

Data Subject Access Requests (DSAR) Policy

On Handling Data Subject Access Requests

January 2021

Next Review: April 2022

Throughout this document we refer to Data Protection Legislation which means the Data Protection Act 2018 (DPA2018), the United Kingdom General Data Protection Regulation (UK GDPR), the Privacy and Electronic Communications (EC Directive) Regulations 2003 and any legislation implemented in connection with the aforementioned legislation. Where data is processed by a controller or processor established in the European Union or comprises the data of people in the European Union, it also includes the EU General Data Protection Regulation (EU GDPR). This includes any replacement legislation coming into effect from time to time.

The GDPR extends to all data subjects a right of access to their own personal data. This is known as a subject access request. A formal request from a data subject for information that we as a school hold about them **must be made in writing**. A subject access request can be made by anyone including pupils, parents, staff, governors and members of the public.

Receiving a Request

It is important that all members of staff are able to recognise that any written request made by a person for their own information is likely to be a valid subject access request, even if the individual does not specifically use this phrase in their request or refer to the GDPR. In some cases, an individual may mistakenly refer to the "Freedom of Information Act" but this should not prevent the school from identifying the request as being made under the GDPR if appropriate. Some requests may be a combination of a subject access request for personal data under the GDPR and a request for information under the Freedom of Information Act 2000 ("FOIA"). Requests for information under the FOIA must be dealt with promptly and in any event within 20 school days. Any member of staff who receives a written request for personal data must immediately forward it to the Headteacher so they can forward to the school DPO as the statutory time limit for responding under the GDPR is one calendar month from receipt. *However during a holiday period it may not always be possible to collate all the required information due to the unavailability of staff involved and therefore may not always fit into this timescale. If this is the case the person making the request will be notified as soon as the request has been received."*

A fee will not be charged to the individual for provision of this information however we may charge 'reasonable fee' when a request is "manifestly unfounded or excessive", particularly if it is repetitive. School will consult any guidance issued by the Information Commissioner's Office (ICO) on what is deemed to be "manifestly unfounded or excessive". The fee will be based on the administrative cost of providing the information.

Elmgrove Primary School and Nursery will ask the Data Subject for reasonable identification so that they can satisfy themselves about the person's identity before disclosing the information. It should be noted that the Education (Pupil Information) (England) Regulations 2005 give parents of children who attend maintained schools a right to access their child's educational records. This means that if a parent of a child at a maintained school submits a written request for a copy of their child's educational record, the school

must respond within 15 school days. This is a separate statutory right that parents have aside from the DPA 2018, subject to any court orders which may be in place.

As the Education (Pupil Information) (England) Regulations 2005 do not apply to academies, requests for educational records from parents of children who attend academies must be dealt with under the DPA 2018 (as outlined above). This is without prejudice to the obligation on the academy trust in the Education (Independent School Standards) (England) Regulations 2014 to provide an annual report of each registered pupil's progress and attainment in the main subject areas taught to every parent (unless they agree otherwise in writing).

Following receipt of a subject access request, and provided that there is sufficient information to process the request, an entry will be made in the school's subject access log book, showing the date of receipt, the data subject's name, the name and address of requester (if different), the type of data required (e.g. Student Record, Personnel Record), and the planned date for supplying the information (not more than one calendar month from the request date). Should more information be required to establish either the identity of the data subject (or agent) or the type of data requested, the date of entry in the log will be date on which sufficient information has been provided.

Handling Data Subject Access Requests

Responsible Department/Person:

The DPO officer is responsible for the handling of data subject access requests made to Elmgrove Primary School and Nursery. Once received, they or the Headteacher will investigate and respond to the request accordingly, taking into account the requirements of the GDPR.

Responsibilities of All Other Employees:

The DPO is solely responsible for responding to all data subject access requests received by the school. All other employees are prohibited from responding to any data subject access request and for the purposes of this policy are defined as "unauthorised employees".

