

# **SUBJECT ACCESS REQUEST (SAR) PROCEDURE**

## **Rathmore Grammar School**



<b>Date reviewed:</b>	<b>July 2025</b>
<b>Next review date:</b>	<b>January 2027</b>
<b>Responsibility:</b>	<b>Vice Principal/Bursar</b>
<b>Author:</b>	<b>Bursar</b>

## TABLE OF CONTENTS

<b>PART I: Introduction</b>	<b>5</b>
1. Scope	5
2. Responsibilities	6
<b>PART II: Responding to a Subject Access Request</b>	<b>7</b>
<b>Section A - General Considerations</b>	<b>7</b>
1. Receipt of a Subject Access Request	7
2. Validating and Acknowledging the Subject Access Request	8
3. Rights of Children and Young People	10
4. Processing a Subject Access Request	13
5. Releasing the Personal Data	16
6. Requested Information Not Held	17
7. Rejecting a Subject Access Request	17
8. Consequences of Failing to Comply	20
9. Record-keeping and Reporting	20
10. Complaints	21
<b>Section B – Steps to take on Receipt of a Subject Access Request</b>	<b>23</b>
<b>PART III: Appendices</b>	<b>29</b>
Appendix 1 - Data Subject Request Register (includes guidance)	30
Appendix 2 - Subject Access Request form	33
Appendix 3 - Example Circular to staff	37
Appendix 4 - Letter acknowledging Subject Access Request	39

Appendix 5 - Letter requesting proof of identity	41
Appendix 6 - Letter requesting proof of legal authority	43
Appendix 7 - Letter requesting additional information	45
Appendix 8 - Letter confirming extension of time required	46
Appendix 9 - Letter requesting payment of administration fee for additional copies	47
Appendix 10 - Response to Subject Access Request – refusing request due to insufficient evidence of identity or authority	48
Appendix 11 - Response to Subject Access Request – confirming no personal data held	49
Appendix 12 - Response to Subject Access Request – refusing request as manifestly unfounded/excessive	50
Appendix 13 - Response to Subject Access Request – refusing all/some of the requested personal data on the basis of exemptions	51
Appendix 14 - Response to Subject Access Request – Providing all the requested personal data held by school, no exemptions applies.	54

## PART I: INTRODUCTION

### 1. Scope

- 1.1 Rathmore Grammar School (the “**School**,” “**we**,” “**us**”) are committed to the protection of all personal data for which we are responsible as the Data Controller in accordance with the United Kingdom General Data Protection Regulation (the “**UK GDPR (General Data Protection Regulation)**”) and the Data Protection Act 2018 (“**DPA 2018**”), together referred to in this procedural guidance as the ‘Data Protection Legislation’.

Under Data Protection Legislation, individuals have a right to find out whether we hold or process personal data about them and to access that data. This is known as the ‘right of access’ or the right to make a **Subject Access Request (‘SAR’)**. The purpose of the right is to enable individual’s (data subjects) to be aware of, and verify, the lawfulness of the processing of personal data that those who process their personal data are undertaking.

- 1.2 This procedure provides a framework for responding to **Subject Access Requests**, including confirming the identity of the person making the request, identifying and locating relevant personal data and communicating with data subjects, with supporting documentation for use in this respect (the “**Procedure**”).
- 1.3 Personal data is any information relating to an identified or identifiable person who can be directly or indirectly identified by reference to an identifier, e.g. their name, identification number, location data or online identifier as well as any factor that is specific to the identity of that person (such as physical, genetic, cultural, or social identity). It may also include personal data that has been pseudonymised (e.g. key-coded), depending on how difficult it is to attribute the pseudonym to a particular individual.
- 1.4 This Procedure has been made available to staff at the School for the purposes of understanding and managing a situation where an individual seeks to exercise their right of Subject Access under the Data Protection Legislation.
- 1.5 Failure to comply with any data subject right presents significant risks for both staff and the School. The School may be liable to a fine levied by the Information Commissioner’s Office (“**ICO**”) for non-compliance.
- 1.6 This Procedure should be considered in conjunction with the Subject Access Request Register, a copy of which is provided at **Appendix 1** and the Subject Access Request Form, a copy of which is provided at **Appendix 2**.
- 1.7 Please note that the Data Protection Legislation also provides for an individual’s right of Subject Access to be restricted in certain circumstances. These exemptions should be considered in respect of each request.

