

Subject Access Requests

Responding to requests for personal information

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Introduction

The UK GDPR and the Data Protection Act 2018 give people (i) the right to know that you are processing personal information about them¹ and (ii) the right to request a copy of the personal information you hold about them.

This is known as a Subject Access Request (SAR).

This Guidance provides a template procedure for handling SARs.

If you are in any doubt, seek advice from your Data Protection Officer at the earliest possible time.

The contact details for i-West are:	One West Bath & North East Somerset Council, Guildhall, High Street, Bath, BA1 5AW Email: i-west@bathnes.gov.uk Telephone: 01225 395959
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Step 1: Establish whether the request is a SAR

Individuals have a number of different rights to access information. There are two routes by which individuals may request or obtain *personal* information from schools:

1	The Education (Pupil Information) (England) Regulations 2005	Those with parental responsibility have the right to view a pupil's education record .	Maintained schools only , parents have the right of access to the child's education record within 15 school days. There are two exceptions to this: <ul style="list-style-type: none">i. If releasing the information could cause serious mental or physical harm to the student or another orii. Where it would result in publishing examination results ahead of their intended publication.
	Part 6 of the Independent Schools Standards Regulations	It is, therefore, a <u>narrow right of access to a specific record</u>	Independent Schools, which include Academies , have a duty to provide " <i>an annual written report of each registered pupil's progress and attainment in the main subject areas to the parents of that registered pupil except that no report need be provided where the parent has agreed otherwise.</i> "
2	The UK GDPR	Provide individuals with a right of access to personal data . <u>It is, therefore, a broad right of access to all personal data*</u>	This is known as SAR as described above. Note: the right to access information you hold about a child is the child's right rather than anyone's else's, including parents. Those with parental responsibility for a pupil often submit SARs on behalf of their child. See Step 3 for how to handle requests from parents.

¹ Individuals have the right to obtain "supplementary information". This largely corresponds with the information that you should already be providing in a privacy notice. This includes (i) your purposes for processing (ii) categories of personal data you are processing (iii) who will receive the information (iv) how long you will keep it for (your school should have a retention schedule which will detail the periods for each different type of information) (v) the individual's right to request rectification, erasure, or restriction to object to the processing (vi) where the data came from (vii) what you do to keep data safe.

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* The right of access gives individuals the right to obtain a copy of their **personal data**.

- Note: all formats of information might have to be disclosed, including handwritten notes, emails, texts, audio recordings or CCTV footage.
- Note: the right does not entitle people to have access to specific documents; the right is for access to personal data. It may, therefore, be the case that you can fulfil a SAR by providing an extract of a document or spreadsheet, rather than the actual document or spreadsheet itself.
- Note: The Freedom of Information Act 2000 (FOIA) provides public access to recorded information held by public authorities – it does not give people access to their own personal data. Individuals may say that they are making an FOI request, when what they want is access to personal information. If this happens, you should deal with the request as a SAR and let the requester know. A request does not have to include the phrases 'subject access request', or 'UK GDPR'. It just needs to be clear that the individual is asking for their own personal data.

Personal data is information which by itself or in combination with other information could identify or otherwise be used to single out an individual.

- It is a broad definition covering a lot of information.

Step 2: Confirm the scope of the request

It is important to try and establish the scope of the SAR.

If the requester has asked for “all information” concerning themselves, it is acceptable to ask if they would be happy to focus the request onto a specific issue / timescale or concern, as this can mean that the request can be processed more quickly.

You should reassure the requester that focusing their request does not stop them making further SARs at a later date.

However, they are not obliged to do so, or to provide the reason for the request.

Placing a form on your website ([Appendix 3](#)) is a helpful tool, but you cannot insist that it is completed.

Step 3: Confirm identity, establish timescales and acknowledge the request

Check identity

You must be fully satisfied, that the person making the request is who they say they are.

- The period for responding to the SAR doesn't start until you have received any additional information you need to confirm identity.

However, it is important that you only request information that is necessary to confirm who they are. The key to this is proportionality. For example, their identity may be evident if you know the person.

If there is any doubt, ask for proof of identity such as passport or driving licence or conduct a “three-point” check by asking them for information that may only be known to them - for example from SIMS. Note: they must give you the answers, rather than you providing them with the answers and asking them to confirm that they are correct.

We would recommend you consider having a formal policy in place, which defines how you will confirm identity.

Check consent and/or authority

The Data Protection Act is clear that no individual has the legal right to access the personal data of someone else via a SAR.

However, there are often times when someone will legitimately make a SAR on behalf of someone else. For example, a parent on behalf of a child, or a solicitor on behalf of their client.

Children and Young People

A parent can make a request on behalf of a child or a young person. But this can only happen if

- (i) the child authorises it (has agreed / provided their consent), or
- (ii) the child lacks capacity to make their own decisions.

