

THE SYDNEY RUSSELL SCHOOL



Subject Access Request Procedure - SAR

Revised Aug 2020



Students attending our school have a right of access under the Data Protection Act 1998 to their own information. This is known as the right of subject access. When a child cannot act for themselves or the child gives permission, parents or any person with parental responsibility of the child will be able to access this information on their behalf. If we are confident that the child can understand his/her rights, then we will respond to the child's request rather than the parent's.

The request to access the child's personal data will cover information such as the records of the student's academic achievements as well as correspondence from teachers, local education authority employees and educational psychologists engaged by the school's governing body. It may also include information from the child or from you, as a parent. Information provided by the parent of another child would not form part of a child's educational record.

1. What are my rights?

The General Data Protection Regulation (GDPR) gives individuals a right of access to the personal data which organisations hold about them, subject to certain exemptions (see section 4 for the exemptions). Requests for access to personal data are known as **subject access requests (SAR)**.

If you submit a SAR to Sydney Russell School, you are entitled to be told whether we hold any data about you. If we do, you also have the right:

- To be given a description of the data, the purposes for which the data are being processed, and those to whom the data may have been disclosed;
- To be given a copy of the data in an intelligible form, with any unintelligible terms explained;
- To be provided with any information available to us about the source of the data; and
- If you specifically request it, to be given an explanation as to how any decisions taken about you solely by automated means have been made.

Further information about your rights under the General Data Protection Regulations is available on the website of the Information Commissioner.

2. As a parent, when can I request other information about my child?

You will be able to access all the information about your child if your child is unable to act on their own behalf or gives their permission. As a general guide, a child of 12 or older is expected to be mature enough to make this kind of request. A child may, of course, be mature enough at an earlier age or may lack sufficient maturity until a later age, and so requests should be considered on a case by case basis. There are also certain circumstances where the school can withhold an educational record; for example, where the information might cause serious harm to the physical or mental health of the student or another individual.

The request for access would also be denied if it would mean releasing examination marks before they are officially announced.

3. How do I submit a request?

Requests for access to personal data must be in writing. We ask that you complete and return our Subject Access Request (SAR) Form, which is designed to gather the information which we need to identify you, communicate with you and locate data about you. Failure to complete the form could delay processing of your request, as we may need to contact you for further information or clarification.

When completing the SAR letter, please be as specific as possible about the information which you want access to, as this will assist us in processing your request. For example, if you only want data relating to your academic record, you should indicate that. A general request such as "please send me all of the data which you hold about me" is likely to lead us to contact you for further information or clarification. We have the right to ask you for information which we reasonably need to locate the data which you have requested, and we may not respond to your request until you provide this information.

Together with the form, you must also send us proof of your identity. We will not begin processing your request until the ID and form have been received. We require proof of ID to ensure that we are releasing data to the correct person. Please supply a copy (not the original) of one of the following:

- your full name, address and contact telephone number;
- the pages which identify you in your passport.
- your driving licence.
- any information used by our school to identify or distinguish you from others of the same name (account numbers, unique ID's etc);
- details of the specific information you require and any relevant dates, for example:
 - your student records;
 - emails between 'A' and 'B' (between 1/6/11 and 1/9/11);
 - any medical records (between 2006 & 2009);
 - CCTV camera situated at ('E' location) on 23/5/12 between 11am and 5pm;

If you are unable to supply any of the above, please contact our Data Protection Officer (see our website for contact details).

Please send the completed subject access request form and proof of identity by email to gdpr@sydney-r.bardaglea.org.uk or by post to the following address:

Data Protection Officer
 The Sydney Russell School
 Parsloes Avenue
 Dagenham
 Essex RM9 5QT
 United Kingdom

The form and proof of identity must be submitted for each subject access request.

4. What happens next?

We will send you an acknowledgement of your request as soon as possible. This will indicate the deadline by when we will send you a response. We may also ask you to provide further information or clarification if we require it to process your request, and may contact you again for additional information or clarification if necessary.

