

Appendix 4

Holy Rosary Catholic Primary School

Procedures for responding to Subject Access Requests made under the Data Protection Act 2018 and General Data Protection Regulation

Rights of access to information

There are two distinct rights of access to information held by schools about individuals:

1. Under the Data Protection Act 2018 and GDPR any individual has the right to make a request to access the personal information held about them.
2. The right of those entitled to have access to curricular and educational records as defined within the Education Pupil Information (Wales) Regulations 2004.

Actioning a subject access request

1. Requests for information must be made in writing and we have provided a form for this purpose: "Subject Access Request Form" which can be sent by email addressed to the Data Protection Officer. If the initial request does not clearly identify the information required, then further enquiries will be made to establish the information required.

2. The identity of the requestor must be established before the disclosure of any information, and checks will be carried out regarding proof of relationship to the child if a request is being made by a parent. Evidence of identity can be established by requesting a combination of the following documents:

- passport
 - driving licence
 - utility bills with the current address
 - birth/ marriage certificate
 - P45/P60
 - credit card or mortgage statement
- This list is not exhaustive – please see Subject Access Request Form*

3. Any individual has the right of access to information held about themselves. However with children, this is dependent upon their capacity to understand and a child under the age of 12 is not normally to have such capacity.

4. We may make a charge for the provision of information, dependent upon the following:
- Should the information requested contain the educational record then the amount charged will be dependent upon the number of pages provided.
 - Should the information requested be personal information that does not include any information contained within educational records schools can charge up to £10 to provide it.
 - If the information requested is only the educational record viewing will be free, but a charge not exceeding the cost of copying the information can be made by the School.

5. The response time for subject access requests for all or part of the pupil's educational record, once officially received, is 15 school days. If the subject access request does not relate to the educational record, we will respond within one month. However the one month will not commence until after receipt of fees or clarification of information sought.

6. The Data Protection Act 2018 allows exemptions regarding the provision of some information; therefore all information will be reviewed prior to disclosure.

7. Third party information is that which has been provided by another body, such as the Police, Local Authority, Health Care professional or another school. Before disclosing third party information consent will normally be obtained. The 40 day statutory timescale will still apply.

8. Any information which may cause serious harm to the physical or mental health or emotional condition of the pupil or another individual may not be disclosed, nor should information that would reveal that the child is at risk of abuse, or information relating to court proceedings be disclosed.

9. If there are concerns over the disclosure of information then additional advice should be sought.

10. Where redaction (information blacked out/removed) has taken place then a full copy of the information provided should be retained in order to establish, if a complaint is made, what was redacted and why.

11. Information disclosed should be clear, thus any codes or technical terms will need to be clarified and explained. If information contained within the disclosure is difficult to read or illegible, then it should be retyped.

12. Information can be provided at the school with a member of staff on hand to help and explain matters if requested, or provided at face to face handover. The views of the applicant should be taken into account when considering the method of delivery. If postal systems have to be used then registered/recorded mail must be used.

Safeguarding

Our responsibilities in relation to Child Protection and Safeguarding will always be considered and where there is any doubt about whether or not to disclose information then Safeguarding priorities will take precedence over data protection and subject access requests.

Complaints

Complaints about the above procedures should be referred to our Complaints Co-ordinator who will decide whether it is appropriate for the complaint to be dealt with in accordance with the Complaints Procedure. Complaints which are considered outside of the scope of the Complaint Procedure can be dealt with by the Information Commissioner. Contact details of both will be provided with the disclosure information.

Contacts

If you have any queries or concerns regarding this procedure then please contact the Data Protection Officer. Contact details are available on request.

Further advice and information can be obtained from the Information Commissioner's Office, www.ico.gov.uk or telephone 0303 123 1113.

Holy Rosary Catholic Primary School

SUBJECT ACCESS REQUEST FORM

Please complete this form if you want us to supply you with a copy of any personal data we hold about you. You are entitled to receive this information under the Data Protection Act 2018 (DPA) and the EU General Data Protection Regulation (GDPR). We will also provide you with information about any processing of your personal data that is being carried out, the retention periods which apply to your personal data, and any rights to rectification, erasure, or restriction of processing that may exist.

We will endeavour to respond promptly and in any event within one month of the latest of the following:

- Our receipt of your written request; or
- Our receipt of any further information we may ask you to provide to enable us to comply with your request.

The information you supply in this form will only be used for the purposes of identifying the personal data you are requesting and responding to your request. You are not obliged to complete this form to make a request, but doing so will make it easier for us to process your request quickly.

1) Details of the person requesting information

Full Name:

Address (including postcode):

Contact Telephone Number:

Contact Email Address:

To ensure we are releasing data to the right person we require you to provide us with proof of your identity and of your address. If we are not satisfied you are who you claim to be, we reserve the right to refuse to grant your request.

Please supply us with a photocopy or scanned image (do not send the originals) of one of **both** of the following:

- a) Proof of Identity Passport, photo driving licence, national identity card, birth certificate.
- b) Proof of Address Utility bill, bank statement, credit card statement (no more than 3 months old); current driving licence; current TV licence; local authority tax bill, HMRC tax document (no more than 1 year old). Alternatively, you can post this proof of identification to the School.

2) What information are you seeking?

Please describe the information you are seeking. Please provide any relevant details you think will help us to identify the information you require. Please note that if the information you request reveals details directly or indirectly about another person we will have to seek the consent of that person before we can let you see that information. In certain circumstances, where disclosure would adversely affect the rights and freedoms of others, we may not be able to disclose the information to you, in which case you will be informed promptly and given full reasons for that decision. While in most cases we will be happy to provide you with copies of the information you request, we nevertheless reserve the right, in accordance with Article 12 of the GDPR to charge a fee or refuse the request if it is considered to be “manifestly unfounded or excessive”. However we will make every effort to provide you with a satisfactory form of access or summary of information if suitable.

3) Information about the collection and processing of data

If you want information about any of the following, please tick the boxes:

- Why we are processing your personal data
- To whom your personal data are disclosed
- The source of your personal data

4) Declaration

I confirm that I have read and understood the terms of this subject access form and certify that the information given in this application is true. I understand that it is necessary for the Trust to verify my identity and it may be necessary to obtain more detailed information in order to locate the correct personal data.

Signed:

Date: