



GREENSHAW
LEARNING TRUST

Subject Access Request Procedure

ALWAYS
LEARNING

Greenshaw Learning Trust

Subject Access Request Procedure

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PART A

1.1. Application

This GLT Subject Access Procedure applies to the Greenshaw Learning Trust as a whole and to all the schools in the Trust and the Trust Shared Service, in accordance with and pursuant to the Communications Policy of the Greenshaw Learning Trust.

The Greenshaw Learning Trust, including all the schools, their Trustees, governors and staff, must abide by this GLT Subject Access Request Procedure.

This Procedure is subject to the Trust's Scheme of Delegation for Governance Functions. If there is any ambiguity or conflict then the Scheme of Delegation and any specific alteration or restriction to the Scheme approved by the Board of Trustees takes precedence.

In implementing this procedure and associated policies and procedures the governing body, Headteacher and school staff, and Trust Shared Service staff, must take account of any advice or instruction given to them by the GLT Data Protection Officer, the GLT CEO or Board of Trustees.

If there is any question or doubt about the interpretation or implementation of this Policy, the GLT CEO should be consulted.

1.2. Approval and review

Maintenance of this Procedure is the responsibility of the GLT CEO.

This Procedure was approved by the Board of Trustees on: 23 July 2021.

This Procedure is due for interim review by: May 2024.

1.3. Terminology

The Trust means the Greenshaw Learning Trust (GLT).

- School means a school within the Greenshaw Learning Trust.
- Headteacher means the headteacher or principal of the school.
- CEO means the chief executive officer of the Greenshaw Learning Trust.
- Governors and Trustees includes governors, Trustees, non-governor members of Trust Committees and members of the Trust Panel.
- Governing body (GB) means the committee of the Board of Trustees to which Trustees have delegated appropriate powers and functions relating to the governance of the school.
- GLT Data Protection Officer means Judicium Consulting Ltd.
- School Data Protection Lead means the point of contact for data protection matters for staff, students and parents within the school
- Data Subject means an individual about whom such personal information is stored.
- Data Controller means the organisation storing and controlling information regarding data subjects which is Greenshaw Learning Trust.

In this procedure references to the Greenshaw Learning Trust will be read as including the Trust Shared Service and all schools in the Greenshaw Learning Trust.

References in this Policy to a school in the Trust should also be read as the Trust Shared Service for services, functions and staff of the Trust that are not contained within a school budget and/or are not the responsibility of a Headteacher and/or Governing Body. With respect to the Trust Shared Service, references in this Policy to the responsibilities of the Headteacher and Governing Body should be read as the GLT CEO and the Trust Shared Services Committee respectively.

1.4. Responsibilities

It is the responsibility of the governing body and Headteacher of each school, and the Board of Trustees and GLT CEO for the Trust Shared Service, to ensure that their school/service and its staff adhere to this GLT Data Protection Policy; in implementing this Policy the governing body, Headteacher and Trust staff must take account of any advice given to them by the GLT Data Protection Officer, GLT CEO and/or Board of Trustees.

For the purposes of data protection legislation the Greenshaw Learning Trust is the Data Controller, and can be contacted by writing to Greenshaw Learning Trust, Grennell Road, Sutton, SM1 3DY.

The GLT Data Protection Officer is: Judicium Consulting Limited.

Email: dataservices@judicium.com

Address: 72 Cannon Street, London, EC4N 6AE

Telephone: 0203 326 9174

Lead Contact: Craig Stilwell

Each Headteacher will appoint a School Data Protection Lead to be the point of contact for data protection matters for staff, students and parents of their school, and to liaise with the GLT Data Protection Officer. The name and contact details must be provided to the GLT Data Protection Officer and will be made available on the school website or by contacting the school.

1.5. Associated policies and procedures

This Subject Access Request Procedure is a constituent part of the GLT Data Protection Policy.

PART B

1 INTRODUCTION

The Greenshaw Learning Trust collects and uses certain types of personal information about staff, pupils, parents and other individuals in order to provide education and associated functions. The Greenshaw Learning Trust may be required by law to collect and use certain types of information to comply with statutory obligations related to employment, education and safeguarding.

Individuals have the right to access the personal data and supplementary information held about them. This allows them to be aware of, and verify the lawfulness of, you processing this data. This right applies to everyone whose personal data is held, including staff, governors, volunteers, parents and pupils.

Anybody who makes a request to see any personal information held about them by the Greenshaw Learning Trust is making a 'subject access request'. All information relating to the individual, including that held in electronic or manual files should be considered for disclosure, provided that they constitute a 'filing system' as defined in the GLT Data Protection Policy.

