The Chalfonts Community College

Success is an Attitude!

Guidance on Subject Access Requests

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1. Introduction

This subject access request (SAR) procedure applies to all personal data processed by The Chalfonts Community College excluding personal data that is asked for as a matter of routine by individuals.

The right of access under the General Data Protection Regulation (GDPR), gives individuals the right to obtain a copy of their personal data as well as other supplementary information. It helps individuals understand how and why their data is being used, and to check that its use is lawful.

This procedure is applicable for all staff and managers:

- All staff are responsible for ensuring that any request for information they receive is dealt with in line with the requirements of the GDPR by following this procedure.
- All staff have a responsibility to recognise a request for information and ensure it is passed to the responsible member of staff and/or the Data Protection Lead within two working days.

2. Providing the Information

Timescales

We are required to respond within one month of receipt of the request (subject to any need for clarification or identification confirmation). If a request is especially complex or involved, we can extend the response time by up to a further two months, but we must let the person know within one month of their request. We would need to be able to justify this. The clock starts from the day we receive the request.

Seeking Clarification and Stopping the Clock

If it is unclear whether a request for information is a subject access request, or the request is for 'all the information you hold', we will seek clarification to ensure that we are clear about what is being requested. The requester may want something in particular, and this will enable us to respond more quickly to their request. At this point, the time limit for responding can be paused (the clock is stopped) until clarification is received. If we do not receive clarification, we will wait one month before we consider the request to be closed.

Free of charge

Most subject requests will be free of charge. We will only consider making a charge for admin costs if we feel the request is manifestly unfounded or excessive. If we decide to charge a fee, we will let the individual know promptly and will not comply with the request until we have received the fee.
We are also allowed to refuse a request if we believe it is manifestly unfounded or excessive. It is important that we keep a record of why we believe this to be the case.

Format

If the request is made electronically, we are expected to provide the information in a commonly used electronic format, unless agreed otherwise. If we provide the information electronically we need to be careful that we do not inadvertently cause a data breach by disclosing personal data that has been stored or is 'hidden' in a file or its meta-data.

3. Personal Data

An individual is only entitled to their own personal data and not to information relating to other people (unless the information is also about them or they are acting on behalf of someone).

Pupil's Personal Data

In the case of children, the right of access is theirs, rather than that of their parents or guardian. However, a parent may exercise this right if the child is not considered to be mature enough to do so on their own behalf; or if they have their child's consent. A child is generally considered to be mature enough to understand their rights around the age of 12, but this must be considered on a case by case basis.

Requests made on Someone's Behalf

In addition to parents being able to exercise their child's right of access as above, other third parties can make a subject access request on someone's behalf. For example, a solicitor acting on a client's behalf.

We must be confident that the third party is entitled to act on the person's behalf and it is their responsibility to provide us with the evidence of this. For example, by providing a written authority, signed by the individual, stating that they give the third party permission to make a subject access request on their behalf. An electronically signed letter of authority is acceptable if we are satisfied that the third party is authorised to act on the person's behalf.

Supplementary Information

In addition to a copy of their personal data, individuals are entitled to know the reasons we process their data, how long we keep it, the source (if it was not obtained from the individual) and whether we share it with other individuals or organisations.

We need to tell them about their rights which include: requesting the correction of errors, erasure, restriction; as well as being able to object to our processing of their data (in certain circumstances). They also have the right to complain to the Information Commissioner's Office (ICO) if they are unhappy with how we have handled their subject access request.

A fee may be charged for providing a parent with a hard copy of their child's educational record. How much can be charged is laid down in the relevant regulations according to the number of pages provided.

4. Procedure for Staff in dealing with a Subject Access Request

As a College it is important that we deal with any subject access requests in an open, transparent and supportive way.

The objective of this procedure is to make sure that the request is received and responded to in a timely and appropriate way, and that everyone understands their role in achieving this.

How can a SAR be made?

Any member of staff may receive a subject access request, it does not have to be made to a specific person or contact point.
So everyone has a responsibility to recognise a request for personal information and ensure it is passed as promptly as possible to the Data Protection Lead (within 2 working days).

The GDPR does not specify how a request has to be made. Therefore it can be made verbally, in writing, via email or social media.

A request does not have to include the phrase 'subject access request' or mention GDPR, as long as it is clear that the individual is asking for their own personal data or that of their child. A third party, such as a solicitor, may also make a request on someone's behalf. Sometimes individuals will request personal data, stating they are making a Freedom of Information (FOI) request. This is still a valid subject access request.
SAR Request Form
A SAR form can be provided to help individuals make a request for access to their personal data but we cannot insist that it is used. A subject access request is valid if submitted by any means and we must make it clear it is not compulsory to use the form.

If you receive a SAR
You should inform the person that their request will be passed to the Data Protection Lead who will formally acknowledge their request and may seek further clarification, confirmation of identity or authority to act on the person's behalf, as necessary.

Your Role
You may be required to carry out searches of any filing systems (electronic and paper) that you work with to provide copies of the personal data being requested. This needs to be done promptly as we may need to respond within 15 school days, and we always want to respond to any request as promptly as we can.

Data Protection Lead's Role

The Data Protection Lead's role will include:

- acknowledging the request and keeping the requester informed and updated throughout the process (unless this role is being undertaken by the Data Protection Officer)
- recording the request in the SAR Log and informing the headteacher
- ensuring they are confident of the requester's identity, their authority to act on the person's behalf, and what personal data is being requested
- clarifying whether it is a SAR or a parental educational record request
- requesting searches by relevant members of staff for copies of the personal data
- liaising with the Data Protection Officer as required
- checking the requester's preferred format for receiving the information
- dealing appropriately with any third party personal data
- compiling the information in a clear and comprehensible way
- marking the requester's copy as the data subject's copy
- keeping a copy of the information provided in case of the need for any follow up
- providing the information to the requester within the timescales, in a secure manner, along with a copy of the relevant privacy notice
- ensuring the SAR log is updated and completed.

Data Protection Officer's Role

The Data Protection Officer (DPO) provides advice, guidance and support to the Data Protection Lead during the process as and whenever necessary. This may include advising on:

- what data should be included
- whether any exemptions apply
- third party data that may be part of the data records
- CCTV images
- how to present the data for the requester
- record-keeping of the SAR
- any follow up.

The DPO can also act as the point of contact and communication between the person making the subject access request and the school, if this would be helpful.

Policies that may be read in conjunction with this policy

- Data Protection policy

History

History

Date	Issue	Status	Comments
November 2023	1	New	
March 2025	2	New Format Update Dates Linked Policy added	