

General Data Protection Regulations (UK GDPR)

Subject Access Request Policy and procedures

DOCUMENT PROVENANCE			
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Rights of access by data subjects to their personal data

Under the DPA, individuals have the right of access to their personal data held by Welbeck Primary. Generally in the case of pupils under the age of 12 years, the person with parental responsibility may exercise this right on their behalf. Pupils aged 12 years and over can exercise the right themselves or may authorise their parents/carers to act on their behalf. The pupil's/student's signature on the SAR form would be required in this circumstances. This is known as a Subject Access Request. A request in writing will be accepted as long as satisfactory identification is given and the information request is clear, not excessive. Where the pupil/student and parents are known to Welbeck Primary further identification will not be required. In other cases it is expected that picture ID, such as a passport or driving licence would be required.

The Data Protection Act allows processors to levy a reasonable charge to service Subject Access Requests.

Requests for access to records (Subject Access Requests)

A Subject Access request (SAR) must be made in writing. A Subject Access Request Form must be sent to the applicant within two working days of when the request is received by Welbeck Primary.

All requests for access to records must be noted on the relevant pupil's/student's file, and the form returned to the DPO. On receipt of the complete request and payment the DPO will ensure that the SAR is completed as outlined in this policy.

Responding to requests for access to records (Subject Access Requests)

Welbeck Primary will send a written response to the applicant acknowledging receipt of the application form. This must be done within 5 days of the request being received at the school.

The DPO will manage the response to the applicant. The DPO will also maintain a SAR process sheet. The purpose of the process sheet is to identify and monitor deadlines and record contact with and information sent to the applicant. It will also record decisions taken with regard to the application.

The Head teacher must authorise the applicants request before any information is disclosed.

The school will consult with its HR services if there is any query over the information that has been requested.

If the applicant's request for access is granted, the DPO requires such access to be given within 1 month of the written request being received. The 1 month period does not begin until:

- A written application is received by the DPO;
- Welbeck Primary has received sufficient information to enable it to identify the individual who is seeking access;

- c) Welbeck Primary has received sufficient information to enable it to access the information requested; and

In order to meet the 1 month requirement the following schedule will be enforced:

- a) WELBECK PRIMARY will collate the data requested and forward the SAR process sheet outlining the information collected and actions taken to the DPO for overview. This must be done within 15 days of the request being received by the Head Teacher.
- b) WELBECK PRIMARY has 10 days from this point in which to liaise with the DP and agree the information to be sent (or withheld) to the applicant.
- c) The applicant should receive the data once the 25 days are complete or sooner if possible. This 25 day timescale allows for further discussion and clarification to take place if necessary within the 30 day deadline.
- d) WELBECK PRIMARY should agree a secure method of releasing the information to the applicant.

Where the conditions set out above are fulfilled, in responding to the request, WELBECK PRIMARY must give a description of the personal data that is being processed, the purposes for which the personal data is being processed, and the persons to whom the personal data has been disclosed too.

Data subjects are not entitled to information where exemptions to the right of access apply. In these circumstances, WELBECK PRIMARY must only give a notification to the data subject, that no information has been identified which is required to be supplied under the DPA regulations.

Appendix 1; Extending the timescale for Subject Access Requests and Freedom of Information Requests and ‘Stopping The Clock’.

What are the key differences in timescales for Subject Access Requests (SARs) and Freedom of Information Requests (FOIs)?

For Subject Access Requests, the statutory deadline to respond to the request is **one calendar month**. This date begins on the exact date of receipt and there is no official, statutory guidance for extending the deadline due to school closures (please see below). However, situations may arise at WELBECK PRIMARY where an extension is deemed proportionate and/or necessary.

For Freedom of Information Requests, the statutory deadline to respond is **20 school days (or 60 days whichever is shorter)**. Therefore, there is a statutory requirement that considers closure periods in which schools will take that additional time to fulfil the request.

Circumstances when WELBECK PRIMARY may apply an extension to a SAR?

1. Complex Requests

WELBECK PRIMARY may decide an extension can be applied under the ‘complex request’ exemption.

The Information Commissioner’s Office (ICO) tells us that WELBECK PRIMARY can extend the time to respond by a further two months if the request is:

1. complex; or
2. 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.

WELBECK PRIMARY will calculate the extension as three months from the original start date, ie the day WELBECK PRIMARY receives the request, fee or other requested information. If WELBECK PRIMARY decides that it is necessary to extend the time limit by two months, we will let the individual know within one month of receiving their request and explain why.

2. School closure

This will only apply if WELBECK PRIMARY is closed and there are no qualified staff on site to handle the SAR within the one calendar month. **NB:** This also applies if someone works across the period but does not have access to the information to prepare all the requested data.

WELBECK PRIMARY will always be transparent with the requester and set reasonable expectations in terms of when they will be able to provide them with the full response. We will provide the reasons why we cannot deal with the request, the length of the delay, when we expect the response to be ready by and whether any information can be provided sooner e.g. if some of our staff do have remote access and are able to provide some information we will always endeavour to take steps to action within the initial statutory timeframe.

‘Stopping the clock’ and clarifying a request?

If we are processing a large amount of information about an individual, we may ask the requester to specify the information or processing activities their request relates to before responding to the request. The time limit for responding to the request is paused until we receive clarification. This is referred to as ‘stopping the clock’.

This means that we will not provide the requester with a copy of the information, or any of the supplementary information that we cannot reasonably provide, unless we have obtained clarification.

We will not seek clarification on a blanket basis. We will only seek it if:

- it is genuinely required in order to respond to a SAR; and
- we process a large amount of information about the individual.

WELBECK PRIMARY will decide whether to request clarification of a request in cases where we are satisfied that we hold a large amount of information, and it is not clear what information the individual is requesting. The ICO does not require that we do this and we may choose to perform a reasonable search instead.

In terms of [‘What efforts should we make to find information?’](#) we align with advice given by the ICO.



Subject Access Request Process Sheet

The NST Subject Access Request Policy reminds us that;

*'The DPO will manage the response to the applicant. The DPO will also maintain a **SAR process sheet**. The purpose of the process sheet is to identify and monitor deadlines and record contact with and information sent to the applicant. It will also record decisions taken with regard to the application'*

The following process sheet can be used to identify and monitor deadlines and record contact with and information sent to the applicant. It will also record decisions taken regarding the application

Administration	
Name of requester	
Relationship to the child	
Evidence provided of relationship to child (if appropriate). School may already have this information as the 'registered legal parent/guardian'	
Requester's correspondence address	
Requester's contact number	
Requester's email address	
Details of the information requested (cut and paste the request email)	
Date the request was delivered/sent to the school.	
Deadline for submitting the information to the requester (this may be the standard 30 days OR the school may apply exceptions due to school holiday time (Appendix 1 below) OR extend the processing of information to 60 days for complex cases (info below). Remember, if you extend	

the deadline, state your reason for doing so and notify the requester of your intentions as soon as possible.	
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Information type (this list is not exhaustive)	Reasons for; 1. Refusing access to information. 2. Extending the timeframe.	Date information is collated / redacted / signed off by the DPO and Head Teacher	Date information is sent to the requester	Format for sending the information to the requester e.g. 1. registered post 2. hand delivered 3. encrypted / password protected email
IMS/Arbor records				
Email correspondence (inbound and outbound). Include names of authors and recipients.				
Attendance records				
Annual school report				
Safeguarding log				
Behaviour log				
Racist incidents log				
Accident log				
Correspondence with outside agencies e.g. Social Care, MASH, Early Help Team				