

MARKETHILL PRIMARY SCHOOL



Tomorrow's Success Begins Today... 

Subject Access Request (SAR) Procedure

Executive Statement

Markethill PS (“we”, “us”) are committed to the protection of all personal data for which we are responsible as the Data Controller in accordance with Regulation (EU) 2016/679, General Data Protection Regulation (the “GDPR”).

Under the GDPR, individuals requesting information have a general right to find out whether we hold or process personal data about them and to access that data. This is known as the right of access, or the right to make a data subject access request (a SAR). The purpose of the right is to enable us to be aware of, and verify, the lawfulness of the processing of personal data that we are undertaking.

Personal data is any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier, eg their name, identification number, location data or online identifier. It may also include personal data that has been pseudonymised (eg key-coded), depending on how difficult it is to attribute the pseudonym to a particular individual.

This procedure provides guidance for staff members on how SARs should be handled, and is intended for internal use. A quick reference guide to SARs has been included at Appendix 6.

Failure to comply with the right of access under the GDPR presents significant risks for both staff and the School.

1. Scope

This procedure applies to Markethill PS.

2. Data Protection Officer

The GDPR introduces a duty on schools to identify a Data Protection Officer (DPO). The role of the DPO is to assist us to monitor internal compliance, inform and advise us on our data protection obligations, provide advice regarding data protection impact assessments and act as a contact point with the Information Commissioner's Office (ICO). In our case, the Education Authority is our DPO and contact details are as follows:

Education Authority
40 Academy Street
Belfast
BT1 2NQ

Email: dpo@eani.org.uk

However as per the terms of this procedure requestors should always liaise with the Principal in relation to SARs.

3. Responsibilities

It is the responsibility of our Principal to make sure this procedure is followed at all times. This is done through staff training and compliance monitoring. All staff must make sure that they have read, understood, and follow the procedures described in this document.

4. Receiving a request

- 4.1 It is not a requirement under GDPR to make a Subject Access Request (SAR) in writing. However, it is helpful for both the school and the individual if they do so. Individuals should therefore be encouraged to use the access request forms set out in Appendix 1 and 2. Completed SAR forms should be sent to the Principal at the address on the form. If the form is not used we may need to request further information. We should also advise that the one month response deadline only starts when we have sufficient details.
- 4.2 We will not usually charge a fee for responding to a SAR. We may, however, charge a reasonable fee where the data being provided is voluminous (based on the administrative cost of providing the information).

5. Validating and acknowledging the request

- 5.1 Where SARs concern access to a child's personal records by a parent/guardian/carer or family member, the identity of the requestor must be established before the disclosure of any information. Checks must also be carried out regarding proof of relationship to the child (where applicable).
- 5.2 The identity of the requestor must be evidenced by providing copies of the following documentation:
 - 5.2.1 passport; or
 - 5.2.2 driving licence; and
 - 5.2.3 evidence of the requestor's address (bank statement, utility bill, credit card statement or mortgage statement, dated in last 3 months with their current address shown).

- 5.3 If a SAR is made by a parent, checks should be made to ensure that there is no legal obstruction to the right of access (for example, a court order in force limiting an individual's exercise of parental responsibility).
- 5.4 Proof of identity (photo ID and address) is also required for members of staff making a SAR. Once identity has been verified there is no need for us to retain the documents used and they should be disposed of securely.
- 5.5 The GDPR does not prevent an individual making a SAR via a third party. Often, this will be a solicitor acting on behalf of a client, but it could simply be that an individual feels comfortable allowing someone else to act for them. In these cases, you 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. A third party SAR must not be handled until you have written authority from the data subject to do so.
- 5.6 Once the required information to process the SAR has been received, the SAR must be acknowledged in writing by sending out a standard letter to the requestor. A template acknowledgement letter is provided at Appendix 3. If we do not have all the information needed to process the SAR a letter requesting additional information will be sent back to the requestor. A template letter is provided at Appendix 4 to this procedure.
- 5.7 We may refuse to act on a SAR where:
- 5.7.1 even after requesting additional information in accordance with paragraph 5.6, we are not in a position to identify the individual making the SAR or the information being requested; and/or
 - 5.7.2 SARs from a requestor which are manifestly unfounded, excessive or repetitive.
- 5.8 If we intend to refuse to act on a SAR, we will inform the requestor no later than one month after receiving his or her SAR:
- 5.8.1 of the reason(s) why we are not taking action;
 - 5.8.2 that they have the right to complain to the school under the complaints procedure;
 - 5.8.3 that they have the right to complain to the ICO; and
 - 5.8.4 their ability to seek to enforce this right through a judicial remedy.

