



Bishop Chadwick Catholic Education Trust

Bishop Chadwick Catholic Education Trust

Data Subject Access Request Policy Updated January 2022

Initially agreed by Directors: 20 October 2020
Review agreed by Directors: 25 January 2022
Review Date: January 2023

1. Background

This document sets out the requirements and process for identifying and managing a data Subject Access Request (SAR) within Bishop Chadwick Catholic Education Trust (the Trust).

There are two ways to accessing pupil information:

- Under Data Protection legislation, the GDPR grants the right of access to pupils and those with parental responsibility. In the UK, parents or those with parental rights have the right to access their child's data where they are 12 years or younger. When a child reaches 13 years of age, they are deemed sufficiently literate to understand what they are requesting under a SAR. Parents or those with parental rights of children 13 years or older therefore cannot request a SAR without their child's consent, unless the child is not deemed sufficiently literate.
- Under education regulations, those with parental responsibility have the right to view a pupil's education record. The timescale to provide a child's education record under the education regulation is 15 days and therefore is different to a SAR under Data Protection Regulation which is 1 month. Its therefore vital to clarify the request and determine under which regulation the request applies.

2. Introduction

The GDPR gives data subjects the right to obtain a copy of their personal data as well as other supplementary information. This is also known as the 'right to access' and helps individuals to understand how and why you are using their data, and check you are doing it lawfully.

The Trust has a legal responsibility to identify that an individual has made a request and handle it accordingly.

This document is for information and use by all employees of the Trust, any associates, contractors or agency staff and third-party processors and describes what a subject access request is, how to identify it, and what to do next in logging it and responding to it.

Associated documents: Bishop Chadwick Catholic Education Trust Data Subject Access Request Log (Annex A) and the Bishop Chadwick Catholic Education Trust Data Subject Access Request Form (Annex A) is stored on our internal server and can be accessed upon request.

3. What is a data Subject Access Request?

An individual can make a subject access request to anyone in the Trust either verbally or in writing. The request does not have to be to a specific person or contact point and does not specifically have to include the phrase 'subject access request'. Providing it's clear that the individual is asking for records of their own personal data, then it must be treated as a SAR.

If possible, should a data subject access request be received within a school, the BCCET GDPR Subject Access Request Form should be forwarded to the requester in the first instance for completion of all required information and obtain necessary consent.

4. Confirming Identification of Requester

Immediately upon receipt of a data subject access request, check with the requester that you have understood their request and **check their identity** to ensure they are in fact who they say they are. This is important as only personal data relating to the data subject must be issued to the requester.

Report the request to the Headteacher/DPO/COO for further assessment. Any additional information or evidence required to confirm identity will be sought and recorded.

All requests must be logged on the School SAR log, the Headteacher with support from the DPO/COO, should manage the request thereafter as per the requirements detailed in the next steps of this process.

5. What is an individual (data subject) entitled to?

Individuals have the right to obtain the following from the Trust:

- confirmation that the school/Trust are processing their personal data
- a copy of their personal data
- other supplementary information as detailed in the Trust's Privacy Notice:
 - the purposes of our processing;
 - the categories of personal data concerned;
 - the recipients or categories of recipient we disclose the personal data to;
 - our retention period for storing the personal data
 - the existence of their right to request rectification, erasure or restriction or to object to such processing;
 - the right to lodge a complaint with the ICO or another supervisory authority;
 - information about the source of the data, where it was not obtained directly from the individual;
 - the existence of automated decision-making (including profiling); and
 - the safeguards we provide if we transfer personal data to a third country or international organisation.

6. Responding to a SAR

What data to provide:

An individual is only entitled to sight of their own personal data, and not to information relating to other people (unless the information is also about them or they are acting on behalf of someone). Therefore, it is important to establish whether the information requested falls within the definition of personal data.