## 2. Responsibilities

- 2.1 The School is the Data Controller, and the Board of Governors of the School are responsible for ensuring the School complies with data protection law.
- 2.2 The Board of Governors have delegated responsibility for the School's day-to-day compliance with data protection to the Principal and so the Principal must ensure this Procedure is followed at all times. This is done through staff training and compliance monitoring. All staff must make sure that they have read, understood, and are following the processes described in this Procedure. A sample, basic circular for communication to staff is set out at **Appendix 3**.
- 2.3 It is the responsibility of the Principal to process and respond to Subject Access Requests, unless, the Principal, in agreement with the Board of Governors, has delegated the responsibility for processing and responding to a Subject Access Request, to someone else. While it is up to the Principal and Board of Governors as to whether or not this responsibility should be delegated generally, where the Principal considers that a conflict of interest may arise or may be perceived to arise, from the Principal being involved with the processing and responding to a Subject Access Request, the Principal will bring this to the immediate attention of the Chairperson of the Board of Governors, so that this can be appropriately considered by the Board of Governors. The outcome of same may be the delegation of the processing of the request to another senior member of school staff or to a member of the Board of Governors, whichever the Board of Governors considers appropriate in the circumstances.
- 2.4 It is recommended that specific members of staff are allocated a role to support the School's data protection policy and that all staff are aware of those roles. This is important so that Subject Access Requests are dealt with promptly and in compliance with Data Protection Legislation.
- 2.5 Data Protection Legislation introduces a duty on schools to appoint a Data Protection Officer (DPO). The role of the DPO is to assist the School to monitor internal compliance, inform and advise us on our data protection obligations. Our School's DPO contact details are below:

The Information Governance Service, Education Authority, 40 Academy Street, Belfast BT1 2NQ, email address: [dpo@eani.org.uk](mailto:dpo@eani.org.uk)

- 2.4 As set out in this procedure and guidance, requestors should always liaise with the Principal in relation to SARs (Subject Access Requests) in the first instance, and, where a SAR (Subject Access Requests) is received by another member of staff they should immediately notify the Principal. If a School has concerns over the disclosure of information, then the Principal should contact the School's DPO for advice.

## PART II: RESPONDING TO A SUBJECT ACCESS REQUEST

### SECTION A: GENERAL CONSIDERATIONS

Individuals are entitled to request access to their personal data that is processed by the School. This is commonly known as a “Subject Access Request.” The individual can obtain confirmation that the School is processing their personal data, receive a copy of the personal data, and obtain certain information about how the School processes the information as well as a notification of their rights under UK GDPR. This latter information is similar to the information set out in the School’s Privacy Notices.

#### 1. Receipt of a Subject Access Request

- 1.1 The form that a Subject Access Request can take is very fluid – there are no requirements that an individual must meet so long as the individual is requesting access to their own personal data.
- 1.2 An individual can make a Subject Access Request verbally or in writing including via social media. It can be made to anyone in the School and does not have to be addressed to anyone in particular. Any requests received should be recorded by the School, especially those made verbally. Whilst an individual is not *required* to put a request in writing, the School could ask whether the individual would be willing to do so for the purposes of recording it. The School should also advise the individual that the one month response deadline only starts when we have sufficient details to enable us to process the request.
- 1.3 A template form which a School may request be used by individuals to set out their Subject Access Request is provided (see **Appendix 2**). While the School cannot require an individual submitting a request to use a particular form, we may encourage its use either by making it available on the School Website or by using it to seek clarification of a Subject Access Request we have received which is unclear or which appears broad.
- 1.4 We will not usually charge a fee for responding to a Subject Access Request. We may, however, charge a reasonable fee (based on the administrative cost of providing the information) where the request is manifestly unfounded or excessive, or if an individual requests further copies of their data.
- 1.5 The School will maintain a register of all Subject Access Requests it receives (see template register at **Appendix 1**).

