



# **WRIGHT ROBINSON COLLEGE**

## **Subject Access Request- Procedure**

### **General Data Protection Regulation**

This policy is drafted in accordance with the requirements of the General Data Protection Regulation (GDPR) and will come into effect on 25 May 2018.

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## 1. Policy Statement

All **Data Subjects** have rights of access to their **personal data**. This document sets out the procedure to be followed in relation to any requests made for the disclosure of **personal data processed** by the Wright Robinson College.

All defined terms in this policy are indicated in bold text, and a list of definitions is included in Annex 1 to this policy.

## 2. Recognising a subject access request

- 2.1. As Wright Robinson College **processes personal data** concerning **data subjects**, those **data subjects** have the right to access that **personal data** under Data Protection law. A request to access this personal data is known as a subject access request or SAR. A SAR will be considered and responded to in accordance with the Data Protection Law.
- 2.2. A **data subject** is generally only entitled to access their own **personal data**, and not to information relating to other people. Any request by a **data subject** for access to their **personal data** is a SAR. This includes requests received in writing, by email, and verbally.
- 2.3. If any member of our **Workforce** receives a request for information, they should inform the Data Protection Officer (DPO) as soon as possible. In order that Wright Robinson College is properly able to understand the nature of any SAR and to verify the identity of the requester, any requester making a request verbally should be asked to put their request in writing and direct this to the DPO.

## 3. Verifying the identity of a Requester

- 3.1. Wright Robinson College is entitled to request additional information from a requester in order to verify whether the requester is in fact who they say they are. If the college is not satisfied as to the identity of the requester then the request will not be complied with, so as to avoid the potential for an inadvertent disclosure of personal data resulting to a data breach.
- 3.2. Where Wright Robinson College has reasonable doubts as to the identity of the individual making the request, evidence of identity may be established by production of two or more of the following:
  - Current passport or driving license
  - Recent utility bills/statement with current address
  - Birth/marriage certificate
  - P45/P60

## 4. Fee for Responding to Requests

- 4.1. Wright Robinson College will usually deal with a SAR free of charge. However, a fee may be requested in relation to repeat requests for copies of the same information. In these circumstances, a reasonable fee will be charged taking into account the administrative costs of providing the information.
- 4.2. Where a request is considered to be manifestly unfounded or excessive, a fee may be requested. Alternatively, the college may refuse to respond to the request. If a request is considered to be manifestly unfounded or unreasonable Wright Robinson College will inform the requester why this is considered to be the case.
- 4.3. A fee may also be requested in relation to repeat requests for copies of the same information. In these circumstances, a reasonable fee will be charged taking into account the administrative costs of providing the information.

## 5. Time Period for Responding to a SAR

- 5.1. Wright Robinson College has one month to respond to a SAR. This will run from the later of
  - a. the date of the request
  - b. the date when any additional identification (or other) information requested is received
  - c. payment of any required fee

If the request is complex, this period may be extended by a further two calendar months (in consultation with the DPO) and the requester will be notified of this extension within the initial one-month period.

- 5.2. In circumstances where Wright Robinson College is in any reasonable doubt as to the identity of the requester, this period will not commence unless and until sufficient information has been provided by the requester as to their identity, and in the case of a third party requester the written authorisation of the **data subject** has been received (see below in relation to sharing information with third parties).

## 6. Form of Response

- 6.1. A requester can request a response in a particular form (i.e. common electronic readable).

## 7. Sharing Information with Third Parties

- 7.1. **Data subjects** can ask that you share their **personal data** with another person such as an appointed representative (in such cases Wright Robinson will request written authorisation signed by the **data subject** confirming which of their **personal data** they would like the college to share with the third party). No data will be shared with a third party without written authorisation from the data subject.
- 7.2. If the college is in any doubt or has any concerns as to providing the **personal data** of the **data subject** to the third party, then it will provide the information requested directly to the **data subject**. It is then a matter for the **data subject** to decide whether to share this information with any third party.
- 7.3. Parents, in most cases, do not have automatic rights to the personal data of their child. However, where a child is under 12 years of age they are deemed not to be sufficiently mature as to understand their rights of access and a parent can request access to their **personal data** on their behalf. In addition to the right of subject access, parents of children at maintained schools have specific rights to be provided with copies of their child's educational record. As the School is a maintained school any request for a child's educational record, will be handled under the Education (Pupil Information) (England) Regulations 2005.
- 7.4. In relation to a child 12 years of age or older, Wright Robinson College will require the written authorisation of the child before responding to the requester, or provide the **personal data** directly to the child in accordance with the process above.

## 8. Withholding Information

- 8.1. There are circumstances where information can be withheld pursuant to a SAR. These are specific exemptions and requests should be considered on a case-by-case basis.
- 8.2. Where the information sought contains the **personal data** of third party **data subjects** then Wright Robinson College will:
  - Consider whether it is possible to redact information so as not identify those third parties;
  - If this is not possible, consider whether the consent of those third parties can be obtained;
  - If consent has been refused, or it is not considered appropriate to seek that consent, then to consider whether it would be reasonable in the circumstances to disclose the information relating to those third parties. If it is not then the information may be withheld.

- 8.3. So far as possible Wright Robinson College will inform the requester of the reasons why any information has been withheld.
- 8.4. Where providing a copy of the information requested would involve disproportionate effort Wright Robinson College will inform the requester, advising whether it would be possible for them to view the documents at Wright Robinson College or seeking further detail from the requester as to what they are seeking, for example key word searches that could be conducted, to identify the information that is sought.
- 8.5. In certain circumstances, information can be withheld from the requester, including a **data subject**, on the basis that it would cause serious harm to the **data subject** or another individual. *If there are any concerns in this regard then the DPO should be consulted.*

## 9. Process for dealing with a Subject Access Request

- 9.1. When a subject access request is received, Wright Robinson College will:
  - i. notify the DPO and relevant department heads;
  - ii. within 5 working days acknowledge receipt of the request and provide an indication of the likely timescale for a response;
  - iii. take all reasonable and proportionate steps to identify and disclose the data relating to the request;
  - iv. never delete information relating to a subject access request, unless it would have been deleted in the ordinary course of events;
  - v. consider whether to seek consent from any third parties which might be identifiable from the data being disclosed;
  - vi. seek legal advice, where necessary, to determine whether Wright Robinson College is required to comply with the request or supply the information sought;
  - vii. provide a written response, including an explanation of the types of data provided and whether and as far as possible for what reasons any data has been withheld;
  - viii. ensure that information disclosed is clear.

## Annex 1 - Definitions

Term	Definition
Data Subjects	for the purpose of this policy include all living individuals about whom we hold personal data. This includes pupils, our workforce, staff, and other individuals. A data subject need not be a UK national or resident. All data subjects have legal rights in relation to their personal information
Personal Data	means any information relating to an identified or identifiable natural person (a data subject); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person
Data Controllers	are the people who or organisations which determine the purposes for which, and the manner in which, any personal data is processed. They are responsible for establishing practices and policies in line with Data Protection Law. We are the data controller of all personal data used in our business for our own commercial purposes
Processing	is any activity that involves use of the data. It includes obtaining, recording or holding the data, or carrying out any operation or set of operations on the data such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction. Processing also includes transferring personal data to third parties
Workforce	Includes, any individual employed by [School/Trust/Academy] such as staff and those who volunteer in any capacity including Governors [and/or Trustees / Members/ parent helpers]