Records of Processing (RoP) detail the types of personal data collected and processed by school/Education Trust, how this is managed and where the data is stored and processed. This should be referred to in order to check all records of personal data are included in the response.

How to provide copies of the personal data:

If an individual makes a request electronically, the Trust should provide the information in a commonly used electronic format, unless the individual requests otherwise. The Trust must use a secure means by which the documents are encrypted and therefore only accessed in a readable format by the recipient.

Can we amend the data before we send it?

A subject access request relates to the data held at the time the request is received. The ICO does acknowledge however that *'in many cases, routine use of the data may result in it being amended or even deleted while you are dealing with the request. So, it would be reasonable for you to supply information you hold when you send out a response, even if this is different to that held when you received the request'*.

It would not however be acceptable to amend or delete the data if it would not otherwise have been amended. Under the Data Protection Act 2018 (DPA 2018), it is an offence to make any amendment with the intention of preventing its disclosure.

Can we charge a fee?

The Trust should not charge a fee for managing a subject access request. This may however be considered, and where only agreed by a Trust Director, where the administrative costs of complying with the request are:

- manifestly unfounded or excessive
- an individual requests further copies of their data following a request.

Where a fee is necessary, complying with the SAR will not commence until the fee is received. Alternatively, the Trust may refuse to comply with a request which is manifestly unfounded or excessive, see Section 9.

How long do we have to comply with a SAR?

The SAR must be complied without undue delay and at the latest within **one month** of receipt of the request or (if later) within one month of receipt of:

- any requested information to clarify the request
- any information requested to confirm the requester's identity
- a fee (only in certain circumstances)

The one-month timeframe should be calculated from the day it's received (whether it is a working day or not) until the corresponding calendar date in the next month. If this date falls on a weekend or Bank Holiday, then it should be provided on the next working day.

If the required one-month response timescale is not achievable for example, if the school are collating a number of requests, extra time is acceptable up to a maximum extra two months however, the data subject should be advised of the situation within one month of receiving the request outlining why more time is needed.

7. Subject Access Request Log

All relevant information should be recorded on the Subject Access Request Log (Annex A).

The following checklist should be used to ensure all relevant information has been provided back to the data subject;

- Have you identified and included all the personal data for the data subject?
- The SAR does not include any personal data about another data subject
- Have you advised of the 'purpose of the processing activity' undertaken?
- Have you advised of the categories of personal data processed?
- Have you advised who else we disclose personal data to?
- Have you advised how long the retention periods are?
- Have you reminded the data subject of their rights?
- Have you reminded them of their right to complain to the ICO?
- Have you advised them of any 'Automated Decision Making' or 'Profiling' activity?
- Have you advised them of safeguards in place when transferring data to third countries?
- Have you reminded them of the Privacy Notice?
- Has the information been adequately secured before sending it to the data subject?
- If the request is made electronically, has the response been issued in a commonly used electronic format?
- Have you responded within 1 month? If not, are we advising the data subject and offering the ICO details?

Remember: You may refuse a SAR in a few exceptional circumstances but please refer to the DPO in every instance.

These instances may include if the request is manifestly unfounded or excessive e.g.

- The individual has no intention on exercising their rights and offers to withdraw for some form of benefit
- If the individual has advised they are requesting this to cause disruption
- If the individual is targeting employees or the Trust with unsubstantiated accusations or a grudge
- If the Trust receives differing requests as part of a campaign to disrupt
- If rejected - please refer to the DPO immediately

For further information please refer to the Headteacher/DPO/COO or your line manager.



SUBJECT ACCESS REQUEST FORM

Request for information under the General Data Protection Regulation (GDPR)

This form should be completed only if you are requesting personal information relating to yourself or on behalf of a third party. Please complete in block capitals or type.

Personal details of the person requesting the information:

Form with fields for Surname, Forename, Address, Postcode, Telephone number, and Email.

Are you the Data Subject (i.e. the person whose information you are requesting)?