After we receive your request, we will consider it and respond to it. We will respond as soon as possible, and in all cases within 30 calendar days of receipt of your request. If we reasonably require further information from you to locate the data which you have requested, we will inform you as soon as possible, and the 30 calendar days' deadline will commence from the date when we receive the information from you.

If we hold no data about you, you will be informed of this. You will also be informed of any cases where data about you have been withheld and the reasons for this, including the relevant exemptions (see exemptions below), unless doing so would itself reveal information which would be subject to an exemption.

5. What are the exemptions?

The GDPR includes various exemptions which specify the circumstances in which an organisation can refuse to provide access to personal data. The most likely situations in which we could refuse a subject access request are where:

The release of the data would jeopardise the prevention or detection of crime, or the apprehension or prosecution of offenders;

- You have requested access to an examination script,
- You have requested data contained in a confidential reference provided by a staff member of our school;
- You have requested data which record our school's intentions in relation to any negotiations with you, and the release of the data would prejudice the negotiations;
- The data is covered by legal professional privilege;
- The data relates to management forecasting or management planning, and its release to you would prejudice our activities; or

You have requested access to data which have been retained for the purposes of historical or statistical research, the conditions set out in the GDPR for processing for research purposes have been met, and the results of the research have not been published in a way which identifies individuals.

If we withhold data from you as a result of an exemption under the Data Protection Act, we will explain why the data have been withheld and the relevant exemption, unless doing so would itself disclose information which would be subject to the exemption.

The Data Protection Act allows us to refuse to provide you with a copy of your data if the effort in doing so would be disproportionate, or if the same or similar data have already been provided to you and a reasonable interval has not elapsed since your previous subject access request.

We have to protect your rights and other legal rights of other individuals when we respond to subject access requests. Information which does not relate to you may be redacted (blacked out) or removed, particularly if it relates to other individuals. Sometimes we may not be able to release data relating to you because doing so would also reveal information about other persons who have not consented to their data being released, and it would not be reasonable in the circumstances to release the data without their consent. In such cases, you will be informed that data about you have been withheld and the reasons for doing so.

6. Can I appeal?

If you are dissatisfied with the handling of your subject access request, you are encouraged to contact our school's Data Protection Officer in the first instance, to determine if they can resolve your concerns informally (see section **9. Where can I get further information?** for contact details). You should state as fully as possible why you think your request was not dealt with in accordance with the GDPR and the remedy which you are seeking from the School.

If you remain dissatisfied after contacting Data Protection Officer, you can ask for an internal review of Sydney Russell Schools' handling of your request. Requests for internal review should be submitted promptly, and within 20 working days of the School's response to your request.

The internal review will be conducted by the Principal and Governing Body. They will provide you with the outcome of the review within 30 days. If the outcome is for the information to be released to you, the information will be provided to you as soon as is practically possible.

If you are dissatisfied with the outcome of the internal review, you can ask the Information Commissioner for an assessment as to whether SOAS has processed your data in accordance with the Data Protection Act. The Information Commissioner can be contacted at the following address:

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF
United Kingdom

Further information about how to enforce your rights under the GDPR is available on the Information Commissioner's website (ICO) <https://ico.org.uk/for-the-public>

7. Can I re-use the data?

The copyright of any data which is supplied to you will be owned by Sydney Russell School unless otherwise indicated. The supply of information under the GDPR does not give the person who receives it an automatic right to re-use the information in a way which would infringe copyright, for example, by making multiple copies, publishing and issuing copies to the public. More extensive re-use must only be carried out with prior written permission from school.

Enquiries about the re-use of material should be directed to Sydney Russell School Data Protection Officer (see section **9. Where can I get further information?** for contact details).

8. What if I need a transcript or copy of my degree certificate?

If you are seeking a transcript of your academic results, or you need a copy of your Sydney Russell School exam results/assessments, you should not submit a subject access request. You should instead request informal feedback on your examination performance without having to go through the Data Protection Act or pay a fee. Requests for informal feedback should be directed to the relevant Head of Department.

