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**Summary information to support schools in dealing with Subject Access Requests**

The Data Protection Act 2018 requires all companies/organisations to make available on request information held about individuals, whether it is on a computer system or on paper.

**Subject Access Requests made by Parents**

If you receive a Subject Access Request (SAR) you should let IT and Data Manager, Geoff Harvey-Walker (GHW) know, for information only, and then start preparation for dealing with the request. SAR can be made by parents, on behalf of children who are under 13 years. When receiving a SAR from a parent you must check that the parent has parental responsibility for the child they have requested the SAR, and where in doubt this may be requested before, including proof of who they are, any SAR information is provided. If a child is 13 years or older then they can make their own SAR, or they can give permission for this to be made, on their behalf, by their parent. In such cases where a pupil gives permission for their parent to make the SAR then this permission should be in writing.

1. You should make a note of when you received the SAR as legally you have to respond to this within one month at the latest, starting from the day the SAR was received. To support this, and to ensure the person making the SAR understands this, it is recommended that you reply to the email/ letter, informing them that the SAR has been received and that you will gather the information and respond to them within 1 month.
2. You need to check that the SAR clearly identifies what information they require, including the period of time. This links with other work we are doing on ensuring data and information is not kept for any longer than required, in many cases in terms of general communication, which should be refreshed on an annual basis. If this is normal school practice then this will reduce the amount of work that is required when responding to a SAR. If the SAR does not clearly identify what is required and the period of time then this should be checked with the person making the request.
3. Should it not be possible to complete the SAR within one month, you are allowed to extend the period of compliance by a further two months where requests are complex or numerous, but the decision to extend must be communicated with the person making the request and an explanation provided regarding why this extension is necessary. If the person making the SAR feels this is unreasonable they can contact ICO, who may challenge or support the extension. **Where it is felt necessary to extend then the DPO should be informed prior to making this decision, who will advise.**
4. The SAR must be provided free of charge – no charge can be made for photocopying or time, unless it is considered that the request is manifestly unfounded or excessive, particularly if it is repetitive, and in such cases a ‘reasonable fee’ may be charged. Charges can be made where additional copies of the same information are requested. **In such cases you will be required to check this with the DPO prior to making this decision.**
5. The information provided as part of the SAR should be provided in written format or printed copies of emails or online reporting information.
6. In pulling together the SAR information you should identify all the areas where information about the subject is stored eg pupil file, CPOMS, Other online reporting system, SEN files, Class Teacher documentation, Other general correspondence. When providing the information you must make sure that you are not breaching Data Protection by providing information about other pupils at the same time, and you must also make sure you are not providing any safeguarding information. Where records include information about other pupils then this must be extracted/ removed from the information provided. Where information is considered to breach safeguarding if provided then it should not be provided. This will mean that time will need to be identified for someone to thoroughly check the subject information before it is provided as part of the SAR. **In gathering the information, taking account of the above, you are legally required to provide all the information you have on record.**
7. In some cases an IT trawl (GHW can advise how this can be carried out) of the subject’s name may support the school in checking all electronic information about the subject is located.
8. The information provided as part of the SAR should include any personal data held by the school. Information about what counts as Personal Data is identified below.
9. Once all the information has been gathered **from all sources** and you are confident that no other information is held on the subject, and once this has been checked to ensure it does not provide information about other people and does not breach safeguarding requirements, then this should be prepared as a pack of information.
10. The person who made the SAR should be informed that the information is ready for collection and this should be securely stored until such time it is collected. It should only be handed to the person who made the SAR and, where required, proof that they have parental responsibility and / or of their identify should be sought before handing the information over.

**What counts as Personal Data**

Personal data is information that related to an identified or identifiable person who could be identified, directly or indirectly based on the information

Personal Data includes:

* Person’s name, Date of birth, Address, Phone Numbers, Email Address,
* Specific categories of personal data such as data concerning health, including both physical and mental health and the provision of health care services; racial or ethnic origin, religion; sexual orientation

**Subject Access Requests made by other organisations**

Access to information made by another organisation (SAR due to a legal, safeguarding or police matter). You may receive a request from the Police, the Local Authority or similar regarding access to information you hold. In such cases you should let Geoff Harvey Walker know for information.

In response to this, if it is a public organisation who deal with such matters relating to legal, police or safeguarding, then you are able to provide the information. Prior to doing this YOU MUST SATISFY YOURSELF THAT THE PERSON WHO HAS MADE THE REQUEST IS LEGITIMATE. You should gather information about the organisation they say they are representing and their name, and then contact the official organisation using contact numbers gathered yourself eg on line etc, and then contact them to check the relevant organisation is legitimate. You should arrange to deliver the information and receive a signature for this from the relevant agreed organisation or if this needs to be posted send it by a secure means and ensure you are satisfied that the address you are sending it to is officially part of the organisation. If someone is visiting school to check the information then you need to check their ID and ensure a member of staff is with them at all times and that they do not remove or take photos of anything.

**Finally**

If you are in doubt about a SAR then please contact Geoff Harvey Walker by email g.harvey-walker@ebor.academy or DPO Pat Dubas by email at p.dubas@ebor.academy.