

Right of Access Policy



Governors Meeting:	27 June 2022
Safeguarding Governor:	Jane Owens
Chair of Governors:	Gail Webb
Review:	27 June 2023

RIGHT OF ACCESS POLICY

1. Making a Subject Access Request (SAR)

1.1 Under the General Data Protection Regulation (GDPR) you have the right to request access to information we hold about you.

1.2 Under this right you can request:

- Confirmation that we hold personal information about you and why we do so
- A copy of any information we may hold about you.

1.3 An individual is entitled to make a request for the information we hold about them, but in certain circumstances they may be able to make a request for information we hold on someone else.

1.4 If you have parental responsibility for a child at this school, you may wish to make a request to identify what personal data we hold on that child, as well to request a copy of that information.

1.5 The applicant must effectively communicate their request to the school. While there is no requirement for this request to be made in writing, the school will make available a SAR Request form to help facilitate this process.

2. Proof of Identification

2.1. If we have any cause to doubt your identity, we will ask you to provide any evidence we reasonably need to confirm your identity. This may be done by requesting a recognised form of identification. Items requested may be:

- Proof of Identity
Passport, photo driving licence, national identity card, birth certificate.
- Proof of Address
Utility bill, bank statement, credit card statement (no more than 3 months old); current driving licence; current TV licence; local authority tax bill; HMRC tax document (no more than 1 year old).

2.2. Where individuals are unable to produce any of the above documentation, we may ask what identification you may possess which would allow us to satisfy ourselves as to your identity.

2.3. Where requesting details of information held about a pupil, we will confirm your right to this information. In order to do this, we may request a copy of the child's birth certificate or other official documentation confirming parental/guardianship rights.

2.4. Where requesting information on behalf of another individual, we will request a

copy of the written authority of the individual involved confirming both their and your identity, and clearly stating you are acting on their behalf and with their full knowledge.

3. How we process Subject Access Requests

3.1 The school will clarify the nature of the request and determine whether the request relates to information belonging to a child or whether the request has been made in relation to information belonging to the requestor.

3.2. In the event that a large quantity of information is being processed about an individual, the school may ask the individual to specify the information the request is in relation to.

3.3. If we identify information that relates to third parties, we will take all reasonable steps to establish whether this information can be disclosed. In some cases, we may contact the third party to seek consent for the release of this information.

3.4. We are not required to disclose information relating to third parties, unless they have provided their consent or it is reasonable to do so without their consent. If the third party objects to the information being disclosed, we may seek legal advice on what action we should take.

3.5. Before sharing any information that relates to third parties, we will where possible anonymise information that identifies individuals not already known to the applicant. We will also edit information that may affect another party's privacy, and if necessary summarise the information provided (rather than provide a full copy of the document).

3.6. Once we have confirmed identification, resolved any queries around the applicant's request, and gathered the relevant information, we will issue our response electronically via a secure email service, or if requested, via hard copy. Hard copy responses will be sent by Royal Mail recorded delivery in an envelope or package marked 'Private and Confidential' and 'Addressee Only'.

4. Right to Information

4.1. Parents accessing their child's personal data under the GDPR are exercising the **child's** right of subject access on the child's behalf. A parent or guardian does not have an automatic right to information held about their child. The right belongs to the child and the parent(s) acts on their behalf, where they have parental responsibility for the child.

4.2. In England, the age at which a child reaches sufficient maturity to exercise their own right to access their information is normally 12, but this may vary amongst individuals. Once a child reaches sufficient maturity, the parent may only act with their child's consent.

4.3. Where a child is over 12 and a request is made on their behalf, the school may contact them separately to seek their signed consent for someone to access their records on their behalf. When deciding whether information about a child can be released, consideration will be given to the best interests of the child.

4.4. The school will not service a Subject Access Request for information held on a

child if the child, having been deemed capable of understanding the nature of the request and the consequences of their actions, refuses to consent to this information being disclosed.

5. The cost of a Subject Access Request

5.1. A copy of the information will be supplied to the individual free of charge; however, the school may impose a 'reasonable fee' to comply with requests for further copies of the same information.