In either case, the SAR (and the potential disclosure of the child's personal data) must always be in the best interests of the child. This may require further enquiries with professionals, such as the Designated Safeguarding Lead or social workers.

Therefore, if you receive a request from a parent or guardian you should consider whether the authorisation of the child or young person themselves is possible and needed before processing the SAR.

- If you are confident that the young person is competent to exercise their rights, and sufficiently understands the process and consequences, then you should either (i) engage directly with them or (ii) confirm they are happy for you to respond to the parent making the SAR on their behalf.

In England/Wales, there is no absolute age at which a young person / child is deemed competent to exercise their rights to access personal data. However, secondary school age is deemed by the ICO to be a reasonable starting point². This may vary depending on the young person's characteristics.

You should not consider a child to be competent if it is evident that they are acting against their own best interests. For example, if a child authorises a third party to make a SAR on their behalf, but you have reasonable concerns that the third party is pressurising the child to make the SAR.

The ICO suggests that you should consider the following factors:

- The young person's level of maturity and ability to make decisions such as this.
- The nature of their personal data.
- Any court orders in force.
- Any consequences of allowing those with parental responsibility to access their information – this will be particularly relevant if there are safeguarding or child protection concerns. *
- Any detriment to the young person if individuals with parental responsibility cannot access the information.
- The views of the young person. *

** Consider involving the Designated Safeguard Lead and making the request with the support of a staff member who has the trust of the child concerned.*

² The ICO's Right of Access Guidance states, "In Scotland, a person aged 12 years or over is presumed to be of sufficient age and maturity to be able to exercise their right of access, unless the contrary is shown. This does not apply in England, Wales or Northern Ireland but would be a reasonable starting point. It does not follow that, just because a child has capacity to make a SAR, they also have capacity to consent to sharing their personal data with others, as they may still not fully understand the implications of doing so".

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Note: if a parent is exercising their right in a maintained school (not an academy) to access their child's *educational record*, the child's authority is not required which is an anomaly, but this right is separate to the right to make a subject access request.

Solicitor or other third party

If the applicant is a solicitor or other third party such as an insurer, a signed authority from their client must be provided.

It is important to ensure that the request is freely made by the requester, it is an offence for a third party to force someone to make a SAR.

Acknowledge the request

Appendix 2 contains suggest wording for acknowledgement letters you could use to seek proof of identify and/or seek clarification.

Allocate responsibility, log the request and establish the timescale

Allocate responsibility for co-ordinating the SAR – i.e. to a named person within the school, preferably one who is relatively senior, such as the school's Data Protection Lead or Business Manager, but not someone who is not directly concerned with the recording of the information.

Log the request including the date received and a unique reference number on a log (for example a spreadsheet).

Establish the timescale for your response – the time limit for providing the information requested is one month from the date the request was received. You may extend by up to a further two months where the request is [complex](#) or where you have a received a number of requests from the individual.

The exact number of days you have to comply will depend on the month in which the request is received (see **Appendix 5** – Timescales).

MILESTONE 1

You are satisfied that:

1. the person making the request is who they say they are
2. if the person is acting on behalf of someone else, you are satisfied that the person has the consent or authority to do so, and
3. the personal data the requester is seeking is clear – i.e. you have tried to clarify and focus the request where possible.

In the case of more complex requests, including safeguarding issues, please contact One West as your DPO. See page 2 for our contact details.

Step 4: Considering whether to refuse the request outright

You can refuse to comply with a SAR in the following two situations:

- If the request is manifestly unfounded
- If the request is manifestly excessive

Manifestly denotes "obviously".

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You should consider each request on a case-by-case basis. You should not have a blanket policy as to whether a request would be manifestly unfounded or excessive (although the guidance overleaf may help to inform your decision).

If you decide to either charge for information (see next section) on either of these grounds or refuse the request, ensure that you record the grounds for this clearly.

You must be able to demonstrate to the requester why you consider their request is manifestly unfounded or excessive and be able to explain your decision to the ICO if challenged.

Examples of a manifestly unfounded request	<p>The ICO suggest that a request may be unfounded if:</p> <ul style="list-style-type: none">• The individual clearly has no intention to exercise their right of access, e.g. they make a request but then offer to withdraw it in return for some form of benefit; or• The request is malicious in intent and is being used to harass an organisation with no real purposes other than to cause disruption, e.g.<ul style="list-style-type: none">○ The individual has explicitly stated, in the request itself or in other communications, that they intend to cause disruption.○ The request makes unsubstantiated accusations against you or specific employees.○ The individual is targeting a particular employee against whom they have some personal grudge; or○ The individual systematically sends different requests to you as part of a campaign, e.g. once a week, with the intention of causing disruption.
Examples of a manifestly excessive request	<ul style="list-style-type: none">• It repeats the substance of previous requests and a reasonable interval has not elapsed; or• It overlaps with other requests. <p>However, it depends on the particular circumstances.</p> <p>It will not necessarily be excessive just because the individual:</p> <ul style="list-style-type: none">• Requested a large amount of information, even if you might find the request burdensome. Instead, you should consider asking them for more information to help you locate what they want to receive.• Wants to receive a further copy of information they have requested previously. In this situation you could consider charging a reasonable fee for the administrative costs. It is unlikely that this would be an excessive request.• Made an overlapping request relating to a separate set of information; or• had previously submitted requests which have been manifestly unfounded or excessive.• Has requested a large amount of data and the applicant refuses to limit the scope.