6. Handling a Subject Access Request

6.1 SARs from Pupils

- 6.1.1 A child can request access to his/her own personal data.
- 6.1.2 Before responding to a SAR from a child, the Principal should consider whether the child is mature enough to understand their rights. What matters is that the child is able to understand (in broad terms) what it means to make a SAR and how to interpret the information they receive as a result of doing so. When considering borderline cases, the following should be taken into account, among other things:
- a) the child's level of maturity and their ability to make decisions like this; and
 - b) the nature of the personal data.

- 6.1.3 As a broad guide, it is deemed that most children will have a sufficient understanding by the age of 12.
- 6.1.4 If the Principal is confident that the child can understand their rights, then he or she should respond directly to the child.
- 6.1.5 Where the child is not deemed to be competent, the child should be informed that an individual with parental responsibility or guardian can make the request on their behalf as set out in 6.2 below.

6.2 SARs on behalf of Pupils:

- 6.2.1 The majority of SARs will come from adults in their capacity as parent/guardian/family member/carer. However you must be aware that even if a child is too young to understand the implications of subject access rights, data about them is still their personal data and does not belong to anyone else.
- 6.2.2 A child with competency to understand can refuse consent to a SAR made on their behalf. If you have concerns over a child's likelihood of consenting to a request, you should usually check this with the child.

7. **Processing the request**

- 7.1 The GDPR requires that all SARs are dealt with within one month of receipt. To be clear, you should calculate the time limit from the day after you receive the SAR (whether the day after is a working day or not) until the corresponding calendar date in the next month. For example, you receive a SAR on 3 September, the time limit will start from the next day (4 September). This gives the organisation until 4 October to comply with the SAR. If this is not possible because the following month is shorter (and there is no corresponding calendar date), the date for response is the last day of the following month. If the corresponding date falls on a weekend or a public holiday, you have until the next working day to respond.
- 7.2 Our Principal is responsible for working with staff and our third party processors to collate the information needed to respond to the SAR. This search must include any structured set of personal data which is accessible according to specific criteria, whether centralised, decentralised or dispersed on a functional or geographical basis.
- 7.3 The information must be printed out in hard copy and any abbreviations, codes or technical terms in the information that the individual may not understand must be annotated with a brief description. If information contained within the disclosure is difficult to read or illegible, then it should be retyped.
- 7.4 Information must not be altered and must be an accurate record at the time of the SAR.

8. **Reviewing before release**

- 8.1 Once we have carried out the search and gathered the relevant information we must identify any of that information which cannot be disclosed. The requestor is only entitled to receive information which constitutes his or her personal data.
- 8.2 Names and any other details that would provide the requestor access to another individual's personal data must be made unreadable (redacted).

- 8.3 Any information which may cause serious harm to the physical or mental health or emotional wellbeing of the pupil or another should not be disclosed, nor should information that would reveal that the child is at risk of abuse, or information relating to court proceedings.
- 8.4 Certain information may be withheld under an exemption. For example, where providing the information could prejudice prevention or detection of a crime, where the information forms part of current negotiations with the requestor (e.g. redundancy, fees payable), or where the information relates to legal advice concerning the person involved.
- 8.5 If we have concerns over the disclosure of information then the Principal will contact the assigned EA Data Protection Officer for advice.

