

Maiden Erlegh Trust
**SUBJECT ACCESS REQUEST
PROCEDURE**



MAIDEN ERLEGH
TRUST

Initial approval:	May 2018
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Policy

Where ever the term Trust is used it will also refer to the appropriate school within the said Trust.

A SAR is a request for personal data held by the organisation about the data subject.

Under the GDPR legislation and DPA 2018 any person over the age of 12 years old has the right to make a Subject Access Request (SAR) from the Maiden Erlegh Trust (MET) and the Trust recognizes their responsibilities under the current Data Protection legislation to generate the appropriate report.

The requestor of the SAR will need to make it clear what data the report should contain. Where the request is made by a student that disclosure will be limited to the students educational record.

The Trust does however recognise its responsibilities with regard to Safeguarding of a student within its care and may consider that a full disclosure is not in the best interests of that student. (see later)

At the report hand over meeting the appropriate parties will be made aware if not all the information on a student is to be handed over and summary details of the information being withheld will be outlined.

The Trust recognises the rights of an individual to make a SAR using a variety of communication methods but the Trust takes the safety of its students and staff as paramount and so will only activate a SAR following the submission of the appropriate form, which has been completed with all the relevant details and the identity of the requestor has been verified.

In order for the Trust to be able to verify the identity of the Subject Access Requestor or the adult signing the form, the following will need be brought to the school reception with the SAR form for checking. These will be verified against the address we hold on SIMS.

- a. Photo id either passport or driving license

PLUS

- b. Two documents to confirm address eg utility bill/bank statement (less than three months old) but cannot be an item used for photo id.

If the request is being made on behalf of the data subject then evidence of permission from the data subject will be required.

The Trust will also clarify that this is a SAR and not some other request for information, i.e. a FOI request or an 'educational record' request.

If it is unclear to the Trust what information is being requested, the Trust will ask for further details from the requestor.

The Trust will check that the information is available:

- If the information is not available, the applicant will be informed.
- If the information is available, the date that the SAR was received will be noted in the log or, in the case of further details being requested, the date that these requests were received. The Trust will respond within one calendar month of receipt of the form, ID verified and any further details clarified.

The Trust will do an initial investigation to see if the request will proceed into a chargeable time frame and if so the requestor will be contacted as appropriate.

The Trust will check whether the information requested contains information about any third-party. If it does then one, or more, of the following steps will be undertaken:

- Redact/summarise the information to protect the identity of the third-party.
- Withhold the information to protect the rights of the third-party.

The Trust will do all within its power to comply to a SAR within a reasonable timeframe however if a SAR is received close to the end of a half term or main school closure it may not be possible to produce all the data output until all the appropriate staff return from that closure. This is referred to in the legislation as “normal school days”.

It is considered unreasonable that staff should be requested to return into school especially to comply with a SAR. In this case the readily available data will be put into the report and the recipient made aware that a further data report may follow.

Guidance from the DFE and ICO on this matter is that “Common sense must be allowed to prevail in all these matters”

For a student under the age of 12 the SAR will need to be made by the appropriate parent or guardian and the request for a SAR will need to be made using a form obtainable from the Trust and the form will need to be signed by the parent/guardian and brought to the school reception with ID as above.

For a student between the ages for 12 – 16 years the request for a SAR will need to be made using a form obtainable from the Trust and the form will need to be signed by both the student and their legal parents/guardians. The Trust reserve the right to check on the signatures on the form where there might be any doubt.

For students who are between 16 and 18 years the school reserves the right to inform the responsible parent/guardian that a SAR has been received and the parent/guardian will be informed of the date and time of the meeting to hand over the report.

The completed SAR form needs to be brought to the appropriate school reception with the appropriate ID as outlined above marked for the attention of the DPO stating it is for a SAR. The reception team will check the ID and the address against that held on the school MIS.

The SAR printout will be handed over at a pre-arranged meeting with both the DPO and the Assistant head of the school responsible for that Key Stage or an appropriate member of staff and the all parties will need to sign a receipt for the report, and that they understand the consequences of reading the information contained in the report. The recipient also needs to understand that this data is now leaving Trust premises and that its security is now their responsibility.

In the case of a student who is over 16 they will also need to sign that they are aware that their parents/guardians have been informed of the SAR report has been handed over.

The request may be denied if the Trust believes that access to such information may place the student at risk of harm or if they have determined that the student does not have sufficient mental capacity and maturity to fully understand the implications of accessing the data.

There are a number of exemptions under DPA 2018 which limit the amount of data that may be disclosed. These exemptions are outlined below:

In all cases the **“serious harm test”** will be applied and the safety of the student/individual will at all times be taken into consideration. This applies to mental, emotional, physical, sexual harm or wellbeing of the individual. Appropriate professionals may be contacted with regard to disclosure and this may delay the production of the final report.

Also the data subjects expectations and wishes will be taken into consideration where the request is from a third party/parents/guardians.

Exemptions from disclosure occur in the following areas:-

- Crime
- Immigration
- Third parties – protection of the rights of others – potential naming in a report
- Negotiations
- Confidential references
- Exam marks/scripts before the official results release date
- Health data
- Social Work data
- Court data
- Child abuse data
- Human fertilisation records
- Adoption records
- Statements of Special Educational Needs
- Parental Order records and reports – custody information
- Information which is processed by the teacher solely for their own use.