In forming your view, the ICO says that you may consider:

- The nature of the requested information
- The context of the request and the relationship between you and the individual

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- Whether a refusal to provide the information or even acknowledge if you hold it may cause substantive damage to the individual
- Your available resources
- Whether it overlaps with other requests (although if it relates to a completely separate set of information, it is unlikely to be excessive).
- Whether the request largely repeats previous requests, and a reasonable interval has not elapsed. When deciding if a reasonable interval has elapsed, consider the nature of the information requested, and whether that information changes regularly.

It is good practice to be able to identify what has been previously provided and be able to keep a rough log of how much time has been spent on a request and the number of copies involved.

This may assist you in the future if you wish to justify charging for time spent or refusing a request.

However, it will not necessarily absolve you from providing information if, for example, a requester made a request for fresh information at a reasonable interval.

The DPA does not limit the number of SARs that an individual can make to any organisation. However, it does allow some discretion when dealing with requests that are made at unreasonable intervals. Judgement calls are always involved, and we will be happy to assist you with this, if you so request.

Charging for information

In most cases you cannot charge a fee to comply with a SAR.

However, you may charge a “reasonable fee” for the administrative costs of complying with the request if:

- 1) it is manifestly unfounded or excessive; or
- 2) an individual requests further copies of their data following a request.

You should base the reasonable fee on the administrative costs of complying with the request. If you decide to charge a fee you should contact the individual promptly and inform them. You do not need to comply with the request until you have received the fee.

We would recommend that you speak to us if you are considering charging a fee or visit the ICO’s website for further guidance.

Step 5: Locating and collating the information

Locate the information that is being requested.

Searches must be thorough, but a “reasonableness” test applies. Where information is sat in a deleted items folder, this is still considered to be reasonably accessible, and needs to be considered for disclosure. However, it is not necessary to search backups where the intention was to put information beyond use.

If your school has not complied with its own retention schedule and has retained information (for example emails) for extended periods, this must be considered for disclosure.

The requester’s information may be held in multiple sources, possibly within different departments for example, learning support, child protection and safeguarding, the pupil record which may be in part a

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hard copy, and in part on the school's MIS (SIMS for example), as well as on drives, notebooks and in emails etc.

Your Record of Processing Activities (RoPA), data mapping or data audit will help you to locate sources of information.

You are likely to need to speak to your IT department or provider to search for emails and electronic documents which may take a number of days, so make this a priority.

- If there is evidence that staff / governors have been using their personal emails or apps for communication, these may need to be searched as well.³

When information is requested from colleagues, they should be given maximum number of days (e.g. 15) to provide the information to ensure you can keep to your deadline.

- Staff should be advised that if they have concerns about the risk of harm caused by disclosure, they must raise it straightaway with the person co-ordinating the request (and/or the Designated Safeguard Lead).
- These concerns will help establish whether any exemption(s) should be applied to some or all of the requester's personal information.

MILESTONE 2

You are satisfied that:

1. reasonable searches have been made
2. you can explain the logic behind your searches, and therefore
3. you are satisfied that the personal information within the scope of the request has been located ready for review.

In the case of more complex requests contact One West as your DPO. See page 2 for our details.

Step 6: Review the personal information

Depending on how much information you hold, you may need to quickly pull together a team of people to help review the personal information.

You should carefully consider who these people should be, bearing in mind the potential sensitivity of the information and the need for accurate and careful review (and possible redaction).

Ideally, you should put together a "task force" in advance of receipt of any SAR, so that you are prepared – especially if the SAR is received over the school holidays when fewer staff are available.

In certain limited circumstances the school may feel it appropriate to withhold certain information.

- *Please consult with One West if you feel that an exemption may apply and need to determine whether it is necessary to withhold or remove data to protect some other interest.*

³ It is important that staff and governors are frequently reminded to only use official channels of communication; this will reduce the risk of corporate records being created and/or held outside of the systems maintained and overseen by the school.

If you decide not to disclose some or all of the personal information that has been requested this can only be on the basis that there is an exemption or other reason in law to withhold the information.

- Not releasing documentation simply on the basis that it is “embarrassing” is not permitted.
- It is worthwhile reinforcing this message to staff on an ongoing basis, to remind them to record information in a professional manner.

