

SUBJECT ACCESS REQUEST PROCESS

College Road Primary School



College Road
Primary School

1.0 DEALING WITH A SUBJECT ACCESS REQUEST

We take our responsibilities and the data subject's rights of access to personal data seriously. This process ensures we meet our obligations and maintain the security of personal information during the process of gathering information requested.

2.0 ADMINISTRATION

2.1 Allocation

When a request is received directly by the school this must be allocated to the Senior Administrator. The person dealing with the request will notify the DPO (if not already done) and complete the Subject Access Request Proforma <see appendix I>. This will be the cover sheet to the case file.

SAR case files are set up both electronically and in hardcopy form. The hard copy case files will hold all of the personal data that has been requested. It will be stored in a wallet and stored securely in a suitable lockable location. A copy of the application documentation and any ongoing communication in relation to the SAR should be scanned and saved in the electronic SAR case file. The individual electronic SAR case file should be established in the following location school G: drive: SAR.

The request should be logged on the SAR monitoring database – see section 5.

2.2 Locating and retrieving personal information

An initial investigation should be made to see if there is any information held within the records that is not owned by the school. This may relate to social care reports, medical reports, i.e. from a doctor, counsellor or psychologist, other agency reports. If any such information is found we will contact the owner of the information to liaise about the release of this information (see appendix 2) and we will notify private foster carers (see appendix 2a). We will action this as a priority to enable a full response within the month time scale.

The hardcopy file should be removed from local storage or from archive filing in the case of a historical request. To reduce unnecessary photocopying we will carry out an initial skim read to highlight the documents which have been identified as relevant – a post-it or similar will be attached to each relevant record. (Document relevance will be determined by the information requested in the initial application and, where appropriate subsequent discussion with the applicant).

2.3 Copying and printing

Copying: Identified relevant information in the hardcopy file should be photocopied, single sided. During the photocopying process file security should be maintained and unauthorised access to the files prohibited. Copied material should be placed in date order in the clearly labelled wallet. The original file should be re-assembled and returned to locked storage. When not in use the photocopied material should also be kept in locked storage.

Printing: Documents printed from electronic records should be co-located with the material copied from the hardcopy file. The storage wallet should be clearly labelled with its contents.

2.4 Information security and storage

Security must be maintained at all times when the files are being worked on. The files should not be left unattended or accessible by unauthorised members of staff. All hardcopy files and print outs should be secured in locked storage when not in use.

2.5 Numbering the records

As the copy file or documents are read they should be systematically numbered using a light pencil mark in the top right hand corner of each sheet. This enables the continuity of the file to be re-established should pages be removed during the redaction process.

2.6 Redaction

This should always be undertaken using the photocopy of the file/documents. **Originals must not be redacted.** Consideration should be given to whether any of the exemptions contained within the Data Protection Act 2018 might apply. If in doubt please refer to the Data Protection Officer. Further details can also be found on the Information Commissioner's website.

How to redact: Redaction should be undertaken with a white correction roller. It is important that all redacted information is completely blanked out. For large blocks of redaction white sticky labels can also be used. When the redacted document is re-photocopied none of the redacted text must be visible.

What to redact: In general the redaction that will be required will relate to information about or provided by third parties. Examples of third party information includes information about the subject's relatives or reports about the subject provided by other agencies. Legislatively this will relate to [Schedule 2, 3 and 4](#) of the Data Protection Act. Further legislative guidance on the issue of third party information can be found on the Information Commissioner's website.

Coding Redactions: Reasons for redaction must be recorded on the file. Every time information is edited a relevant code number will be written against the information that has been removed, details of the redaction codes to be used can be found in (appendix 3).

2.7 Preparing the redacted file for disclosure

File Preparation. Redacted records should be photocopied, single sided. It is important to check that no redacted material can be seen in the photocopied records. The photocopied records will be checked to ensure that no un-related documents have been included. They will then be placed in an appropriate envelope/storage box. **A copy of 'Understanding Editing Codes' should be added to the file for sending <appendix 3>** A standard release letter will also be included, (appendix 4).

If third parties have been contacted to ask for their consent to disclose we will advise the requester of this in the letter. The need to consult with third parties will not prevent the main body of our school records being issued to the requestor. The outcome of discussions with the third parties will be sent to the requestor in due course when a response has been received. A clear printed address label should be attached and the envelope/box securely sealed with sellotape or parcel tape. Security of redacted records must be maintained at all times, copied documents must be kept in locked storage.

2.8 Releasing the file to the customer and case closure

Sending the file: The customer should be given the option of either collecting the files by hand or receiving them via Royal Mail Special Delivery – signed for. A record of the recorded delivery tracking reference should be held on the file (see appendix 5) and will be recorded on the log.

Collection: If the customer opts to collect the file by hand they should bring appropriate identification (see appendix 6) and should be asked to sign the Release – Collection by Client Form, (see appendix 7).

3.0 SUBJECT ACCESS – LOGGING REQUESTS AND MONITORING COMPLIANCE

Compliance with this policy and legislation will be monitored and details of this will be reported to the governing body annually as a minimum or at such time where this is deemed necessary.

Monitoring will capture:

- The number of SAR's received;
- SAR reference number;
- Confirmation that appropriate identity checks were completed;
- The date the request was received and the date it was responded to;
- Whether the request has been actioned within the statutory time limit;
- The reason for any delays past the statutory time limit;
- Whether the data subject was informed of the delay and the reasons for this;
- Whether the request was responded to within 3 months of receipt of the request (where a request is complex or numerous);
- Details of the information provided;
- Whether any information was withheld and the reason for this;
- Whether a request was deemed unfounded or excessive and whether the data subject was adequately informed of the reason;
- Whether a fee was charged;
- Whether the data subject was informed of their rights to complain to the ICO.

Please see appendix 8 for an example of an appropriate monitoring log.

APPENDIX I**SUBJECT ACCESS REQUEST PROFORMA**College Road Primary School

Responsible Staff Member:	Date:
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Data Subject Name	
Applicant Name (if different from above)	
Consent for third party to request information	
Description of information requested	
Date received	
Date Complete	
Action	
SIMS	
School's computer drive	
Laptops, Tablets or other portable devices	
Child protection system	
Electronic curriculum tools etc	
Paper Files	
No of wallets	

APPENDIX 2

Dear

RE:<Data Subject Name> Date of Birth: XX\XX\XXXX

I am in receipt of a request for personal information under the Data Protection Act 2018 from <data subject>/agents name acting on behalf of <data subject> (delete as appropriate).

The enclosed documents form part of <data subject> school/staff (delete as appropriate) records. Please review the documents and let me know if you have any objections to the enclosed information relating to <data subject> being disclosed to <him/her/agents name> (delete as appropriate).

I would be grateful if you could respond, in writing, within **14 days** of receipt of this letter.

If you wish to discuss this matter further with me please do not hesitate to contact me on <telephone number>.

Yours sincerely

APPENDIX 2a

Dear XXXXXXX

RE:<Data Subject Name> Date of Birth: XX\XX\XXXX

The School has received a Subject Access Request in accordance with the Data Protection Act 2018 from XXXXXXXXX(subject name/agent) who would like access to their school records.

These case records contains reports/assessments/recordings (*delete as applicable*) provided/made (*delete as applicable*) by foster carers from your organisation.

This information will be disclosed to XXXX (subject name/agent) on xx/xx/xx

Should you wish to have a copy of the information disclosed to XXXXXXX (subject name/agent) or you have any other queries, please don't hesitate to contact me.

Yours sincerely

XXXXXXXX

Data Protection Officer

APPENDIX 3

Data Protection Subject Access Requests

Understanding Editing Codes Used in Your Records

When you read the records that we have supplied to you, you will see that some of the information has been edited.

Every time we edit information in your records we will put a code number against the information that has been removed. For example:

'The police were called -1-. The social worker advised the child was not at home and unaware of this event.'

These code numbers will help you understand why the information has been edited. There are three main reasons for editing information from your records, these are:

1. The information is not about you, it is about **another person**.
2. The information was supplied to the school by a professional worker not employed by the school. This worker would have been involved in your case. An example is a doctor or social worker. This is called a **third party view**. The school is required to ask the worker, or the organisation they work for, their consent to give you this information.
3. The information is exempt under the Data Protection Act 2018. This means that law says we do not have to supply this information as part of your Subject Access Request. This is called an **exemption**. There are a number of different exemptions.