Students should note that the GDPR does not provide a right of access to examination scripts.

9. Where can I get further information?

Further information about how we aim to protect the rights of individuals under the Data Protection Act is provided in our school's GDPR Policy. Enquiries relating to Data Protection at our school should be directed to Sydney Russell School GDPR Data Protection Officer, whose contact details are below:

Data Protection Officer
The Sydney Russell School
Parsloes Avenue
Dagenham
Essex RM9 5QT
United Kingdom

Telephone: +44 (0)20 72704333

Email: gdpr@sydney-r.bardaglea.org.uk

[Your full address]

[Phone number]

[The date]

The Sydney Russell School

Dear Sir or Madam

Subject Access Request (SAR)

[Your full name and address and any information used by our school to identify or distinguish you from others of the same name (account numbers, unique ID's etc)]

Please supply the information about me I am entitled to under the Data Protection Act 1998 relating to:

[give specific details of the information you want, for example

- your student records;
- your exam results
- your mock results
- emails between 'A' and 'B' (between 1/6/11 and 1/9/11);
- any medical information (between 2006 & 2009);
- CCTV camera situated at ('E' location) on 23/5/12 between 11am and 5pm;]

If you need any more information from me, or a fee, please let me know as soon as possible.

If you do not normally deal with these requests, please pass this letter to your Data Protection Officer.

Yours faithfully

[Signature]

Inc:

- Copy of passport identification
- Copy of my driving licence.

A. Replying to a subject access request providing the requested information

[Name] [Address]

[Date]

Dear [Name of data subject]

Data Protection Act 2018 subject access request

Thank you for your letter of [date] making a data subject access request for [subject]. We are pleased to enclose the information you requested.

[Include 1(a) to (h) above.]

Copyright in the information you have been given belongs to the School or to another party. Copyright material must not be copied, distributed, modified, reproduced, transmitted, published (including published on the Internet or an intranet), or otherwise made available in whole or in part without the prior written consent of the copyright holder.

Yours sincerely

B. Release of part of the information when the remainder is covered by an exemption

[Name] [Address]

[Date]

Dear [Name of data subject]

Data Protection Act 2018 subject access request

Thank you for your letter of [date] making a data subject access request for [subject]. To answer your request, we asked the following departments to search their records for information relating to you: [List the areas]

I am pleased to enclose [some/most] of the information you requested. [If any information has been removed] We have removed any obvious duplicate information that we noticed as we processed your request, as well as any information that is not about you. You will notice that [if there are gaps in the document] parts of the document(s) have been redacted. [OR if there are fewer documents enclose] I have not enclosed all the information you requested. This is because [explain why it is exempt].

[Include 1(a) to (h) above.]

Copyright in the information you have been given belongs to the School or to another party. Copyright material must not be copied, distributed, modified, reproduced, transmitted, published (including published on the internet or an intranet), or otherwise made available in whole or in part without the prior written consent of the copyright holder.

Yours sincerely”

C. Replying to a subject access request explaining why you cannot provide any of the requested information

[Name] [Address]

[Date]

Dear [Name of data subject]

Data Protection Act 2018 subject access request

Thank you for your letter of [date] making a data subject access request for [subject]. I regret that we cannot provide the information you requested. This is because [explanation where appropriate].

[Include 1(a) to (h) above if appropriate.]

Yours sincerely”

D. Replying to a subject access request explaining why you have only sent some of the requested references

[Name] [Address]

[Date]

Dear [Name of data subject]

Data Protection Act 2018 subject access request

Thank you for your letter of [date] making a data subject access request for the references we received in connection with your [job/course] application. I enclose [whichever reference can be disclosed]. However, I have not provided [a copy/copies] of [one/some] of the references you requested because [one of your referees/your referees] withheld consent to disclose [it/them].

[Include 1(a) to (h) above.]

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Yours sincerely