

# Hope SENTAMU LEARNING TRUST

## SUBJECT ACCESS REQUEST POLICY

THIS POLICY APPLIES TO THE HOPE SENTAMU LEARNING TRUST BOARD, THE CENTRAL TEAM,  
ALL TRUST SCHOOLS/ACADEMIES AND THE WORKFORCE DEVELOPMENT TEAM

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## Policy Updates

Date	Page	Policy Updates
October 2021	Whole policy	Updated to reflect the change in legislation to the UK General Data Protection Regulation (UK GDPR)
October 2021	6	Section 5 added - HSLT may extend the deadline for receipt of information, to allow for school closures during holiday periods
May 2023	3	Statement of intent re-worded slightly for clarity regarding Right of Access requests and in line with UK GDPR
May 2023	4	2.2 - Section reworded and 2.2.1-2.2.2 added for clarity
May 2023	4	3 - Updated to reflect current procedures for responding to a SAR in line with current legislation and ICO guidance
May 2023	5	4 - Section updated/expanded to reflect current processes
May 2023	5	5 - Updated to reflect current legislation on deadlines for SAR
May 2023	5	6.1 - Expanded to include validity of a SAR
May 2023	6	7 - Minor changes made to ensure it is clear which records are applicable to a SAR
May 2023	6	8.1 - Section updated to ensure the right of access is clear
May 2023	6	8.2 - Updated to reflect current redaction tools/processes
May 2023	6	8.3 - Updated to reflect current legislation re: third party information and disclosure rights
May 2023	6	8.4.1 - Section expanded and updated to reflect ICO guidance on withheld information and exemptions to a SAR
May 2023	7	8.5.1 - “/supplementary” added and re-worded for clarity
May 2023	7	8.5.2 - Reworded to clearly define areas to redact
May 2023	7	8.5.3 - “would” changed to “could” regarding identification of a third party from a SAR request
May 2023	7	9.1 - Section regarding complaints/ICO updated/re-worded to reflect rights according to the UK GDPR

This policy has been approved by:			
Signed		Date	
	<i>Chief Executive Officer</i>		
Signed		Date	
	<i>Chair of Resources Committee</i>		

## Statement of Intent

This document sets out the Hope Sentamu Learning Trust (HSLT) policy for responding to **Subject Access Requests** (SARs) under the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act (DPA) 2018.

A subject access request is a written or verbal request for personal information (known as personal data) held about a data subject by an organisation. UK GDPR gives individuals the 'Right of Access', entitling the data subject to know what information is held about them. It provides a framework to ensure that personal information is handled properly. However, this right is subject to certain exemptions that are set out in the UK GDPR.

## 1. Legal Framework

- 1.1. This policy has due regard to all relevant **legislation** and **statutory guidance** including, but not limited to, the following:
  - UK General Data Protection Regulation (UK GDPR)
  - Data Protection Act (DPA) 2018
  - Freedom of Information Act 2000
  - Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004
- 1.2. This policy has due regard to **guidance** including, but not limited to, the following:
  - Subject Access Code of Practice
- 1.3. This policy operates in conjunction with the following **Trust** policies:
  - Data Protection (UK GDPR) Policy
  - Complaints Policy and Procedure

## 2. Subject Access Requests under UK GDPR

- 2.1. The UK GDPR works in two ways. Firstly, it states that anyone who processes personal data must comply with six principles, which make sure that personal data is:
  - Processed lawfully, fairly and in a transparent manner in relation to individuals
  - Collected for specified, explicit and legitimate purposes
  - Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed
  - Accurate and where necessary, kept up to date
  - Kept in a format which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data is processed
  - Processed in a manner that ensures appropriate security of the personal data
- 2.2. Secondly, it provides individuals with important rights, including the right of access. Individuals have the right to find out details of what personal data is being held about them, by both electronic means (e.g. on a computer or other device) and as paper records intended to form part of a manual filing system.
  - 2.2.1. **Personal data** means any information which can be used to identify a natural (living) person.
  - 2.2.2. Personal data includes basic information (such as a person's name, address, telephone number, etc) as well as **Special Category data**, which includes more sensitive data such as information relating to personal beliefs, health, gender or biometric information, etc.