The code numbers that we use in your records and the corresponding reason why we have edited the information are detailed in the table below:

Editing Code Number	Legislation	Reason for Editing
-1-	Schedule 2, Part 4, Paragraph 16	The information is not about you. It is information about another person .
-2-		The information has been obtained from a professional working for another agency. It is a third party view . We are writing to the third party to ask for consent to disclose this information to you.
-3-	Schedule 2, Part 4, Paragraph 24 & 25	Data Protection Act Exemption – Confidential References and exams . This relates to confidential references given or received by the school for the purposes of a prospective or actual employment, education or training of an individual. This exemption also applies to the information recorded by candidates in an exam, i.e. copies of answers to the exam questions.
-4-	Schedule 2, Part 1, Paragraph 5	Data Protection Act Exemption – Publicly available information . If the law has required the school to make certain information available to the public, any personal data included is exempt from a subject access request.
-5-	Schedule 2, Part 1, Paragraph 5	Data Protection Act Exemption – Publicly available information . If we are required by law or court order, to

		disclose personal data to a third party this information may be exempt from a subject access request.
-6-	Schedule 2, Part 1, Paragraph 2	Data Protection Act Exemption – Crime and taxation. This means that we do not have to supply information processed by the school for the purposes of the prevention or detection of crime, the apprehension or prosecution of offenders or the assessment or collection of tax or duty or an imposition of a similar nature.
-7-	Schedule 2, Part 4, Paragraph 22	Data Protection Act Exemption – Management Forecasts. This means that we do not have to provide information processed by the school for the purposes of management forecasting or planning. Releasing this information could prejudice the conduct of the business or activity concerned.
-8-	Schedule 2, Part 4, Paragraph 23	Data Protection Act Exemption – Negotiations with the requestor. This means that we do not have to supply information held by the school in relation to any negotiations with an individual that would prejudice negotiations.
-9-	Schedule 2, Part 4, Paragraph 19	Data Protection Act Exemption – Information in relation to legal proceedings. This means that we do not have to supply information for the purposes of obtaining legal advice (e.g. communications between the school and a legal adviser), information in connection with legal proceedings or to establish exercise or defend legal rights.
-10-	Schedule 3, part 4, paragraph 19	Data Protection Act Exemption – Health, Education and Social Work Records – serious harm. This means that we do not have to supply information contained in Education records where by releasing the information could cause physical or mental harm to the requestor or another person. Records obtained from Health and Social Work providers will be treated as ‘third party views’ (See Code 2)
-11-	Schedule 4, Paragraph 3	Data Protection Act Exemption – Adoption Records and Reports. This means that we do not have to supply personal data which is prohibited by regulations relating to adoption records and reports.
-12-	Schedule 4, Paragraph 4	Data Protection Act Exemption – Statements of special educational needs. This means we do not need to supply information which is prohibited by regulations relating to Special Educational Needs and Disability.
-13-	Schedule 4, Paragraph 5	Data Protection Act Exemption – Parental order and reports. This means we do not need to supply information which is prohibited by regulations relating Human Fertilisation and Embryology (Parental Orders).
-14-	Schedule 2, Part 1, Paragraph 4	Data Protection Act Exemption – Immigration. This means that we do not need to provide personal data that has been disclosed for immigration purposes.
-15-	Schedule 2, Part 2, Paragraph 7	Data Protection Act Exemption – Functions designed to protect the public. This means we do not need to

		provide personal data where we are discharging a function designed to protect the public, for example to protect against serious improper conduct or to secure workers' health, safety and welfare.
-16-	Schedule 3, Part 4, Paragraph 18	Data Protection Act Exemption – Education data processed by a court. This means we do not need to provide personal data concerning education data which has been supplied in a report or evidence given to the court in the course of proceedings. Records obtained from Health and Social Work providers will be treated as 'third party views' (See Code 2)
-17-	Schedule 3, Part 3, Paragraph 10	Data Protection Act Exemption – Social work data – an individual's expectations. This means that we do not need to comply with a request if in doing so we would disclose information that the individual did not expect the data to be disclosed to the requestor, unless the individual has since expressly indicated that they no longer have that expectation
-18-	Schedule 3, Part 5, Paragraph 21	Data Protection Act Exemption – Child Abuse. We do not need to provide personal data to someone with parental responsibility where providing such data would not be in the best interests of the individual who the child abuse is about.