In the event that a data subject access request is received by an unauthorised employee, details of the request and any accompanying documents are to be forwarded to the Headteacher who will forward to dpo@elmgrove.harrow.sch.uk. It is essential that requests are forwarded on the day of receipt. When forwarding details of the request received, employees are required to use the form annexed to this policy.

ANNEX 1 – Notification of DSAR Form

Please complete this form with details of the request received and forward it to [name of responsible department/person] via [email address]. Please ensure that any supporting or relevant documents are also attached.

Name of the requesting data subject	
Date of the request (Please provide the date the request was made by the data subject)	
Date of receipt of the request (Please provide the date you received or became aware of the request)	
Contact details provided by the data subject	
Details of the request (please provide details of what the data subject is requesting)	
Method by which the request was made (e.g. email, telephone, social media)	
Preferred method of communication stated by the data subject	
Any additional information (Please provide any additional information that may assist in the handling of the request e.g. any special needs of the data subject)	
Name and department of the receiver of the request	
Should more information be required, please provide contact details via which you may be contacted to further discuss the request	

Annex 2 - Data Subject Access Request Form

Article 15 of the EU General Data Protection Regulation (Regulation (EU) 2016/679) (GDPR) grants you the right to access your personal data, if any, held by Elmgrove Primary School and Nursery. Please complete this form if you wish to make a request in relation to your personal data. Information on our Privacy Policy is available at: <https://www.elmgrove.harrow.sch.uk/performance/gdpr>

NOTE: This is not a mandatory form – Subject Access Requests made in other formats will also be accepted but this form is designed to help you in providing us with the information we need to deal with your request and speed up the process.

Subject Access Request Guidance

(Please read before filling in the Subject Access Request Form)

Which sections should I complete?

Sections 1, 2, 3 and 4	<p>Data Subject Details</p> <p>Should be completed for ALL applications.</p>
Sections 5, 6 and 7	<p>Representative Details and Authority to Release Information to a Representative:</p> <p>Should only be completed if the application is being made by a representative (i.e. someone other than the data subject themselves).</p>
Sections 2	<p>Proof of the applicant's identity:</p> <p>If you do not have any of the forms of identity listed, we may in exceptional circumstances accept alternatives for consideration. (Current employees and pupils, you may visit the school office to confirm verification of your identity by an authorised member of staff).</p>
Sections 6	<p>Proof of the representative's identity:</p> <p>If you do not have any of the forms of identity listed, we may in exceptional circumstances accept alternatives for consideration.</p>

General Information

How long will it take to get my data

Once we are satisfied that you meet the criteria for disclosure of data under the General Data Protection Regulation, and have provided sufficient information for us to confirm your identity and accept your application for processing, you should receive a response within one calendar month from that date.

However during a holiday period it may not always be possible to collate all the required information due to the unavailability of staff involved and therefore may not always fit into this timescale. If this is the case the person making the request will be notified as soon as the request has been received."

However, in certain circumstances, the GDPR allows us to extend that deadline depending on the complexity of your request. We will advise you within one month if we need to extend the response deadline. This is in accordance with article 12(3) of the GDPR, and will be the case where the request is complex.

Records may be held in several different locations in paper and electronic formats. If you only require specific information and you clearly state what that is – for example a specific document or IT-only data – then you are likely to get a quicker response.

Cost

In most cases we will not charge a fee to comply with a Subject Access Request. However, where the request is manifestly unfounded or excessive we may charge a "reasonable fee" for the administrative costs of complying with the request.

Sending your completed form

Please send your completed form and proof of ID to:

Data Protection Officer:
Elmgrove Primary School and Nursery.
Kenmore Avenue, Harrow HA3 8LU

Or you may send online using the contact form available to dpo@elmgrove.harrow.sch.uk

Section 1 – Data Subject’s Details

Please provide the information in the space provided below.

