code	
Phone Number	
Email address	

#### **Personal Information**

*Please tell us if you know in which capacity the information is being held such as student or staff records, together with any previous names or relevant dates you may have. If you do not know exact dates, please give the year(s) that you think may be relevant.*

#### **Details:**

#### **Employment records:**

*If you are, or have been employed by the College and are seeking personal information in relation to your employment please provide details of your Staff number/Unit/Team/Dates of employment.*

#### **Details:**

## **Section 2**

Please complete this section of the form with your details if you are acting on behalf of someone else (i.e. 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 & Surname/Family Name	
First Name(s)/Forename	
Date of Birth	
Address	
Post Code	
Phone Number	
Email address	

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

I am enclosing the following copy 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 below):

### Section 3

Please describe in **as much detailed as possible** what data you request access to, such as the time periods; categories of data (for example communication or SEN records); information relating to a specific case; paper records; electronic records; emails (regarding subject, sent to and/or from) etc.

This level of detail will greatly increase the speed in which we can provide the data as we hold a significant amount of information within a school.

I wish to:

- Receive the information by post\*
- Receive the information by email
- Collect the information in person
- View a copy of the information only
- Go through the information with a member of staff

*\*Please be aware that if you wish us to post the information to you, we will take every care to ensure that it is addressed correctly. However, we cannot be held liable if the information is lost in the post or incorrectly delivered or opened by someone else in your household. Loss or incorrect delivery may cause you embarrassment or harm if the information is 'sensitive'.*

I am enclosing the following copies as proof of identity (please tick the relevant box):

- Birth Certificate
- Driving Licence
- Passport
- An official letter to my address