5.2. Where a request is manifestly unfounded, excessive or repetitive, a reasonable fee may be charged.

5.3. All fees will be based on the administrative cost of providing the information.

5.4. Where a fee has been imposed, the individual has the right to appeal to the cost specified in the first case to the school and, if they are still unsatisfied, they may complain to the Information Commissioner's Office.

6. Timeframe for responding to Subject Access Requests

6.1. A response must be sent within 1 month starting from the day we received all the information necessary to identify you and, where necessary, identify the information requested. We will aim to respond to all requests as soon as possible within this timeframe.

6.2. Where a response is proving difficult to service, we may provide information available while continuing to work through additional information.

6.3. In the event of numerous or complex requests, the period of compliance will be extended by a further two months. The individual will be informed of this extension, and will receive an explanation of why the extension is necessary, within one month of the receipt of the request.

6.5. In the event that a large quantity of information is being processed about an individual, the school may ask the individual to specify the information the request is in relation to.

6.6. The school will adopt an appropriate procedure that will allow it to service any Subject Access Requests made during a period of school closure (holiday periods).

6.7. As a matter of course, requests submitted during any holiday period will be responded to within the required timescales. However, the school is conscious of the fact the ability to service such requests may be made more complex by staff absence but will strive to ensure that appropriate procedures are in place to deal with requests made during those periods.

6.8. Should a holiday closedown period severely affect the school's ability to facilitate the production of the required information, the requestor will be notified as to the cause of any expected delay within good time.

6.9 In such circumstance we may provide the requestor with the material most readily available while we work to identify any additional information.

7. Grounds for not complying with Subject Access Requests

7.1. Where a request is manifestly unfounded or excessive, the school holds the right to refuse to respond to the request. The individual will be informed of this decision and the reasoning behind it, as well as their right to complain to the supervisory authority and to a judicial remedy, within one month of the refusal.

7.2 If you have made a previous subject access request, we must respond only if a reasonable interval has elapsed since this previous request was made. We will define a reasonable interval by reviewing the elapsed time, nature of information, and changes that have occurred since the last request was made.

8. What to do if you identify inaccurate information in our records

8.1. If you identify an error in the information we hold, please notify us as soon as possible. If we agree that the information is inaccurate we will take all reasonable steps to correct the information, or, if relevant and practically possible, remove the inaccurate information by deletion or destruction.

8.2. If we believe the information is accurate, or we are unable to make a decision as to the accuracy of the information, we will keep a note of the alleged error on the file.

9. What to do if you want us to stop processing your data

9.1. You have the right to ask us to delete or completely stop processing some or all of your data, or stop processing this data in relation to a particular purpose or in a particular way. The right to prevent processing applies in certain limited circumstances.

9.2. We will respond to an objection within 30 days of receipt, and in writing, advising that we have either complied with your request, intend to comply with it, or state the extent to which we will comply with it and why.

9.3. Where we will not or cannot comply with a request to delete or stop processing data, we will clearly communicate those reasons to you.

10. Complaints procedure

10.1 An individual having any complaint in connection with our actions has the right to present a complaint in writing to the School Data Protection Officer:

Martin Waters
Cheshire West and Chester Council,
3rd Floor,
4 Civic Way,
Ellesmere Port,
CH65 0BE

Email: schoolDPO@cheshirewestandchester.gov.uk

10.2 If you remain dissatisfied, you have the right to report your concern to the Information Commissioner's Office (ICO).

The Information Commissioner's Office,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire
SK9 5AF

Telephone: 08456 30 60 60 or 01625 54 57 45

<https://ico.org.uk>

11. Policy review

11.1. This policy is reviewed annually.

11.2. The next scheduled review date for this policy is April 2023.

Created by Jackie Lloyd
29 April 2022

Ratified by Governors

Appendix 1

Subject Access Request Record

Refer to the school's Right of Access Policy for further information as to the correct procedure in confirming data subject and in relation to the issue of parental rights and student consent (where applicable)

Name of data subject

.....

Name of person who made request:

.....

(when request is made for child data)

Date request received:

.....

Date acknowledgement sent:

.....

Date identity was confirmed:

.....

