



# General Data Protection Regulation (GDPR)

## Rise Park Primary and Nursery School

### Subject Access Request Policy

July 2024

Signed by Chair of Committee	
Print Name	Jeanette Kirkby
Date	July 2024
Date of review	July 2026

# General Data Protection Regulations (GDPR)

## Subject Access Request Policy

DOCUMENT PROVENANCE			
Status	Draft	Current version no.	1.0
Organisation	NCC/NST	Version date	April 2023
Author	Jeremy Lyn-Cook/NST	Approved by (If applicable)	
Audience	Anyone	Approval date	
Security classification	OFFICIAL	Next review date	Annually

DOCUMENT CHANGE HISTORY			
Revision date	Version no.	Author of changes	Summary of changes

### **Rights of access by data subjects to their personal data**

Under the DPA, individuals have the right of access to their personal data held by Rise Park Primary and Nursery School. Generally in the case of pupils under the age of 12 years, the person with parental responsibility may exercise this right on their behalf. Pupils aged 12 years and over can exercise the right themselves or may authorise their parents/carers to act on their behalf. The pupil's/student's signature on the SAR form would be required in this circumstances. This is known as a Subject Access Request. A request in writing will be accepted as long as satisfactory identification is given and the information request is clear, not excessive. Where the pupil/student and parents are known to Rise Park Primary and Nursery School further identification will not be required. In other cases it is expected that picture ID, such as a passport or driving licence would be required.

The Data Protection Act allows processors to levy a reasonable charge to service Subject Access Requests.

### **Requests for access to records (Subject Access Requests)**

A Subject Access request (SAR) must be made in writing. A Subject Access Request Form must be sent to the applicant within two working days of when the request is received by Rise Park Primary and Nursery School.

All requests for access to records must be noted on the relevant pupil's/student's file, and the form returned to the DPO. On receipt of the complete request and payment the DPO will ensure that the SAR is completed as outlined in this policy.

### **Responding to requests for access to records (Subject Access Requests)**

Rise Park Primary and Nursery School will send a written response to the applicant acknowledging receipt of the application form. This must be done within 5 days of the request being received at the school.

The DPO will manage the response to the applicant. The DPO will also maintain a SAR process sheet. The purpose of the process sheet is to identify and monitor deadlines and record contact with and information sent to the applicant. It will also record decisions taken with regard to the application.

The Head teacher must authorise the applicants request before any information is disclosed.

The school will consult with its HR services if there is any query over the information that has been requested.

If the applicant's request for access is granted, the DPO requires such access to be given within 1 month of the written request being received. The 1 month period does not begin until:

- a) A written application is received by the DPO;
- b) Rise Park Primary and Nursery School has received sufficient information to enable it to identify the individual who is seeking access;
- c) Rise Park Primary and Nursery School has received sufficient information to enable it to access the information requested; and

In order to meet the 1 month requirement the following schedule will be enforced:

- a) Rise Park Primary and Nursery School will collate the data requested and forward the SAR process sheet outlining the information collected and actions taken to the DPO for overview. This must be done within 15 days of the request being received by the Head Teacher.
- b) Rise Park Primary and Nursery School has 10 days from this point in which to liaise with the DP and agree the information to be sent (or withheld) to the applicant.
- c) The applicant should receive the data once the 25 days are complete or sooner if possible. This 25 day timescale allows for further discussion and clarification to take place if necessary within the 30 day deadline.
- d) Rise Park Primary and Nursery School should agree a secure method of releasing the information to the applicant.

Where the conditions set out above are fulfilled, in responding to the request, Rise Park Primary and Nursery School must give a description of the personal data that is being processed, the purposes for which the personal data is being processed, and the persons to whom the personal data has been disclosed too.

Data subjects are not entitled to information where exemptions to the right of access apply. In these circumstances, Rise Park Primary and Nursery School must only give a notification to the data subject, that no information has been identified which is required to be supplied under the DPA regulations.

## **Appendix to Rise Park Primary and Nursery School Subject Access Request Policy; Subject Access Requests and Freedom of Information Requests during School Holidays**

### **What are the key differences in timescales for Subject Access Requests (SARs) and Freedom of Information Requests (FOIs)?**

For Subject Access Requests, the statutory deadline to respond to the request is **one calendar month**. This date begins on the exact date of receipt and there is no official, statutory guidance for extending the deadline due to school closures. However, situations may arise at Rise Park Primary and Nursery School where an extension is deemed proportionate and/or necessary.

For Freedom of Information Requests, the statutory deadline to respond is **20 school days (or 60 days whichever is shorter)**. Therefore, there is a statutory requirement that considers closure periods in which schools will take that additional time to fulfil the request.

### **Under what circumstances will Rise Park Primary and Nursery School apply an extension to a SAR?**

Rise Park Primary and Nursery School may decide an extension can be applied under the 'complex request' exemption.

This will only apply if the school is closed and there are no qualified staff on site to handle the SAR within the one calendar month. **NB:** This also applies if someone works across the period but does not have access to the information to prepare all the requested data.

Rise Park Primary and Nursery School will always be transparent with the requester and set reasonable expectations in terms of when they will be able to provide them with the full response. We will provide the reasons why we cannot deal with the request, the length of the delay, when we expect the response to be ready by and whether any information can be provided sooner e.g. if some of our staff do have remote access and are able to provide some information we will always endeavour to take steps to action within the initial statutory timeframe.