Below are some examples of information that may need to be withheld:

Third party personal information

An individual is only entitled to their own personal information.

However, the personal information of one person is often inextricably linked to the personal data of someone else.

The DPA 2018 says that you do not have to comply with a SAR if it would mean disclosing information about another individual who can be identified from that information except where:

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

If the personal information concerns third parties or has originated from them (e.g. another student or parent) then you need to consider whether to withhold some or all of the third party personal information.

- For the avoidance of doubt, you cannot refuse to provide access to personal data about an individual simply because you obtained that data from a third party. The rules about third party data apply only to personal data *which includes both information about the individual who is the subject of the request and information about someone else*.
- Information about third parties including family members, friends or others, should only be disclosed where it is fair and reasonable in all the circumstances to do so. For example, where the data would clearly be known to the data subject, or is already in the public domain, there is no need to redact the information. Care should be taken to ensure that data is not private, and that disclosure will not put the third party at any risk.

It may be appropriate to seek the consent of the third party in some circumstances before releasing the information. However, you are not obliged to do so and there are certain circumstances where this would not be appropriate, for example:

- If you cannot contact the third party
- It would lead to them becoming aware that a subject access has been made; or
- It would give the third-party information about the requester that they may not already be aware of.

There may also be times when it is appropriate to make the disclosure without their consent.

- This decision will involve balancing the data subject’s right of access against the other individual’s rights and legitimate expectations (such as any legitimate expectations of confidentiality).

Requests for information may be made by parents who are involved in acrimonious court proceedings concerning their children. Great care should be taken in these circumstances. If necessary, court orders will need to be obtained by the parents concerned for the release of the documentation.

Q. What about the names of teachers or school professionals acting in their professional capacity?

The details of professionals providing education, health care or social care should not normally be removed. People have a reasonable expectation to know what professionals are saying about them, and who that professional is. This information may be removed if there is evidence that disclosure would put them at risk of serious physical or mental harm, such as a history of targeted abuse from the requester.

Safeguarding and health information

Particular attention needs to be given if there is safeguarding or multi-agency information contained with the education records.

Education information may be withheld if complying with the right of access would be likely to cause serious harm to the physical or mental health of any individual. This is known as the 'serious harm test' for education data.

A similar qualified exemption applies to social work data, to the extent that complying with the request for information would prejudice carrying out social work because it would be likely to cause serious harm to the physical or mental health of any individual. This is known as the 'serious harm test' for social work data.

Further exemptions apply where a young person under eighteen makes a request to social care for information relating to abuse which they have suffered and involves disclosure of information that would not be in their best interests to disclose and to the prevention and detection of crime.

If requests for information are received that relate to records that involve or could in the future involve social care or other agencies, for example the police or social care, it will be important to liaise with them, to ascertain what their current involvement is, and what their views are. Some requesters will make requests to more than one agency, so it is important to achieve a consistent approach.

If the information contains health data, this must not be disclosed unless you have obtained an opinion from the appropriate health professional within the previous six months, or you are satisfied that the individual the health data is about has already seen it or knows about it.

Confidential information

If information was provided in confidence (e.g. a complaint or as part of an investigation conducted in confidence), information may be withheld if it is reasonable to do so. It is necessary to balance whether the duty of confidence outweighs the person's subject access rights. Consent should be sought in appropriate circumstances.

Withheld information should be retained to make sure that it is possible to justify any refusal should there be any complaints.

Information which is sought from complaint files can be particularly tricky as it is likely to involve information from third parties.

Further exemptions

Further exemptions from a subject's right of access include:

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- Avoiding obstructing an official or legal inquiry, investigation or procedure
- Avoiding prejudicing the prevention, detection, investigation or prosecution of criminal offences or the execution of criminal penalties
- Material supplied to a court

Please contact One West as your DPO if you are unsure about any of the above, or other redactions that may be necessary.

Step 7: Redacting exempt information

Do not, under any circumstances, alter the original document or amend original records or information – it is an offence to make any alteration, erasure, destruction or concealment of information with the intention of preventing its disclosure to a person entitled to receive it.

Instead, make copies of the located information and then make any redactions on these.

Paper records

Be careful if using felt tip or biro to redact wording, as this could become see-through when copied. We recommend checking the document(s) once redacted to ensure the information cannot be seen.

Electronic records

It is best to use editing software to apply redactions; it is quicker and more efficient.

If using software, the process must be undertaken by someone who understands the programme. It is wise to send a test copy to a colleague to ensure that the editing has been undertaken as intended.

Sign-off

When the information has been reviewed and redactions applied, we recommend they are checked and signed off by at least one additional member of staff. For particularly sensitive cases, there is no harm in getting more than one person to review it.

It is essential that any staff member involved in the process understands the principles around SARs and when to refer queries for advice.

One West offers a redaction service – please contact us if you would like to receive more information about this (using the contact details on page 2).