A full list of exemptions is available from Schedules 2 to 5 of DPA2018 which was ratified in January 2019

The Trust will provide a copy of the educational record free of charge (and as long as it is under 50 pages) unless it requires excessive amounts of processing so that it complies with the Data Protection Act 2018. The educational record is as follows:-

Student name, Basic Details, Registration Details, Addresses, Telephone / Fax Numbers, Email Addresses, Parent / Contact Information, Family Links, Eligibility for Free School Meals.

Medical Details, Medical - Paramedical Support / Dietary Needs

Medical Practice, Medical Notes

Ethnic / Cultural Details, Nationality and Passport Details,

Proficiency in English, Additional Information

Pupil Premium History

Linked Agencies

Previous Schools, Previous School Attendance.

Parental Consent, Group Memberships.

Achievement Details, Additional Achievement Details

Behaviour Details – Additional Behaviour Details, Detentions

Assessment (CES defined): Academic Year

Results, Endorsements and Equivalentents, Entries and Forecasts

Session Attendance Details, Lesson Attendance Details

SEN Linked Documents, Communication Details, Courses, Linked Documents

However, the Trust can charge a 'reasonable fee' when a request is manifestly unfounded or excessive, particularly if it is repetitive. This will include searching through and editing emails, CCTV, locating and editing network files and other data sources which need large amounts of processing. The Trust may also charge a reasonable fee to comply with requests for further copies of the same information. The fee will be based on the administrative cost of providing the information. The trust will provide the first TWO hours of admin time free of charge but thereafter may charge at a rate of £25 per hour.

The charging schedule for printing is set out below.

Number of pages of information supplied	Maximum fee (£)
1 – 50	Free
50 – 99	10
100 – 149	12
150 – 199	15
200 – 249	20
250 – 299	25
300 – 349	30
350 – 399	35
400 – 449	40
450 – 499	45
500 +	50

The Trust will be able to extend the one month period of compliance by a further two months where requests are complex or numerous. If this is the case, the Trust will inform the applicant within one month of the receipt of the request and explain why the extension is necessary.

Where the SAR is made by a member of staff again the above principles will apply and the member of staff will need to complete the correct SAR form which needs to be handed to the appropriate school reception in an envelope marked for the attention of the DPO and then the report will be prepared and handed over by the DPO and another senior member of staff. The member of staff will need to sign for the report at an appropriate meeting.

Annex 1 - Maiden Erlegh Trust Subject Access Request Form 1

This form is to be used for Students Under 12 years old
Please complete in **BLOCK** capitals

Surname (student)		Forename	
Date of Birth		Current Age Yrs/Mths	
Class/Tutor Group			
Surname (parent)		Forename	
Contact Telephone No			
Contact email			

I wish to receive data from the following areas:-

I am making the subject access request for the student named above and I agree to the terms under which the Trust will supply me with the report at the appropriate meeting at a date to be arranged.

Signed

Date

Photo ID		Address ID		Seen by		Date	
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Annex 2 - Maiden Erlegh Trust Subject Access Request Form 2

This form is to be used for Students between 12 and 16 years old
Please complete in **BLOCK** capitals

Surname (student)		Forename	
Date of Birth		Current Age Yrs/Mths	
Tutor Group			
Surname (parent)		Forename	
Contact Telephone No			
Contact email			

I wish to receive data from the following areas:-

I am making the subject access request as the student named above and I agree to the terms under which the Trust will supply me with the report at the appropriate meeting and at a date to be arranged.

Signed (student)

Date

I am approve of the subject access request for the student named above and I agree to the terms under which the Trust will supply him/her with the report at the appropriate meeting and at a date to be arranged.

Signed

Date

Photo ID		Address ID		Seen by		Date	
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Annex 3 - Maiden Erlegh Trust Subject Access Request Form 3

This form is to be used for Students over 16 years old
Please complete in **BLOCK** capitals

Surname (student)		Forename	
Date of Birth		Current Age Yrs/Mths	
Tutor Group			
Surname (parent)		Forename	
Contact Telephone No			
Contact email			

I wish to receive data from the following areas:-

I am making the subject access request as the student named above, I am aware that the Trust may contact my parents/guardians and I agree to the terms under which the Trust will supply me with the report at the appropriate meeting and at a date to be arranged.

Signed (student)

Date

Photo ID		Address ID		Seen by		Date	
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Annex 4 - Maiden Erlegh Trust Subject Access Request Form 4

This form is to be used for members of staff
Please complete in **BLOCK** capitals

Surname		Forename	
Date of Birth			
Employment	Start Date		End Date
Contact Telephone No			
Contact email			

I wish to receive data from the following areas:-

I am making the subject access request as the member of staff named above, and I agree to the terms under which the Trust will supply me with the report at the appropriate meeting and at a date to be arranged.

Signed (member of staff)

Date

The below will not be needed where the member of staff is well known by the Trust

Photo ID		Address ID		Seen by		Date	
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