9. Releasing the information

- 9.1 The information must be checked by the Principal before it is released.
- 9.2 The information should be sent to the requestor using the template letter at Appendix 5.
- 9.3 The information and the covering letter must be sent out to the address detailed on the SAR form by business secure post with proof of delivery. Even if our search identifies that we do not hold any personal information about the applicant we must still send the requestor a letter stating this.

10. Record keeping and reporting

- 10.1 We document all SARs in a Subject Access Request Log as soon as they are received. This includes details of the requestor, date SAR received, the child (if applicable), who dealt with the SAR, what information was provided and when.
- 10.2 A full copy of all information collected should be kept in a secure location together with the SAR form and response. Information released and information withheld (including redactions) must be clearly identifiable in case of challenge from the requestor or the ICO. Where information has been withheld, reasons must be documented and recorded explaining the reason for withholding.

11. Consequences of failing to comply with this procedure

- 11.1 If we fail to comply with a SAR, including failing to provide access to all the personal data requested or to respond within the one-month time period, we will be in breach of GDPR and other relevant legislation. This may have several consequences:
- 11.1.1 it may put at risk the individual(s) whose personal information is being processed;
- 11.1.2 the individual may complain to the ICO and this may lead the ICO to investigate the complaint. If we are found to be in breach, enforcement action could follow, which carries the risk of significant sanctions for us and, in some circumstances, for the individual responsible for the breach;
- 11.1.3 if an individual has suffered damage, or damage and distress, as a result of our breach of the GDPR or other relevant legislation, he or she may take us to court and claim damages from us; and
- 11.1.4 a court may order us to comply with the SAR if we are found not to have complied with our obligations under the GDPR and other relevant legislation.

11.2 An employee's failure to comply with this procedure may result in the matter being considered under the relevant disciplinary procedure.

12. Complaints

12.1 Complaints relating to this procedure should be addressed under our complaints procedure which is available on our website or by contacting us.

12.2 Where an individual remains dissatisfied following the completion of the complaints procedure they can refer their complaint to the Information Commissioner. Further advice and information can be obtained from the Information Commissioner's Office, www.ico.org.uk

13. Contact

If you have any queries regarding this procedure then please contact our Principal as follows:

Dr H McLernon
14 Mowhan Road
Markethill
Co Armagh
BT60 1RQ

Tel: 028 37551589

Email: hmclernon567@c2kni.net

APPENDIX 1: Markethill PS: Pupils/Parents/ Legal Guardians/Family Members/Carers - Subject Access Request (SAR) Form

The General Data Protection Regulation (GDPR) provides individuals (the data subject) with rights over how your personal data is processed. These rights entitle you to obtain a copy of the personal data we hold on you. You are also entitled to obtain a description of your personal data which we hold; the purposes for which it is used; and to whom your data may be disclosed.

If you are a parent/legal guardian/family member/carer you may be able to request personal information we hold on a child under the GDPR. Before responding we may consider the child's capacity to understand the nature of the SAR and may discuss the SAR with them. It is good practice to discuss and explain any request for information with your child if they are aged 12 or over.

To enable us to respond efficiently to your request, please:

1. Complete all the relevant sections of this form;
2. Enclose a copy of the identification documents requested; and
3. Send the completed form and copies of required identification documents to:

Subject Access Request

Dr H McLernon
14 Mowhan Road
Markethill
Co Armagh
BT60 1RQ

Tel: 028 37551589

Email: hmclernon567@c2kni.net

| | |
|--|---------|
| Section 1 – Data Subject Details | |
| Your Full Name: | |
| Address: | |
| Post Code: | |
| Tel: | Mobile: |
| Email: | |
| Child's full name (if applicable): | |
| I am a current pupil/former pupil/parent/legal guardian/family member/carer/other individual (please provide details)*. | |
| <i>*Delete as appropriate</i> | |
| Proof of identity for former pupil/parent/legal guardian/family member/carer/other individual | |
| (Current pupils do not need to provide proof of identity) | |
| Please provide copies of the following documents to verify your name and address and relationship to the pupil. | |
| <ol style="list-style-type: none"> 1. Passport/driving licence photo page; and 2. Bank statement, utility bill, credit card statement or mortgage statement (dated in last 3 months) | |