Step 8: Providing your response

Covering letter

When withholding information, you can advise the requester of the exemption relied upon and their right to complain to the ICO and right to apply to court. However, this is not always required. This is particularly the case when even confirming that an exemption has been applied would itself undermine the purpose for which it is being applied, e.g. if it could result in the requester being able to ascertain that there is an active investigation.

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The personal information to be disclosed

Note: it may be appropriate to release information on a piecemeal basis if it is considerable and an extension has been applied for.

Contact the requester and make arrangements for the information to be delivered securely to them.

If the request has been made electronically, the information should be provided in an electronic format, unless the individual requests otherwise and this is a reasonable request.

- There is a best practice recommendation contained within the UK GDPR that wherever possible organisations should be able to provide remote access to a remote electronic self-service system (for example secure SharePoint) or via a secure email portal, but this may not be practicable.
- If you are sending the response by email, never free-type the email address. Use email correspondence already in place with the requester, and just reply to that email. This guarantees you are sending the response to the right person.
- You will also need to communicate the password (to decrypt) by other trusted means (eg a phone call, text message, or pre-agree it) and **not** include it within the email.
- If providing a memory stick (which is less desirable and may be contrary to some schools' policies), make sure that it is encrypted to AES-256 standard and the password (which should be strong – 8 characters or more) is supplied separately.

If providing hard copies:

- double envelope any hard copy documentation (to reduce the risk of splits).
- send it by recorded delivery, as a minimum having double checked the delivery address with the requester, rather than relying on the school record.
- It is preferable if the requester collects the documentation in person to ensure that a receipt is signed.

Note: you cannot insist that the requestor picks the information up from your premises or download particular software unless they are happy to.

In theory, you can provide the information requested verbally, if this is requested.

- This is not ideal from a record-keeping perspective and could give rise to further problems.
- If you do so, you must ensure that you record what information has been provided and when.

Retain copies of the located information and the disclosed information along with all correspondence relevant to the request, so that you can answer follow up queries.

Some example wording to accompany the disclosure may be found at [Appendix 4](#).

Step 9: Complaints and Challenges

Schools may choose to adopt an internal review procedure, where it is possible to supply someone who is able to undertake this task independently. This may be easier where a school is part of a multi-academy trust (MAT).

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Applicants should be advised to use the school's complaints procedure if they are not satisfied. They should be advised that the ICO would expect them to look at this avenue of redress in the first instance, but that they are at liberty to contact the ICO should they so wish.

One West will also try to assist in resolving data protection matters where appropriate.

Step 10: Records Management

The key to managing SARs well is to have made excellent management of records embedded into your operational "business-as-usual", so that you only hold the records you need, and you hold them in defined, logical locations.

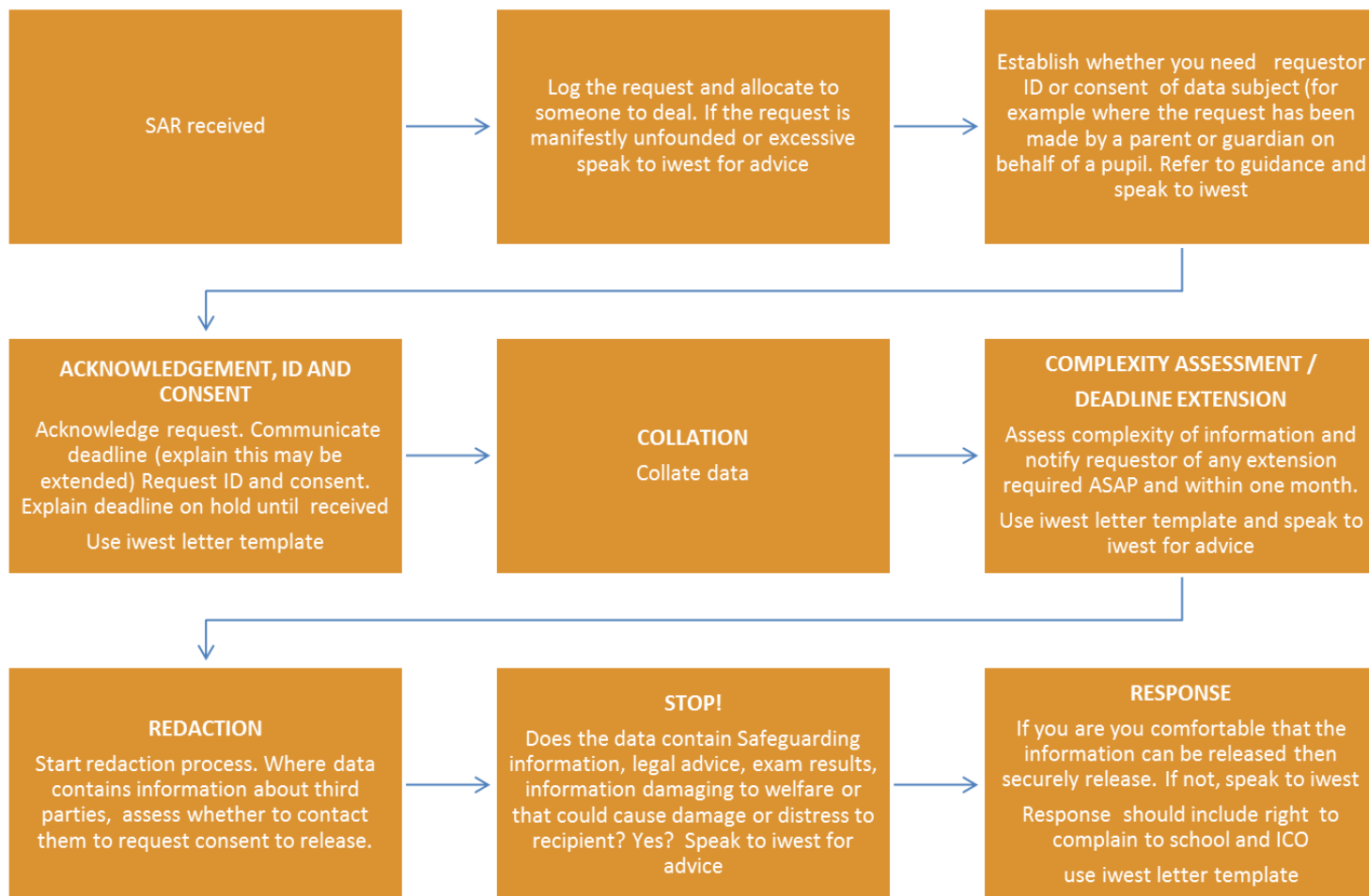
Only then will responding to SAR be more manageable, as you will have less material to review, and it will be easier to locate.