The Information Commissioner's Office is the agency which regulates Data Protection in the United Kingdom. The Information Commissioner's Office website provides further, independent, advice on all aspects on Data Protection: <http://ico.org.uk/>

If you have any queries please do not hesitate to contact the school's Data Protection Officer

APPENDIX 4

Text in red is to be used with discretion when appropriate to the case.

Dear

Subject Access Request

Further to our recent contact I am pleased to enclose the school records that <name of school> hold for you (*or data subject's name if requester not subject*). As you will see, the documents have been edited as I can only provide you with information that directly concerns you (*or data subject's name*). I cannot supply personal information about other people including relatives.

The files also contain assessments and reports written by professionals outside of school, these are referred to as "third parties". The school needs to seek permission to release these documents to you and I have written to the following organisations asking for their consent to release documents to you:

- Name of Organisation
- Name of Organisation

As these organisations hold their own records, you may wish to make a Subject Access Request to them for all of the information they hold about you.

Court records withheld

The records that we hold about you contain information relating to Legal proceedings that you were the subject of / that you were involved in. As these documents belong to the court we are not able to disclose them. You can, however, make a request to the courts for these documents. Their contact details are....

I have attached a list of the abbreviations used within your files which should help when you read through them. I have also attached a list detailing the professionals referred to within the files and the organisation they represented. You will also find enclosed the document 'Understanding Editing Codes'. This explains why editing has taken place.

The policies, procedures and decisions that were made in the past are not *necessarily* standard practice today and decisions were made in the light of the circumstances and attitudes of those times. *Some of the information we have provided may be distressing to read, for example, details about your childhood which may conflict with what you already know. We would suggest that you have the support of another person when reading these records.*

Some of the information is difficult to read due to the age of the records and because they are reproduced from a 'microfiche' film. A microfiche is a card made of transparent film used to store printed information in miniaturised form. Unfortunately, copies made from microfiche files do vary in their quality. You may also find that the papers aren't in date order and this will be because the original file was transferred to microfiche without being ordered.

Please can I remind you that the information enclosed is of a personal and sensitive nature and you are responsible for ensuring it is kept safe and confidential. Once you have finished with this information please ensure it is destroyed safely. If you wish you can return it to my office and I will arrange for it to be shredded.

If you should have any queries please do not hesitate to telephone me on the number at the top of this letter.

Yours sincerely,
XXXXXX

Enc
Understanding Editing Codes
Copy: file

List of Abbreviations

Abbreviation	Meaning

List of Professionals

Name	Organisation

APPENDIX 5

DESPATCH RECEIPT SPECIAL DELIVERYTracked and Signed for

COLLEGE ROAD PRIMARY SCHOOL

Serial Number	Name & Address

Despatched By:

Date:

Processed and despatched to Royal Mail

To track each mail item log onto www.royalmail.com

Enter the Serial Number into the Track & Trace box and press Track

APPENDIX 6

ID check: For use on initial application and/or if file is being collected. Two documents from the following list constitute appropriate identification:

- Birth certificate
- Divorce, annulment or separation document
- Marriage certificate
- Utility bill
- Passport
- Bank statement
- Medical card
- Letter from doctor, solicitor or probation officer
- UK residents permit
- Benefit or Tax Credit letter
- Pay slips
- Driving Licence

Please note that original documents should be provided. Once copied the documents should be returned to the customer by recorded delivery.

APPENDIX 7

**College Road Primary School
College Road
Keyham
Plymouth
PL2 1NS**

T: 01752 567660

E: college.rd.primary.school@plymouth.gov.uk

<p>Subject Access Request Release of Information Form</p>	
Data Subject Name	
Details of Package	
Person Collecting	
Signature	
Proof of Identity	
Date Collected	
Staff Name	
Role	

T: <insert telephone number>

E: <insert email address>

