



**Blessed Robert Sutton**  
**Catholic Voluntary Academy**  
(Part of the St Ralph Sherwin Catholic Multi Academy Trust)

**Procedures for responding to Subject Access Requests made under the Data Protection Act 2018 and General Data Protection Regulation**

**Rights of access to information**

There are two distinct rights of access to information held by schools about individuals:

1. Under the Data Protection Act 2018 and GDPR any individual has the right to make a request to access the personal information held about them.
2. The right of those entitled to have access to curricular and educational records as defined within the Education Pupil Information (Wales) Regulations 2004.

**Actioning a subject access request**

1. Requests for information must be made in writing and we have provided a form for this purpose: "Subject Access Request Form" which can be sent by email addressed to the Data Protection Officer. If the initial request does not clearly identify the information required, then further enquiries will be made to establish the information required.
2. The identity of the requestor must be established before the disclosure of any information, and checks will be carried out regarding proof of relationship to the child if a request is being made by a parent. Evidence of identity can be established by requesting a combination of the following documents:
  - Passport
  - Driving licence
  - Utility bills with the current address
  - Birth/ Marriage certificate
  - P45/P60
  - Credit card or Mortgage statement

This list is not exhaustive
3. Any individual has the right of access to information held about themselves. However with children, this is dependent upon their capacity to understand (normally age 13 or above) and the nature of the request. Personal data about a child belongs to that child. The School will obtain the permission of the child if appropriate prior to disclosure of information. The School will decide on a case-by-case basis whether to grant such requests, bearing in mind guidance issued from time to time from the Information Commissioner's Office.
4. The school may make a charge for the provision of information, dependent upon the following:
  - Should the information requested contain the educational record then the amount charged will be dependent upon the number of pages provided.
  - Should the information requested be personal information that does not include any information contained within educational records schools can charge up to £10 to provide it.
  - If the information requested is only the educational record viewing will be free, but a charge not exceeding the cost of copying the information can be made by The School.

5. The response time for subject access requests for all or part of the pupil's educational record, once officially received, is 15 school days. If the subject access request does not relate to the educational record, we will respond within one month. However the one month will not commence until after receipt of fees or clarification of information sought.
6. The Data Protection Act 2018 allows exemptions regarding the provision of some information; therefore all information will be reviewed prior to disclosure.
7. Third party information is that which has been provided by another body, such as the Police, Local Authority, Health Care professional or another school. Before disclosing third party information consent will normally be obtained. The 40 day statutory timescale will still apply.
8. Any information which may cause serious harm to the physical or mental health or emotional condition of the pupil or another individual may not be disclosed, nor should information that would reveal that the child is at risk of abuse, or information relating to court proceedings be disclosed.
9. If there are concerns over the disclosure of information then additional advice should be sought.
10. Where redaction (information blacked out/removed) has taken place then a full copy of the information provided should be retained in order to establish, if a complaint is made, what was redacted and why.
11. Information disclosed should be clear, thus any codes or technical terms will need to be clarified and explained. If information contained within the disclosure is difficult to read or illegible, then it should be retyped.
12. Information can be provided at the school with a member of staff on hand to help and explain matters if requested, or provided at face to face handover. The views of the applicant should be taken into account when considering the method of delivery. If postal systems have to be used then registered/recorded mail must be used.

### **Safeguarding**

**The Schools responsibilities in relation to Child Protection and Safeguarding will always be considered and where there is any doubt about whether or not to disclose information then Safeguarding priorities will take precedence over data protection and subject access requests.**

### **Complaints**

Complaints about the above procedures should be referred to the schools Complaints Coordinator who will decide whether it is appropriate for the complaint to be dealt with in accordance with the school's Complaints Procedure. Complaints which are considered outside of the scope of the schools Complaint Procedure can be dealt with by the Information Commissioner. Contact details of both will be provided with the disclosure information.

### **Contacts**

If you have any queries or concerns regarding this procedure then please contact the Data Protection Officer. Contact details are available on request. Further advice and information can be obtained from the Information Commissioner's Office, [www.ico.gov.uk](http://www.ico.gov.uk) or telephone 0303 123 1113.