This often requires a cultural shift in how staff handle information. As a first step, remind staff of the school's retention policy, i.e. the periods at which records should be deleted. You could also provide clear rules for where emails that need retaining should be stored and begin to enforce rules around the deletion of emails left within your email system.

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Appendix 1 – SAR Flowchart



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Appendix 2 – Suggested templates

2.1 Request received, additional verification required.⁴

Date: [DATE]

Re: Subject access request [YOUR REFERENCE]

Dear

Thank you for your request for a copy of your / your child's records, that we received on [DATE]. Your request has been logged under reference [XXX]. I am writing to inform you that we require additional information from you before we are able to begin processing your request.

Proof of ID

Under data protection legislation, authorities are not obliged to comply with a request unless they have received proof of identity from an applicant or are otherwise satisfied as to their identity. Could you, therefore, please send me a copy of ID, per individual whose information is being requested, for example, a passport or driving licence.

Proof of address

To ensure we are sending the response to the correct recipient, please could you provide us with a copy of proof of your address, such as a recent utility or council tax bill. We will accept copies; however, we do reserve the right to inspect original documents.

Proof of parental responsibility

To ensure you have the right to access the information you have requested please can you provide us with evidence of your parental responsibility for the child. This is normally evidenced by a birth certificate. Please note that the authorisation of the child may be required depending on their age, maturity and ability to make a subject access request themselves.

Clarification of request

I note that you have requested [INFORMATION e.g. 'all information held']. To be able to process your request more quickly and efficiently, it would be helpful if you were happy to advise further as to exactly what you are seeking. A form is attached for this purpose. *(See appendix 3 – this may be deleted/amended depending on what the requester is asking for – you cannot insist that a form is completed).*

When we have all of the details requested above, we will process your request under Article 15 of the UK General Data Protection Regulation, and you will receive a response within one month. Please note the one-month response time will only take effect when we are in receipt of the details requested above.

⁴ Please refer to SAR Guidance Step 3. Identity checks must be proportionate, and you should not request formal identification documents unless necessary.

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NB check that this request is not being made under the provisions of Regulation 5 of the Education (Pupil Information) (England) Regulations 2005 for the student's educational record in which case a 15-day time limit applies if you are a maintained school.

Please send the requested information to [BEST CONTACT EMAIL](#), quoting the above reference number. Please rest assured that we will destroy all copies once we have verified your identity.

Please note, we will close the case if we do not receive the details requested from you within three months of the date of this email.

Yours sincerely

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2.2 Request received from a third-party; additional verification required.⁵

Date: [DATE]

Re: Subject access request [YOUR REFERENCE]

Dear [NAME]

Dear

Thank you for your request for a copy of your client's / family member's records, that we received on [DATE]. Your request has been logged under reference XXX. I am writing to inform you that we require additional information from you, before we are able to begin processing the request.

