

Subject Access Request (SAR) Process

Any individual, person with parental responsibility or young person with sufficient capacity has the right to ask what data the Trust/Academy Trust holds about them, and can make a Subject Access Request (SAR). This policy should be read in conjunction with the Academy Trust's Privacy Notice and Data Protection Policy

Do you need to make a Subject Access Request?

If you only want information about a specific incident you may find that you can get that information by asking for it directly from the member of staff, without having to go through the Subject Access Request procedure. Alternatively, parents, or those with parental responsibility can be provided with access to their child's educational record (usually within 15 days of receipt of a written request) Please refer to Section 10 of the CAT Data Protection policy. If it is possible to release the data to you in this way, it will be a much shorter and less formal process than the Subject Access Request process.

How to make a request

It is advisable to make a SAR using the form the Trust provides that is designed to collect the information needed to identify the data you are requesting. Please download and complete the form and then send it together with the appropriate identification documents (scanned) by email to CAT-SAR@chulmleigh.devon.sch.uk. You may also download the form, complete and send it with copies of your scanned ID documentation by post to the College or Primary school. You can also bring the form and original identification documents to the College or Primary school reception in person if you wish.

What information do we need to start the search?

In order to find the data you are requesting we will need the following information to confirm you are the data subject: -

- name
- address
- contact telephone number and email address
- date of birth
- copy of passport or driving licence including photograph page
- details of the information required

If you are making a request on behalf of the data subject you will need to provide the information detailed above for the data subject, plus proof that you have their consent to request and receive their personal data. This may be a signed form of authority from the individual. Generally, if the data subject is a child of 13 years or older then their consent will also be required, but this will be reviewed on a case by case basis.

In addition, it would be very helpful to provide some contextual information about the required data.

How will we search for the information?

If you are, or were, a pupil, member of staff or parent, the Trust will routinely search the following areas for your data.

- Paper based pupil files

- Data held electronically (SIMS, email, HR, Finance etc)
- Data held by third party processors (such as classroom apps). The full list of these for each individual school in the Trust is attached to the Academy Trust's privacy notice.

You may however, only want to receive information relating to a specific incident or issue. If that is the case, please provide as much detail as possible regarding the information you require e.g. dates of events, when the information may have been recorded or where you think the information may be held, to help identify the data you require.

How long will it be before you receive your data?

The Trust has one calendar month in which to provide the data you have requested. If this date falls on a weekend or a bank holiday then it will be the next working day. This period starts on the date that the Trust receives all of the information it needs to confirm your identity, or your right to request a third party's data. The date on which you will receive your requested information will be confirmed once the Trust has received all the required information.

How will your data be provided to you?

You will receive either an electronic or paper copy of the personal data found about you depending on what you have requested.

If you wish to receive your data in paper form, this will be sent to you using recorded delivery post. In the event that no-one is available to sign for your parcel, it will be held at a local office until it is collected or finally returned to the Trust. This ensures your data is held as securely as possible until you receive it.

If you wish to receive your data electronically, assuming the file size is not too large, it will be sent to you by email as an attachment. The file will be password protected and once you receive the file, you will need to contact the Trust for the password in order to access the attachment. Information on how to do this will be in the email.

What data will be provided to you?

You will receive copies of the personal data relating to you. Personal data is defined as data that identifies a living individual and relates to that individual. Therefore, the data you receive will not only name you but also have some reference to you. As the Trust still holds paper files as well as electronic records, a search will be carried out for files that are in your name in any format. After that, searches will be carried out for any electronic records that contain your name in the body of the data – not just the title.

Will you receive all of the data that relates to you?

It is not always possible to know exactly what information is held about an individual when a search is made. In addition, it may not always be possible for the Trust to provide every piece of information about you, as there may have been some discussions relating to a final decision made at meetings or over the telephone, which will not always be recorded.

There may be times when the Trust holds personal data about you which it cannot disclose to you. This may be because it would involve disclosing a third party's data, and either the third party has refused to give consent for their data to be disclosed or the third party's data is awarded a degree of confidentiality which means the data cannot be disclosed. Often this can be overcome by redacting the third party's personal information or extracting your data from a larger document or data base.

There are other exemptions which mean that personal data can be withheld. Details and examples of these instances can be found in Chapter 9 of the Information Commissioner's Office, Subject Access Code of Practice. If it is necessary to withhold any data, you will be informed of the reasons for the non-disclosure.

Examples of information which (depending on the circumstances) may be withheld include information that:

- might cause serious harm to the physical or mental health of the pupil or another individual;
- would reveal that the child is at risk of abuse, where disclosure of that information would not be in the child's best interests;
- is contained in adoption and parental order records; and
- is legally privileged, including certain information given to a court in proceedings concerning a child;
- records the intentions of the Trust in negotiations with the individual making the SAR
- consists of a confidential reference given by the Trust
- consists of exam or test answers or exam results before the allotted publication time;
- is held for purposes of management planning (e.g. redundancy planning);
- would prejudice the prevention and detection of crime if disclosed (e.g. in live investigations);
- might cause serious harm or distress in limited social work contexts.

What can you do if you are unhappy with the response to your request?

Contact the Trust (admin@chulmleigh.devon.sch.uk) to clarify any queries about the information you have received or to point out any omissions in the data that you expected to receive – although if you are looking for anything particular, it is best to stipulate this in your original request. We will look again at the information held within the Trust to see if any new information can be sourced with the extra detail provided by you.

If you remain dissatisfied with the response to your request, you may submit a complaint to the Information Commissioner's Office (ICO). More advice on how to do this is available by contacting the ICO on its helpline number of 0303 123 1113.