| |
|--|
| Section 2 : Personal Data you are requesting |
| Please use this section to tell us what personal data you would like to see. |
| “Personal Data” means information relating to the data subject as an individual. Please be as specific as possible and include any notes to help us locate the information you are requesting for example by listing the specific documents or information that you would like disclosed or the date period you are interested in as this will help speed up our response. |
| Details of information requested (with dates): |
| |

| |
|--|
| Section 3 – Declaration |
| I confirm that I am the data subject/parent/legal guardian/carer/family member of the pupil (delete as applicable) and that the information given on this form is correct and where necessary I have supplied the proof of identity requested. |
| Signed: |
| Date: |

Checklist – Please ensure that you have provided us with the following:

| | |
|--|--------|
| Description of the data you require: | Yes/No |
| Dates relating to the data you require: | Yes/No |
| Proof of identity and relationship to child (if required): | Yes/No |
| Signed declaration: | Yes/No |

Please note:

We reserve the right to obscure or suppress information that relates to third parties. Personal information collected on this form is required to enable your SAR to be processed, and will only be used in connection with this request.

In accordance with the GDPR, we may take up to one month to respond to your SAR (beginning on the day after we receive the SAR). SARs will only be considered live when we have received sufficient information to verify your identity and the information you are seeking.

Office use only:

| |
|-------------------|
| Request received: |
| Date completed: |
| Notes: |

APPENDIX 2: Markethill PS: Current/Former Member of Staff - Subject Access Request (SAR) Form

The General Data Protection Regulation (GDPR) provides you (the data subject) with rights over how your personal data is processed. These rights entitle you to a description of your personal data which we hold. You are also entitled to obtain a copy of the personal data we hold on you, details of the purposes for which it is used; and to whom your data may be disclosed.

To enable us to respond efficiently to your request, please:

1. Complete all the relevant sections of this form;
2. Enclose a copy of the identification documents requested; and
3. Send the completed form and copies of required identification documents to:-

Subject Access Request

Dr H McLernon
14 Mowhan Road
Markethill
Co Armagh
BT60 1RQ

Tel: 028 37551589

Email: hmclernon567@c2kni.net

| | |
|--|---------|
| Section 1 – Data Subject Details | |
| Your Full Name: | |
| Address: | |
| Post Code: | |
| Tel: | Mobile: |
| Email: | |
| I am a current member of staff/former member of staff/another individual (please provide details)* | |
| <i>*Delete as appropriate</i> | |
| Proof of identity | |
| Please provide copies of the following documents to verify your name and address: | |
| <ul style="list-style-type: none"> • Passport / driving license photo page; and • Bank statement, utility bill, credit card statement or mortgage statement (dated in last 3 months) | |

| |
|--|
| Section 2 : Personal Data you are requesting |
| Please use this section to tell us what personal data you would like to see. |
| <p>“Personal Data” means information relating to the data subject as an individual. Please be as specific as possible and include any notes to help us locate the information you are requesting, for example by listing the specific documents or information that you would like disclosed or the date period you are interested in as this will help speed up our response.</p> |
| Details of information requested (with dates) |
| |

| | |
|---|-------|
| Section 3 – Declaration | |
| I confirm that I am the data subject and that the information given on this form is correct and supplied the proof of identity requested. | |
| Signed: | Date: |

Checklist – Please ensure that you have provided us with the following:

- Description of the data you require: Yes/No
- Dates relating to the data you require: Yes/No
- Proof of identity: Yes/No
- Signed declaration: Yes/No

We reserve the right to obscure or suppress information that relates to third parties. Personal information collected on this form is required to enable your SAR to be processed and will only be used in connection with this request.

In accordance with the GDPR, we may take up to one month to respond to your SAR beginning on the day after it is received. SARs will only be considered live when we have received sufficient information to verify your identity and the information you are seeking.

Office use only:

| |
|-------------------|
| Request received: |
| Date completed: |
| Notes: |

APPENDIX 3: LETTER FOR ACKNOWLEDGING REQUEST

Subject Access Request:

Reference [Surname:MMYY]

Name

Address Line 1

Address Line 2

Address Line 3

Address Line 4

Insert date here

Dear [*insert name*]

Thank you for your correspondence dated xx requesting access to your/your child's (delete as applicable) personal information. I acknowledge receipt of your request and your proof of identity and address.

I can confirm that we received your request on xx. As set out in the General Data Protection Regulation, we have one month to provide you with this information, beginning on the day after the request is received. We will therefore ensure we respond to you by xx at the latest. If we are able to locate your information sooner, we will send it to you as soon as it is available.

You can find out more about Subject Access Requests and your rights by visiting the Information Commissioner's website at www.ico.org.uk

Yours sincerely

Xxx

APPENDIX 4: LETTER FOR REQUESTING MORE INFORMATION

Subject Access Request:

Reference:

Name

Address Line 1

Address Line 2

Address Line 3

Address Line 4

Insert date here

Dear [insert name]

Thank you for your correspondence dated xx requesting access to personal information.

[Unfortunately we are not able to process your request as we do not have the appropriate identification documents/require further details to identify the information you are requesting.*
Please provide:

Identification - INCLUDE DETAILS*

Further information – INCLUDE DETAILS*]

Under data protection legislation we are allowed to ask you for additional information to help us locate your data.

We would be grateful if you would provide the required information as detailed above. If you have any queries about this request, please contact [PRINCIPAL] on [insert telephone number]. Please quote the reference provided at the top of this letter in all your future correspondence. You can find out more about Subject Access Requests and your rights by visiting the Information Commissioner's website at www.ico.org.uk

Yours sincerely

Xxx

*Delete as appropriate

APPENDIX 5: COVER LETTER RESPONDING TO REQUEST

**Subject Access Request:
Reference [Surname: MMY]**

Name
Address Line 1
Address Line 2
Address Line 3
Address Line 4

Insert date here

Dear [*insert name*]

[Further to your subject access request dated xx we have carried out a search of our filing systems and confirm that we do not hold the information you have requested.]*

[Further to your subject access request dated xx please now find enclosed the requested personal information.] *

Please refer to [our website] for our fair processing/privacy notice which provides details of how we process personal data.

You can find out more about Subject Access Requests and your rights by visiting the Information Commissioner's website at www.ico.org.uk

Yours sincerely

Xxx

*Delete as appropriate

APPENDIX 6: QUICK REFERENCE GUIDE

Question 1

Is it a subject access request?



YES **Go to Question 2**
NO Handle as part of your normal course of business.

Question 2

Do you have enough information to be sure of the requester's identity?



YES **Go to Question 3**
NO Ask the requester for any evidence you reasonably need to confirm their identity.

Question 3

Do you need more information from the requester to find out what they want?



NO **Go to Question 4**
YES Ask them **promptly** for the other information you reasonably need so you can find the information they want.

Question 4

Are you charging a fee?



NO **Go to Question 5**
YES You will need to ask the individual **promptly** to pay the fee.

Question 5

Do you have the information the requester wants?



YES **Go to Question 6**
NO Tell the requester you do not have the information they want.

Question 6

Will the information be changed between receiving the request and sending the response?



NO **Go to Question 7**
YES You can still make routine amendments and deletions to personal information after receiving a request.

Question 7

Does it include information about other people?



NO **Go to Question 8**
YES You will not have to supply the information unless the other people mentioned have given their consent for the disclosure, or it is unreasonable to supply the information without their consent.

Question 8

Are you obliged to supply the information?



YES **Go to Question 9**
NO If any of the requested information is exempt from subject access, then you can reply that you do not hold any of their personal data that you are required to disclose.

Question 9

Does the information include any complex terms or codes



NO **Go to Step 10**
YES You must make sure you explain the codes so that the information can be understood.

Go to Step 10

Step 10 - Prepare the response

You must provide a copy of the information in a permanent form unless the individual agrees otherwise, or doing so would be impossible or involve disproportionate effort.