Required completion date (within 1 month):

.....

Prompts	Notes: (write over with own comments)
Identified as a SAR?	Has this request been identified as a SAR or an Educational Record Request?
Is the individual entitled to the data?	If no reply and state the reasons for refusal (for example, not SAR)
Do you understand what data they are asking for?	What are the data sources, where are they kept? Do you require the individual to clarify the request?
Do you have access to the data?	You may need to ask others, class teachers etc, for data relating to individual. Set a deadline for them to respond.
Can you release all of the data?	If exempting information, be clear as to the reason why and log the reason.
Are redactions required?	Do you need to redact any third party data?
Are there any foreseen delays in responding to the request?	Record delays and reasons. Communicate with requestor stating why there may be a delay. Give an approximate timescale as to when the request will be fully completed, but ask if they would like the information collected so far.
Create pack	Ensure the data is in an easily accessible

	format. Ensure all appropriate redactions have been carried out.
DP Lead/Officer Sign-off	DPO to verify appropriate redactions have been made and to sign off information for release
Issue information	Date pack was issued.

Note: Requests on behalf of children - A parent or guardian does not have an automatic right to information held about their child. The right belongs to the child and the parent(s) acts on their behalf, where they have parental responsibility for the child. In England the age at which a child reaches sufficient maturity to exercise their own right to access their information is normally 13, but this may vary amongst individuals. Once a child reaches sufficient maturity, the parent may only act with their child's consent.

Where a child is over 13 and a request is made on their behalf, we may write to them separately to seek their signed consent for someone to access their records on their behalf. When deciding whether information about a child can be released, consideration is also given to the best interests of the child.

Refer to the school's Data Protection Policy for further information.

Date request was completed and issued:

I confirm all appropriate documentation has been identified and supplied:
 Signed by (issuer):

Date:

I can confirm appropriate third party information has been removed and necessary redactions have been carried out correctly.
 Signed by (Data Protection Lead/Officer):

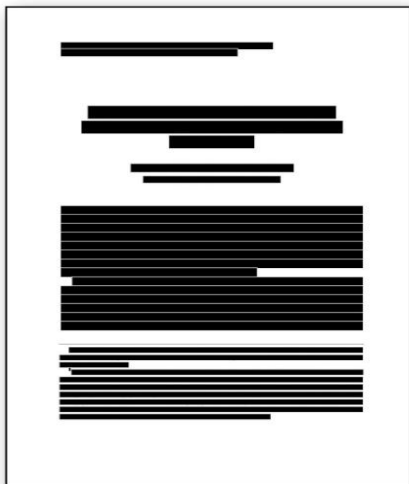
Date:

What is Redaction?

- Redaction is the process of removing information from documents that either exempt or shouldn't be released when the document is disclosed to either another organisation or individual.
- The information that is removed could be anything from names or sentences to whole pages.

Principles of Redaction

- Always redact in a fair way. Redaction is not an exercise in hiding things, it is removing information that shouldn't be released, from documents that will be disclosed to others.
- Only redact exactly what is necessary. If taking out one line is enough, don't redact the whole page.
- If you need to redact a lot of information from one page, make sure what is left still makes sense. If it doesn't, remove it. We don't want to release any pages that look like this:



- Redaction should be undertaken by staff who are knowledgeable about the type of document they are reviewing and understand the information within it. That way they make decisions about what should be removed based on their professional/technical knowledge.

Redaction Golden Rules

- Always redact on a copy of the original document. If you are redacting an electronic document, make a copy. If you are redacting physical documents, copy them and work on the copies.
- Keep a record of your redactions that lists why you are redacting particular information. Keep a blank copy and a redacted copy of the documents. This will be needed for audit purposes should there be a challenge into the application of exemptions.
- Redactions should be checked by a supervisor and/or the Disclosures Team before release.
- Keep a record of the request for information and the response, for audit purposes.
- Always prepare the final versions for release properly. When using Adobe, the redactions are not locked in place by the program. For this reason, the final redacted version will need to be printed, then scanned back in to “seal” the redactions.
- Ensure documents containing personal data are disclosed using secure email.

Redacting Personal Data

What Is Personal Data?