## 3. Procedures

- 3.1. When a subject access request is received, the Trust will firstly confirm the identity of the data subject (or the individual making the request on their behalf). The Trust may request any information reasonably required to confirm the identity of the requester. The Trust will request any verification documentation promptly.

- 3.2. The timescale for responding to a SAR is one calendar month from the date the identity of the requester is verified. The Trust will respond to a SAR to provide the requester with the information or to provide a clear explanation as to why the Trust is unable to provide the information, depending on the circumstances.
- 3.3. The information will be provided in the most appropriate format. The UK GDPR contains a number of exemptions to our duty to disclose personal data and we may seek legal advice if we consider that they might apply. An example of an exemption is information covered by legal professional privilege. If we agree that the information is inaccurate, we will correct it and where practicable, destroy the inaccurate information. If we do not agree or feel unable to decide whether the information is inaccurate, we will make a note of the alleged error and keep this on file.

#### **4. Verbal Requests**

- 4.1. If a verbal Subject Access Request (SAR) is received, the Trust will request that the SAR be confirmed in writing (via letter or email), and for the subject to provide any other information the Trust may require to verify their identity. The Trust asks that SARs are submitted in writing so that an accurate record can be retained of any information pertaining to the SAR, for audit purposes.
- 4.2. Requests should be sent to the **Data Protection Representative** within the individual Trust academy/school. Contact information is available on the school/academy's website.
- 4.3. An example letter (available as [Appendix 1](#)) may be used in order to respond to a Subject Access Request and which can be amended according to the circumstances of the request and which school/academy this is addressed to.

#### **5. Deadline for Receipt of Information**

- 5.1. The Trust will respond without undue delay and where possible, within one calendar month of receipt of the request. The Trust may, in exceptional circumstances, extend the 'deadline' by up to two calendar months. An extension may be considered appropriate where the initial assessment of the personal data held indicates that the request is complex, or there are numerous requests received from the same individual. Once the information has been gathered for the SAR, this will be made available for collection by the data subject on receipt of identification. Where it is not possible for the data subject to collect this information in person, this may be sent via 'signed for' special delivery.
- 5.2. There will be no charge for the request unless it is unfounded or excessive, in which case the Trust has the right to charge a reasonable fee based on the administrative costs incurred for providing the information requested. Alternatively, the Trust may refuse to act on the request.

#### **6. Compliance with a SAR**

- 6.1. A Subject Access Request is valid if it is clear that the requestor is asking for their own personal data (or that of a child for whom they are responsible for). A SAR only applies to 'personal data'. A definition of personal data is provided in full within the Data Protection (UK GDPR) Policy.

## 7. Records to be Provided

- 7.1. The right of access applies to both electronic/automated records and to manual records which enable information about a particular individual to be easily retrieved.
- 7.2. Examples of automated records include:
  - Computer files - files stored on discs, DVDs, hard disks, back-up files, emails etc.
  - Audio/Video - CCTV footage, webcam images
  - Digitalised images - scanned photos, images held on digital cameras
- 7.3. Examples of manual records include:
  - Files - overview information held on employees, parents/carers, pupils
  - Index systems - names, addresses, other details