Form with Yes/No options and instructions to proceed to the Information Requested section or the next question.

Personal details of the Data Subject:

Form with fields for Surname, Forename, Address, Postcode, Date of birth, Telephone number, and Email.

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SUBJECT ACCESS REQUEST FORM

Please describe your relationship with the Data Subject that leads you to make this request on their behalf:

Four horizontal lines for describing the relationship with the Data Subject.

Information requested:

Please provide a clear description of the information you are requesting including, dates, departments and/or any additional information which will enable us to locate it.

Four horizontal lines for providing a clear description of the information requested.

If you would like a full copy of the personal records held by the school, please tick here:

School Details:

Please advise to which school this data Subject Access Request form relates:

Two horizontal lines for providing school details.

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SUBJECT ACCESS REQUEST FORM

Declaration:

I certify that all information provided within this application form is true. I understand that it will be necessary for the BCCET to confirm my/the Data Subject's identity and it may therefore be necessary to supply more detailed information/evidence if required.

Form with fields for Signature (Parental responsibility), Or, Signature (Pupil aged 13+), Print name, and Date.

General Data Protection Regulation (GDPR)

Data Processing in the UK is regulated by the Information Commissioners Office (ICO), the Bishop Chadwick Catholic Education Trust Group is registered with the ICO as a Data Controller, registration ZA179577.

The Trust have appointed the following Data Protection Officer (DPO) who is the central point of contact for all data subject access requests and other matters relating to data protection,

Sarah Burns
Data2Action Ltd,
Email: BCCET_DPO@data2action.co.uk
Telephone: 0333 20266397

Company Registered Address - 2 Orchard Court, North Shields, NE29 9LR

The completed Subject Access Request Form should be returned to:

Sarah Burns DPO BCCET_DPO@data2action.co.uk
Emma Harrison COO eharrison@bccet.org.uk

The details you supply on this form will only be used in conjunction with your application for the supply of documents and for statistical purposes.

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SUBJECT ACCESS REQUEST FORM

Time Period for Responding to a SAR

The Bishop Chadwick Catholic Education Trust will ensure that the rights of people about whom the information is held can be fully exercised under the Regulation.

The Bishop Chadwick Catholic Education Trust will provide individuals with a copy of the information held about them within one month of receiving a request (subject access). On receiving a request for subject access, the Bishop Chadwick Catholic Education Trust/School will check and require evidence of the identity of the individual and any further information required to isolate the records of that individual.

Where a subject access request has a broad scope, the Bishop Chadwick Catholic Education Trust may ask for more details from the data subject in order to locate the information that is of interest.

Where a large volume of information is held, the Bishop Chadwick Catholic Education Trust may seek to make the information available in ways other than providing a copy.

Bishop Chadwick Catholic Education Trust has (and will maintain) an appropriate Subject Access Request Process in place that should be referred to in conjunction with this policy. All Subject Access requests received will be recorded for monitoring and reporting purposes on the appropriate log.

Requests from individuals to correct, rectify, block, or erase information that they regard as wrong information or to stop processing that is causing damage or distress will be considered by the Bishop Chadwick Catholic Education Trust on a case by case basis. The individual concerned will be fully informed of the resulting decision and the reasons for it. Legal advice will be sought by the Bishop Chadwick Catholic Education Trust should a request not be supported, or if considered sensitive/complex before coming to a decision.

Data subjects should be able to make SARs easily and at reasonable intervals to be aware of, and verify, the lawfulness of data processing and the Bishop Chadwick Catholic Education Trust should act at no cost to the data subject.

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 Trust will seek to respond prior to that holiday commencing, however where this is not possible the requester will be advised of the situation.

Where requests are received during an extended holiday period the Trust will work with the requestor to provide the information in as timely a fashion as possible.

BCCET Use Only:

Table with fields for Received by, Date, Forwarded to, Date, Date to be completed by, and Comments.

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