- Personal data is any data that can be used either on its own, or in conjunction with other data, to identify a living individual.
- This means personal can be (but isn’t limited to) names, addresses, dates of birth, car registration details, photos, video clips.
- Personal data can also be people’s opinions, for example “*Phil thinks that this case has been a waste of time,*” would be Phil’s personal data.

What is Sensitive Personal Data?

- Sensitive personal data is information about a person that falls into the following categories: Race, religion, trade union membership, any information about physical or mental health conditions, sexuality (sexual orientation), political opinions, criminal record and information associated with that (alleged offences etc).

Redacting for a Subject Access Request

- An individual has a right to request information held about them by an organisation. This right only extends to their own data, which means that you must redact (remove) the personal information of other people who have not consented to their information being released. These individuals are referred to as “third parties”.

Identifying Personal Data

- When removing personal data from a document, it is important to remove not only names and addresses but also associated information about the third party.

For example:

The applicant, Jane, has made a request for her own information. The document we are looking at also contains information about her brother John. Jane should only see information about herself.

If the sentence reads

Jane's brother John has been arrested for shoplifting.

It would not be enough to remove the brother's name (as below).

Jane's brother [REDACTED] has been arrested for shoplifting. – This redaction would not be sufficient to protect John's privacy and information as leaving in "Jane's brother" would still reveal his identity.

The whole sentence is John's personal data. Although Jane is mentioned, it is only in the context of talking about John. In cases like this – the whole sentence should be removed.

Key Points

- Is the data personal? If the data is discussing setting up meetings or procedures, this is unlikely to be personal data and does not need to be disclosed.
- Who is the "focus" of the data? Who is the data about? If the requestor is the focus of the data and the data is about them, then it can be considered for release.
- Always consider the context of the information, third parties might not be named directly but watch for references to them within the text, where they are referred to as siblings, friends or relatives – terms that can still identify them without naming them.
- Think about whether the applicant will already know the information that they are requesting. For example, if someone was taken into care at 15 with their siblings, and request their information when they are 17, it is likely they will know that their siblings were taken into care as well so there is no need to remove mentions of their siblings in relation to being taken into care.
- Always take note of who has provided the information to us. The names of sources or witnesses are always to be protected, under our duty of confidence responsibilities.
- If the information has been provided by another organisation to the school, the school still owns that information and has to consider whether it is appropriate to be released. It may be good practice to get advice from the organisation that provided it about how to redact it, but they cannot tell the school what decision to make. That decision must be our own.

- When redacting information for a SAR, it can often be difficult to decide which data the applicant is entitled to see and which information they are not.
- In certain situations, it will be extremely difficult, if not impossible, to separate the personal data of two different people. In these situations, a decision must be made as to whose rights take precedence.

Example:

If a document contains the following sentence. Stephen is the applicant and James is a third party.

“James told me that he thinks Stephen is an idiot.”

There are numerous different types of personal data involved.

- Stephen is mentioned as the focus of the sentence, so this is his personal data.
- The sentence is James’ opinion about Stephen and is therefore James’ personal data.

A decision has to be made, what is greater, Stephen’s right to know what data is held about him or James’ right to privacy? Always consider the consequences of releasing the information you are reviewing, weigh up the decision and try to see both sides of the argument. Be fair, but be cautious as well.

Each case will be different, judge each case on its merits and always record your decision.

Redacting Personal Data when disclosing to other organisations.

Key Principles

- Always ensure the request is legitimate and that the school can legally disclose the information.
- Understand what the request is asking for, and who are the people involved? What information do they need to see, and what do they not need to see?
- Ask questions if you are not sure what the requester needs to see.
- Remember that we should only disclose the minimum amount of information that will complete the purpose for the request. Where possible, we should remove all extra data from our documents before they are sent out.
- For example: if another authority need to see documents about a specific family but they contain information about other people that the requesting agency does not need to see. In these cases, we would apply the same principles as mentioned in the section above.
- As with SARs (above), ensure that all redactions are “sealed” by printing and re-scanning the documents before release. Also, ensure that the disclosure is checked with a supervisor before release.
- Always keep a record of the request and the response.