## 8. Redacting Information

- 8.1. Whilst the UK GDPR gives individuals the right to access their own personal data, it does not permit access to information relating to, or that which could be used to identify other people. As such, the Trust will not disclose any personal data relating to third parties when fulfilling a subject access request, unless explicit consent has been received.
- 8.2. All personal data relating to any individuals other than the data subject will be redacted. Redaction software will be used to permanently edit PDF files by removing the required sections and 'sanitising' the document. Where paper files are manually redacted, this will be repeated until the information is no longer visible. Photocopies of manually redacted documents will be provided to the subject (rather than the original redacted papers) as the photocopying process will ensure the redacted information is completely obscured. A copy of the original redacted documents will be retained by the school/academy.
- 8.3. Should the identity of any third party be ascertainable following redaction, the Trust would then reserve the right to withhold the information held, and refuse to comply with the SAR if doing so would impede the rights of the third party under UK GDPR and the Data Protection Act 2018. In such instances the Trust will respond to the requester to justify the decision to withhold any information on this basis.
- 8.4. **What data can be withheld and how?**
  - 8.4.1. There are exemptions to disclosure which are generally very specific and tend to apply to particular cases, e.g. confidentiality of police investigation or HR records. Exemptions can apply if a request is considered to be manifestly unfounded (e.g. a request is made with malicious intent or for personal gain) or manifestly excessive (e.g. unproportionate or repetitive). Further clarification on what constitutes an unfounded or excessive SAR can be sought via the Information Commissioner's Office (ICO) website. It is quite rare for exemptions to apply more generally and justifiable decisions must be made on a carefully considered, discretionary basis. If an exemption applies, it may be possible to refuse to provide some or all of the requested information, depending on the circumstances. Please refer to the ICO website for further information and guidance regarding exemptions and where these apply.
- 8.5. **Some basic rules to apply when redacting**
  - 8.5.1. The information disclosed should relate to the data subject making the request and should not include irrelevant/supplementary information.

8.5.2. Particular care should be taken when redacting to ensure that the personal data of other individuals is not disclosed. Any information which would allow the reader to identify any person(s) (not including the data subject) from the information held should be removed.

8.5.3. The following general rules should be applied - although there may be specific incidents when they would not:

- Redact all names other than that of the person making the request
- Redact job titles
- Redact email addresses
- Redact addresses
- Redact phone numbers
- Redact references to an individual's gender if that could lead to them being identified
- Redact personal descriptions which may lead to a person being identified, so a description of someone as a brown-haired man is unlikely to identify someone but a red-haired man with a beard may redact any other narrative data that would lead to an individual being identified
- Think about the combination of information sets that taken together would lead to an individual being identified
- When taking out personal details from email headers, leave in the date and title line unless the title line conflicts with the above

## 9. Information Commissioner's Officer (ICO)

9.1. The Trust would encourage anyone who is not satisfied by our actions following a SAR to seek recourse through our internal complaints procedure. For further information, the Trust's Complaints Policy and Procedure is available on our website: <https://hslt.academy/our-policies>. Alternatively, or in cases where an individual remains dissatisfied, they have the right to refer the matter to the Information Commissioner for their review.

9.2. The Information Commissioner can be contacted via the following means:

<b>Postal Address:</b>	Information Commissioner's Office Wycliffe House Water Lane Wilmslow Cheshire SK9 5AF	<b>Telephone:</b>	01625 545745
		<b>Email:</b>	<a href="mailto:enquiries@ico.gsi.gov.uk">enquiries@ico.gsi.gov.uk</a>
		<b>Website:</b>	<a href="https://ico.org.uk">https://ico.org.uk</a>

Full Address

Date

Dear INSERT NAME

Re: Subject Access Request (SAR)

Further to your request under UK GDPR regarding personal data held about you by the Hope Sentamu Learning Trust, please could I request that you provide us with the following (delete from list as appropriate):

1. Your request in writing so that we may better understand your requirements and ensure these are fulfilled to the best of our ability.
2. Copies of your passport and/or driving licence in order to verify your identity.

By way of reassurance, once we have received the proof of identification, we will endeavour to process your request as soon as we are able and within one calendar month in accordance with the statutory period. We look forward to receiving the required information and progressing your Subject Access Request.

Yours sincerely

Name

Job Title | Hope Sentamu Learning Trust