Personal data includes, but is not limited to:

- Name
- Address
- Email address
- CCTV images
- Pupil file
- Pupil photos
- Pupil number
- Staff member HR file

2 HOW TO RECOGNISE A SUBJECT ACCESS REQUEST

A subject access request is a request from an individual (or from someone acting with the authority of an individual, e.g. a solicitor or a parent making a request in relation to information relating to their child):

- for confirmation as to whether the personal data is processed by Greenshaw Learning Trust or any of its schools or service units and, if so
- for access to that personal data
- and/or certain other supplementary information

A valid Subject Access Request can be both in writing (by letter, email, WhatsApp text) or verbally (e.g. during a telephone conversation). The request may refer to the UK GDPR and/or to 'data protection' and/or to 'personal data' but does not need to do so in order to be a valid request. For example, a letter which states 'please provide me with a copy of all the information that you have about me' will be a data subject access request and should be treated as such.

Whilst there is no requirement to do so, GLT staff will encourage any individuals who wish to make such a request to use the GLT Subject Access form via the school / GLT website and at Appendix A of this policy. This allows for all information required to be provided to successfully respond to the subject access request.

All completed forms must be provided to the GLT Data Protection Officer via the link on the website or via email to dataservices@judicium.com who will provide advice and guidance to the Data Protection Lead on how to deal with the request.

3 HOW TO DEAL WITH A SUBJECT ACCESS REQUEST

3.1. Acknowledging the request

When receiving a Subject Access Request the Data Protection Lead within the school / service unit shall acknowledge the request as soon as possible and inform the applicant about the statutory deadline to respond to the request. In addition to acknowledging the request, they may ask for proof of ID if needed or clarification about the requested information. If it is not clear where the information shall be sent, the Data Protection Lead must clarify what address/email address to use when sending the requested information.

3.2. Verifying the identity of the requester

Before responding to a Subject Access Request, the Data Protection Officer, liaising with the Data Protection Lead, will take reasonable steps to verify the identity of the person making the request. In the case of current employees, this will usually be straightforward. The Data Protection Lead is entitled to request additional information from an applicant in order to verify whether they are in fact who they say they are. In these cases the applicant must be asked to provide at least two forms of identification, such as a photocopy of a birth certificate, passport, driving licence, bank statement, gas or electricity supplier.

3.3. Requests made by third parties

An individual only has the automatic right to access information about themselves, and care needs to be taken not to disclose the personal data of third parties where consent has not been given, or where seeking consent would not be reasonable, and it would not be appropriate to release the information. Particular care must be taken in the case of any complaint or dispute to ensure confidentiality is protected.

The Data Protection Officer will need to be satisfied that the third party making the request is entitled to act on behalf of the individual, but it is the third party's responsibility to provide evidence of this entitlement. This might be a written authority to make the request or it might be a more general power of attorney. Proof of identity may also be required in certain circumstances.

If the Data Protection Officer is in any doubt or has any concerns as to providing the personal data of the data subject to the third party, then they should provide the information requested directly to the data subject. It is then a matter for the data subject to decide whether to share this information with any third party.

3.4. Requests made on behalf of children

Where a child or young person does not have sufficient understanding to make his or her own request (usually those under the age of 12, or over 12 but with a special educational need which makes understanding their information rights more difficult), a person with parental responsibility can make a request on their behalf. The GLT Data Protection Officer must, however, be satisfied that:

- the child or young person lacks sufficient understanding; and
- the request made on behalf of the child or young person is in their interests.

3.5. Clarification of Requests

If an individual is requesting a large amount of data the Data Protection Lead may ask the requester for more information for the purpose of clarifying the request, but the requester shall never be asked why the request has been made. This should be done as soon as it is known that more information is needed before responding to the request.

3.6. Fee for responding to a Subject Access Request

Usually, there shall be no charge for dealing with a subject access request except in very limited circumstances.

Where a request is “unfounded or excessive” i.e. the request is repetitive or asks for more copies of the same information, a reasonable fee based on the administrative costs may be charged. This will be communicated to the applicant and the period of responding will begin when the fee has been received.

3.7. Time Period for Responding to a Subject Access Request

As soon as permission to proceed has been given by the GLT Data Protection Officer, the request must be dealt with in full without delay and at the latest within one month of confirmation of identity, clarification or payment as set out in Clauses 3.1-3.6.

The one month deadline includes school closure periods, so schools must ensure that they have procedures in place to monitor and respond to incoming requests at these times.