We will only use the information you provide on this form to identify you and the personal data you are requesting access to, and to respond to your request.

Title (please tick)	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other <input type="checkbox"/>
Surname	
First name(s)	
Date of birth	
Address	
Address	
City / County	
Postcode	
Telephone (daytime)	
Email address	
Relationship to the School	Employee <input type="checkbox"/> Pupil <input type="checkbox"/> Supplier <input type="checkbox"/> Other <input type="checkbox"/>

Section 2 - Requests Proof of Data Subject's Identity

We will require proof of your identity before we can respond to your request. In order to prove the applicant’s identity, we need to see copies of two pieces of identification, one from list A and one from list B below. Please indicate which ones you are supplying.

Please **DO NOT** send an original passport, driving licence or identity card

List A (<u>photocopy</u> of one from below)		List B (<u>photocopy</u> of one from below)	
Identification that clearly shows your name and date of birth.		Documentation that clearly shows your name and current address.	
Passport/Travel Document		A Council Tax bill	
Photo driving license		Utility bill showing current home address	
Foreign National Identity Card		Bank Statement or Building Society Book	

We reserve the right to refuse to act on your request if we are unable to identify you.

If you do not have any of these forms of identification available, please contact our DPO for advice on other acceptable forms of identification: dpo@elmgrove.harrow.sch.uk. Or if you are currently an employee or pupil at Elmgrove Primary School and Nursery, you may visit the school office to confirm verification of your identity by an authorised member of staff.

Section 3 – Information Requested

So that we can locate the data you require efficiently, please answer the following questions to the best of your knowledge. Please continue on a separate sheet if necessary. The Information Commissioner has stated that as much information as possible should be provided to assist with tracing a data subject's information.

Please tell us as much as you can about the information you are requesting about.

For example, if you are requesting access to your personal data which might be in an email or document, it helps in our search to know who might have written it, when and to whom the information might have been sent, and where it may be stored.

Period attended/worked at Elmgrove Primary School and Nursery:

From _____ **To** _____

Specific period, which you request access to the data (complete if different from the period of attendance):

From _____ **To** _____

Section 4 - Declaration

This form must be signed by you (the Data Subject).

I request a copy of the relevant personal data that are held by **Elmgrove Primary School and Nursery**: relating to information provided above. I confirm the information supplied is correct and I declare that I am the individual as indicated above.

Signed _____ Date _____

Section 5 - Requests Made on the Data Subject's Behalf

Please complete this section of the form with your name and contact details if you are acting on the data subject's behalf.

First and last name	
Company name	
Address and Postcode	
Date of birth	
Telephone number	

Section 6 - Proof of the Representatives Identity

We require proof of your identity before we can respond to your access request. In order to prove the representative's identity, we need to see copies of two pieces of identification, one from list A and one from list B below. Please indicate which ones you are supplying.

Please DO NOT send an original passport, driving licence or identity card

List A (<u>photocopy</u> of one from below)		List B (<u>photocopy</u> of one from below)	
Identification that clearly shows your name and date of birth.		Documentation that clearly shows your name and current address.	
Passport/Travel Document		A Council Tax bill	
Photo driving licence		Utility bill showing current home address	
Foreign National Identity Card		Bank Statement or Building Society Book	

We reserve the right to refuse to act on your request if we are unable to identify you.

If you do not have any of these forms of identification available, please contact our DPO for advice on other acceptable forms of identification: dpo@elmgrove.harrow.sch.uk

Section 7 - Authority to Release Information to a Representative

A representative needs to obtain authority from the applicant before personal data can be released. The representative should obtain the applicant's signature below, or provide a separate note of authority. This must be an original signature, not a photocopy.

I hereby give my authority for the representative named in Section 6 of this form to make a Subject Access Request on my behalf.	
Signature of Applicant:	Date:
Signature of Representative:	Date:

For Office Use

Data Access Request Number	
Date request received	