Proof of ID

Under data protection legislation, authorities are not obliged to comply with a request unless they have received proof of identity from an applicant or are otherwise satisfied as to their identity. Could you, therefore, please send me a copy of your DATA SUBJECT's ID, for example, a passport or driving licence.

Proof of address

To ensure we are sending the response to the correct recipient, please could you provide us with a copy of proof of DATA SUBJECT's address, such as a recent utility or council tax bill. We will accept copies, however we do reserve the right to inspect original documents.

Proof of right of access

To ensure you have the right to access the information you have requested, please can you provide us with evidence of your right of access to these records. This would be evidenced by written consent from the individual, or, where applicable, the proof of Next of Kin / Lasting Power of Attorney.

Clarification of request

I note that you have requested [INFORMATION e.g. 'all information held']. To be able to process your request more quickly and efficiently, it would be helpful if you were happy to advise further as to exactly what you are seeking. A form is attached for this purpose. *(See appendix 3 – this may be deleted/amended depending on what the requester is asking for – you cannot insist that a form is completed).*

When we have all of the details requested above, we will process your request under Article 15 of the UK General Data Protection Regulation, and a response will be issued within one month. Please note the one-month response time will only take effect when we are in receipt of the details requested above.

REQUESTS FROM SOLICITORS ONLY: At this stage, I must inform you that, to ensure your client is fully informed as to what data will be shared with you, the final response will be sent directly to your

⁵ Please refer to SAR Guidance Step 3. Identity checks must be proportionate, and you should not request formal identification documents unless necessary.

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client. It can then be their informed choice as to what information they are happy to share with you. As such, the process would be quicker if your client can send the requested information directly to us.

NB check that this request is not being made under the provisions of Regulation 5 of the Education (Pupil Information) (England) Regulations 2005 for the student's educational record in which case a 15-day time limit applies if you are a maintained school.

Please send the requested information to [BEST CONTACT EMAIL](#), quoting the above reference number. Please rest assured that we will destroy all copies once we have verified your identity.

Please note, we will close the case if we do not receive the details requested from you within three months of the date of this email.

Yours sincerely

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2.3 Acknowledgement

Dear

Thank you for your request for information received on **DATE**, which has been allocated reference **XXX**. We aim to respond to your request as soon as possible, and no later than **DUE DATE**.

We may need to contact you if the request needs to be clarified; this is to ensure we provide you with the information you require. If the information you request contains reference to a third party, they may be consulted prior to a decision being taken on whether or not to release the information to you. You will be informed if this is the case. Under normal circumstances, however, information relating to third parties will be 'redacted' (blacked out) from the final response.

Once we have retrieved the information that falls in scope of your request, it will be sent to you securely by **email**.

REQUESTS FROM SOLICITORS ONLY: At this stage, I must inform you that, to ensure your client is fully informed as to what data will be shared with you, the final response will be sent directly to your client. It can then be their informed choice as to what information they are happy to share with you.

If you wish to know how we will use your personal data, please read our privacy notices available at **[HYPERLINK TO PRIVACY NOTICE](#)**

Yours sincerely

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2.4 Complexity Extension

Dear

I am writing to inform you that, following our initial searches, we have concluded that your request is complex, and as such, we believe that we will be unable to achieve a response by our previously communicated response date.

This complexity has arisen as a result of XXX.

As a result, in accordance with Article 12(3) of the UK GDPR, we are extending the target deadline by up to a further two months. Our new target deadline is DATE; however, every effort will be made to get the response out to you as soon as possible.

Please accept our sincerest apologies for this change. I assure you this is not a decision we have come to lightly, and we are striving to expedite our response.

Yours sincerely

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Appendix 3 – Suggested form to help focus the request

Please note, you cannot insist that people make a request using a certain format. If you have already got enough information to be able to proceed with the request, the request is live. This form (or an alternative) should only be used if you need to clarify or focus a request.

1. Your name			
2. Please provide the contact details you would like us to use			
3. Are you seeking your own personal information?	Yes <input type="checkbox"/>	If 'No,' whose personal information are you seeking (please provide their full name):	
	No: I am making this request on behalf of someone <input type="checkbox"/>		
		What is your relationship to them*?	
<i>* If you are making a request on behalf of a child, we may require their authorisation if we believe they have the capacity to understand this request.</i>			
4. What personal information are you seeking?			
<i>Please provide as much detail as possible to aid us in our search. e.g. Are you seeking personal information in relation to a specific incident, case, complaint or concern?</i>			
5. Are there likely to be other people involved in (or related to) your personal information? If so, please provide their names and relationship(s) to you.			
<i>E.g. someone who wrote personal information about you (a partner, another parent, a teacher or other professional) or provided us with personal information about you?</i>			
<i>We ask this because it helps us understand who these people are and whether they might have any expectations with regards the release of the personal information to you.</i>			
5. Have you enclosed / attached a copy of your proof of identification and/or authority to make a request on behalf of someone else?		Yes <input type="checkbox"/>	No* <input type="checkbox"/>
<i>* We may seek proof of identification and/or authority at any point. No aspect of your request will be discussed, nor personal information will be disclosed, where there is any doubt about your identification and/or authority to make a request on behalf of someone else.</i>			
6. How would you like the data provided to you? Electronically, hard copy, or other method (please state)			
Please sign:		Date:	

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Appendix 4 – Suggested wording to accompany material disclosed

Dear

Re: Subject access request [YOUR REFERENCE]

Thank you for your request for **your / your child's / your client's** records. In accordance with Article 15 of the UK General Data Protection Regulation (GDPR), we have been able to locate and provide the enclosed information in response to your request.

You will note that some information has been blacked out or “redacted”. This is because we consider that it is not information in scope of your request or it is not considered to be your personal data, for example it may contain personal data of third parties.

You also have the right to be informed how personal data is being processed, and how we consider it to be lawful in accordance with Article 5(1)(a) of GDPR. The school must also tell you if personal data is shared with any third parties and the reasons for this. We must only process personal data for specified purposes and must not hold it for longer than is necessary. Further information about how we process personal data can be found in the school's privacy notice which can be found at **HYPERLINK TO PRIVACY NOTICE**.

This information is provided to you free of charge. If you require further copies of this information, we reserve the right to charge a reasonable fee, based on administrative costs.

SCHOOL now considers that it has complied with your request. However, you may appeal if you are dissatisfied with our response. Requests for an internal review must be made in writing within 40 calendar days of the response being issued to the requester. When requesting an internal review, please include your reference number, the date of your original request and your contact details. Please also include an explanation of why you are dissatisfied with our response. Requests for an internal review should be sent to **BEST CONTACT EMAIL**.

NB: Unlike Freedom of Information requests, there is no 'right to a review' of SAR decisions, however the ICO would expect the individual to contact the school in the first instance.

If you are dissatisfied with the outcome of the school's internal review, you have a right to complain to the Information Commissioner's Office:

The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
Phone: 0303 123 1113
Website: www.ico.gov.uk

Yours sincerely

Appendix 5 – Timescales

One month

SARs must be responded to in full 'without undue delay' and within one calendar month (i.e. one month is the maximum and the ICO requires them to be responded to as expeditiously as possible).

You should calculate the time limit from the day the request is received into the school (whether it is a working day or not) until the corresponding calendar date in the next month.

- E.g. if you received the request on 1 April, then the deadline is 1 May.
- 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. Eg if you receive a request on 31 January then the deadline is 28 February.
- If the corresponding date falls on a weekend or a public holiday, you have until the next working day to respond.
- School holidays are still considered to be working days.

This means that the exact number of days you have to comply with a request varies, depending on the month in which an individual makes the request. For practical purposes, if a consistent number of days is required (eg for operational or system purposes), it may be helpful to adopt a 28-day period to ensure compliance is always within a calendar month.

Note: If you are requesting ID or are charging a fee, then the “clock” doesn’t start until this is all received. If you are seeking clarification, then the clock may be stopped until this is received.

Regarding seeking clarification - the clock only stops where you seek clarification about the information requested. It does not apply if you ask for clarification on any other matter, for example, the format of the response.

Extending the timescale

The time limit of one month may be extended once for up to a further two months, if the request is considered to be **complex** or you have received a **number of requests from the individual**.

Complexities could include

- | | |
|---|---|
| a) Technical difficulties in retrieving the information eg if data is electronically archived. | e) Clarifying potential confidentiality issues around the disclosure of sensitive medical information. |
| b) Applying an exemption that involves large volumes of particularly sensitive information. | f) Needing to obtain specialist legal advice. (If you routinely obtain legal advice, it is unlikely to be complex). |
| c) Clarifying potential issues around disclosing information about a child to a legal guardian. | g) Searching large volumes of unstructured manual records. |
| d) Any specialist work involved in obtaining the information or communicating it in an intelligible form. | h) Lack of key staff availability, such as long-term sickness. |

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Note: requests that involve a large volume of information may add to the complexity of a request. However, a request is **not** complex solely because the individual requests a large amount of information.

You need to be able to demonstrate why the request is complex in the circumstances. A request is not complex just because you have to rely on a data processor to provide the information you need in order to respond. Poor records management is also not a reason for a request to be deemed complex.

You have received a number of requests from the individual

This can include other types of requests relating to individuals' rights. For example, if an individual has made a SAR, a request for erasure and a request for data portability simultaneously.

When to inform the requester of the extension

If you think you may need an extension, you need to let the requester know as soon as possible and within the initial month from the receipt of the SAR. You should explain the reasons for it. You do not have to "apply" to anyone for an extension, you simply advise the requestor that you are doing so. However, you must be prepared to justify this. Please contact One West to discuss if you are unsure.