If the request is complex or numerous the deadline for fulfilling it may be extended to three months but the applicant must be informed of the extended deadline and told why it is necessary. The GLT Data Protection Officer must be consulted if the deadline is to be extended.

3.8. School closure periods

Requests received during or just before school closure periods may not be able to be responded to within the one calendar month response period. This may be because there may be no one will be on site to receive or to fulfil the request. We may not be able to acknowledge however, we will endeavour to comply with requests as soon as possible and will keep in communication with the applicant as far as possible. If a request is urgent, this should be indicated at the time of submission and if possible made during term times and not during/close to closure periods.

3.9. Exemptions to the right of subject access.

Access to records will be refused in instances where an exemption applies within the UK GDPR or Data Protection Act (2018), for example, where information sharing may place the individual at risk of significant harm or jeopardise police investigations into any alleged offence(s).

If refusing a request, for whatever reason, the applicant must be told within one month of making the request why it is being refused, and that they may complain to the Information Commissioner at <https://ico.org.uk/make-a-complaint/official-information-concerns-report/official-information-concern/>

The Data Protection Officer must be consulted if an exemption is to be applied.

3.10. Locating and providing information

The personal data the School need to provide in response to a data subject access request may be located in several of the electronic and manual filing systems. This is why it is important to identify at the outset the type of information requested so that the search can be focused.

Whilst routine updates and amendments may be made to documents following a request, there must be no changes to the records, for example removing information that could be inaccurate or cause embarrassment.

Where all the data in a document cannot be disclosed a permanent copy should be made and the data redacted or retyped this is more sensible. A copy of the full document and the altered document should be retained, with the reason why the document was altered.

The information should be provided in a commonly used electronic format if the request was made electronically, unless the applicant suggests otherwise.

If the request is complex or sensitive, files must be reviewed by the GLT Data Protection Officer before any disclosure takes place. Access will not be granted before this review has taken place.

As soon as the request has been dealt with and the information provided, confirmation must be sent to the GLT Data Protection Officer by email to dataservices@judicium.com.

Annex A

Subject Access Request form

To ask for information which Greenshaw Learning Trust holds about you in line with your rights under the Data Protection Act 2018, please complete this form or complete the form found on the relevant school's website. Please note that:

- We do not usually charge a fee for supplying the information.
- You must supply at least two documents to prove your identity, such as a photocopy of your birth certificate, passport, driving licence, bank statement, or gas or electricity supplier. Please contact us if you have difficulty in providing this.
- If you are asking for information on behalf of someone else, such as your child, an adult relative or a friend, you must also send us proof of their identity. If they are aged 12 or over they must also sign this form to give us their permission to send you the information or provide proof of legal authorisation.

1 Your personal details
We will send the information to you using these details. Please note that it is an offence to pretend to be someone else and ask for information about them
Your full name and title:
If we hold information about you under a previous name, what was that name?
Your address and postcode:
If we hold information about you under a previous address, what was that address and postcode?
Your date of birth:
Your daytime telephone number:
Your email address (if you would like the information by email):

2 Employment Records

If you are, or have been employed by Greenshaw Learning Trust and are seeking personal information in relation to your employment please provide details of your Staff number/School or Service/Team/Dates of employment.

Details:

3 If you are asking for information about someone else

What is their name and address?

What is their date of birth?

I am enclosing the following copy as proof of legal authorisation to act on behalf of the data subject:

- € Letter of authority
- € Lasting or Enduring Power of Attorney
- € Evidence of parental responsibility
- € Other (give details):

4 If you are asking for information about a child

What is the child's date of birth?

Are you their parent or carer?

State 'Yes' or 'No'

5 The information you require

Use this space to tell us what information you want us to send to you. Please include as many details as possible.

Please continue on a separate sheet if you need to, and attach it.

5 How you would like to receive the information?

I wish to:

- Receive the information by post*
- Receive the information by email
- Collect the information in person
- View a copy of the information only
- Go through the information with a member of staff

*Please be aware that if you wish us to post the information to you, we will take every care to ensure that it is addressed correctly. However, we cannot be held liable if the information is lost in the post or incorrectly delivered or opened by someone else in your household. Loss or incorrect delivery may cause you embarrassment or harm if the information is 'sensitive'.

6 Declaration

I confirm that I have listed above all the personal data I want to access.

Your signature Date

If you have requested information on behalf of a child aged 12 or over, or on behalf of someone else, that person must sign this declaration:

I give my permission for a copy of my personal information, as described above, to be sent to the person whose name appears in section 1 above.

Your signature Date

Please submit this form by email when signed, together with your (and the data subject's) proof of identity to:

Name of school, contact details