

What Is The Right Of Access?

You have the right to know if an organisation (in this case a school) holds any personal data on you or your child. You can also ask them for copies of your personal information, verbally or in writing.

This is called the right of access and is commonly known as making a subject access request or an SAR. This guide explains how to make a subject access request.

You can make a subject access request to find out:

- what personal information we hold about your child (or you);
- how we are using it;
- who we are sharing it with; and
- where we got your data from.

What is an SAR ?

An SAR - or a Subject Access Request - is a formal request to view or receive copies of the information which an organisation (in our case a school) holds on a living person. For schools, this can be information on pupils or staff members. The request is handled in line with the Data Protection Act 2018 and the UK GDPR requirements.

What Can An SAR Request Include ?

When requesting an SAR it is important that you are clear which exact records you want to see or receive copies of. These can include things such as :

- school reports
- school work
- external reports (such as psychologists or other services)
- communications e.g. letters, e-mails
- performance data
- internal monitoring information

If you are not clear what documents you are requesting then this may slow down our ability to provide you with the information you want.

What Should My Request Say?

You should include:

1. A clear label for your request (e.g. use 'subject access request' as your email subject line or a heading for your letter);
2. The date of your request;
3. Your name (including any aliases, if relevant);
4. Any other information used by the organisation to identify or distinguish you from other individuals (e.g. customer account number or employee number);
5. Your up-to-date contact details;
6. A comprehensive list of what personal data you want to access, based on what you need; any details, relevant dates, or search criteria that will help the organisation identify what you want; and
7. How you would like to receive the information (e.g. by email or printed out).

Don't include:

1. Other information with your request, such as details about a wider complaint; a request for all the information the organisation holds on you, unless that is what you want (if an organisation holds a lot of information about you, it could take them longer to respond, or make it more difficult for you to locate the specific information you need in their response); or
2. threatening or offensive language.

Where possible, send your request directly to the school / Trust's Data Protection Officer.

Can I Make A Subject Access Request Verbally?

Yes. You can make a subject access request verbally, but we recommend you put it in writing if possible because this gives you a record of your request.

If you are making a verbal request, try to:

- use straightforward, polite language;
- focus the conversation on your subject access request;
- discuss the reason for your request, if this is appropriate – work with them to identify the type of information you need and where it can be found;
- ask them to make written notes – especially if you are asking for very specific information; and check their understanding – ask them to briefly summarise your request and inform them if anything is incorrect or missing before finishing the conversation.

However, even if you make your request verbally, we recommend you follow it up in writing (e.g. by letter, email or using our standard form).

Should I Use Your Standard Form?

Standard forms are not compulsory but as an organisation we would ask you to use ours. Standard forms can make it easier for us to deal with your subject access request. They help :

- structure your request;
- prompt you to include necessary details and supporting documents; and
- let you know the best contact point at the organisation.

Additionally, the form provides us with all the information we need. If you do not use this, it may mean a delay in receiving your response as we may have to ask you for it by other means.

However, you can still choose another method to submit your request.

Can Someone Else Make A Request On My Behalf?

Yes, you can authorise someone else to make a subject access request for you. However, you should consider whether you want the other person to have access to some or all of your personal information.

Depending on the nature of your request, the other person could gain access to information that you may not want to share with them, such as medical history.

Examples of individuals making requests for other people include:

- someone with parental responsibility, or guardianship, asking for information about a child or

young person;

- a person appointed by a court to manage someone else's affairs;
- a solicitor acting on their client's instructions; or
- a relative or friend that the individual feels comfortable asking for help.

When we receive the request, we need to be satisfied that the other individual is allowed to represent you.

We will usually ask for formal supporting evidence to show this, such as:

- written authorisation from you; or
- a more general power of attorney.

It is the other person's responsibility to provide this when asked to do so.

Should I Keep A Record Of My Request?

Yes – whenever possible, we strongly recommend that:

- you keep a copy of any documents or written correspondence for your own records;
- you keep any proof of postage or delivery (such as a postal reference number), if available; and if using an online submission form, you take a screenshot before sending.

Where relevant documents are not available for you to copy, consider making a written log of your request. This should include key details, such as:

- the date and time of your request;
- the location (e.g. if your request was made in person);
- the contact number or submission form you used;
- the details of any contacts you have interacted with;
- notes about any personal information you asked for;
- any further information that the organisation may have asked you to provide;
- any reference numbers given to you; and
- any other relevant information.

This will provide helpful evidence if you wish to:

- follow up your request;
- raise concerns; or complain about our response, at a later stage.

How Long Does An SAR Take ?

The law states that we have one calendar month (30 days) from the day your request is received in which to respond to the request. However, if the request is significant then we can lawfully extend this for up to an additional two months.

Why Can It Not Be Done Quicker ?

The law says that we have to consider a wide range of factors when considering an SAR request. Primarily, we have to ensure that we do not breach the privacy rights of anyone else whose details may be included in any documents we have.

It is therefore important that we take the time to (a) identify all the documents we have (b) review them with regards to other peoples privacy rights and (c) that no harm - physical or mental - may come to anyone by releasing the documents. We aim to get the documents to you as soon as we

can, but this does take time and usually takes the full 30 days. Contacting the school or the Data Protection Officer frequently will not speed things up.

Is There A Charge for An SAR ?

As a rule - no. The law states that we should provide this service free of charge where possible. But, we can make a charge if we believe that the request is excessive, vexatious or has no basis. Any charge we would make would only be to cover any costs incurred.

Can Anyone Request An SAR On A Child or Staff Member ?

No. Only those with a legal right to do so may request information on individuals. In the case of a child, this is limited only to those who have parental responsibility (which is usually the birth mother and father unless this has been removed by a court). Only staff members can request information on themselves - partners, parents or others cannot.

If I Have Any Questions, Who Can I Ask ?

Staff at the school have all been trained on data management. However, if you have any specific questions then the Data Protection Officer (DPO) for the school will be pleased to help you. A leaflet with full details of the school's DPO is available for you to refer to.

What Is the Process for an SAR ?

1. Once your request is received you will receive confirmation from the DPO. This will confirm the time-lines involved and provide you with the information that is relevant to your needs. The DPO will (usually) contact you by signed-for post. This is to ensure that there is a clear administrative trail for the management of the request. However, if those requesting want a response by email, then this will be undertaken - where possible - with the acknowledgement of the associated risk (*).
2. The DPO and the school will review and coordinate the request. You will then receive a written response which will state (a) that your request has been accepted (b) that your request has been refused or (c) that we need more information. In each case, the letter will outline what the next steps are for you as well as the basis the decision has been made on.
3. If the request has been accepted then you will be sent a document advice sheet. This outlines what you will receive and any legal expectations that rise out of it.
4. The final communication will state when and how the documents will be made available for you - such as viewing, e-mail, collect by hand or by signed-for post.

Asking For More Information On You - Why ?

Before we agree to issue any information we may request proof of entitlement. This may be a birth certificate, court order (where already in existence) or evidence of personal identity such as a passport or driving licence. We are not being 'difficult' when we do this - we have a legal duty to ensure that those having access to personal data have a legal basis for doing so. The protection and well-being of our children is our utmost priority.

(*) Email is not necessarily secure, unless it is encrypted. Additionally, it may be that some documents are too large to send via email.