## **2. Validating and Acknowledging the Subject Access Request**

- 2.1 Each Subject Access Request should be acknowledged by the School upon receipt (see template letter at **Appendix 4**). The School must also validate the request by verifying the identity of the individual making a request (see template letter at **Appendix 5**) and establishing that the individual has the right to have the request actioned (see template letter at **Appendix 6**).
- 2.2 Generally, a Subject Access Request will come from the data subject themselves, however, within Schools, Subject Access Requests are often most likely to be received from someone acting on behalf of a child or young person. It is important to be aware at the outset that, any information which may cause serious harm to the physical or mental health or emotional wellbeing of the child/young person or another should not be disclosed, nor should information that would reveal that the child/young person is at risk of abuse, be released.
- 2.3 Data Protection Legislation does not prevent an individual making a Subject Access Request via a third party. Often, this will be a solicitor and/or a public representative acting on behalf of a client/constituent, but it could simply be that an individual feels comfortable allowing someone else to act for them. In these cases, we need to be satisfied that the third party making the request is entitled to act on behalf of the individual, however, it is the third party's responsibility to provide evidence of this entitlement. This may be a written authority to make the request, or it may be a more general legal power such as a power of attorney. We must not handle a third-party Subject Access Request until we have evidence of the requester's power to make the request on behalf of the data subject, (see template letter at **Appendix 6**).
- 2.4 Where a Subject Access Request concerns access to a child or young person's personal records by a parent/guardian/carer or family member, the identity of the requestor must also be established before disclosing any personal information (unless already known to the School, e.g. where the parent makes a request verbally to the School or where a parent, who is in regular contact via email with the School, submits a request via the email address which they usually use to correspond with the School).
- 2.5 The School must be satisfied that it knows the identity of the requester, if the School is unsure, we should ask for additional information to verify same (see template letter at **Appendix 5**). When the School receives a Subject Access Request, it will determine whether it is reasonably necessary to request additional information to verify the identity of the requester and, where it is deemed reasonably necessary to do so, will explain to the individual what they need to provide. The template letter at **Appendix 5** includes examples of acceptable identity documentation, but the additional information which is reasonably required may vary depending on the circumstances.
- 2.6 The School should not request proof of identity documents if the requester's identity is obvious to us. If, however, there is any aspect of the Subject Access Request which makes the School unsure, it may be necessary to request additional information to verify identity of the requester (e.g. if a Subject Access Request purports to have been

made by a parent but requests delivery of the requested information to a postal address or email address which is not known to the School, the School should make such further enquiries, as it considers are reasonable to establish that the requester is who they say they are).

- 2.7 There may also be some circumstances in which the additional information / identity documentation provided does not enable the School to verify the identity of the requester, and it may be necessary for the School to request further additional information (e.g. if an individual supplies information which raises doubts about their identity, or we have reasonable concerns that the identity documentation is fraudulent or the individual has obtained it fraudulently).
- 2.8 If the School is unsure whether it is reasonable to request additional information to verify the identity of a requester and / or what additional information it would be reasonable and proportionate to request, it should consult with the School's DPO.
- 2.9 If a Subject Access Request is made by a parent, checks should also be made to ensure that the individual holds Parental Responsibility for the child and that there is no legal obstruction to the right of access (for example, a court order in force, limiting an individual's ability to exercise their parental responsibility).
- 2.10 If the parent making the Subject Access Request for their child's information is not known to the School, the School should notify the parent who has day to day care of the child or young person of the fact that a request has been made for their child's information and ask whether there are any court orders in place, or safeguarding issues that the School should consider. This should occur before the original request is acknowledged by the School. Particular risk indicators which may already be known to the School are, if the child or young person lives in a refuge with another parent/guardian/carer, if the child or young person is in or has previously been in care, current or previous social care involvement, police reports and/or child protection planning. Where appropriate, the School should consult with the child/young person's Social Care Professional, in respect of any information request from an 'unknown' parent concerning a child or young person at the School.
- 2.11 Once the required information to process the Subject Access Request has been received, the Subject Access Request must be acknowledged in writing by sending out a standard letter to the request (see template acknowledgement letter at **Appendix 4**).
- 2.12 As a School we will often process large amounts of personal information about the individual a Subject Access Request relates to. If we do not have all the information needed to process the Subject Access Request (e.g. the request is unclear and/or if the request does not provide sufficient information in order to locate and retrieve all of the requested information by performing a reasonable search e.g. "all information about me" or there are multiple individuals with the same name and further information is required to identify the correct individual), a letter requesting additional information may be sent back to the requestor (see template letter at **Appendix 7**, which may be used in conjunction with the form at **Appendix 2** in such circumstances).



2.13 We may refuse to act on a Subject Access Request where:

- 2.13.1 even after requesting additional information, we are not able to identify (and/or confirm the authority of) the individual making the Subject Access Request or the information being requested;
- 2.13.2 it is manifestly unfounded, excessive, or repetitive (guidance on the meaning of these terms is available on the ICO's website at [When can we refuse to comply with a request? | ICO](#));
- 2.13.3 to the extent that it would mean disclosing information about a third party who can be identified from that information, unless the third party has consented to the disclosure, or it is reasonable to comply with the request without the consent of the third party.
- 2.13.4 an exemption applies.

2.14 If we intend to refuse to act on a Subject Access Request, we must inform the requestor no later than one month after receiving his or her Subject Access Request:

- 2.14.1 of the reason(s) why we are not taking action; and
- 2.14.2 that they have the right to complain to us and/or to the ICO if they are unhappy with our response; and
- 2.14.3 of their ability to seek to enforce this right through a judicial remedy.

The Subject Access Request letter templates in **Part III** contain sample text to facilitate drafting an appropriate refusal response.

### **3. Rights of Children/Young People**

3.1 Children/Young People have the same rights as adults in relation to how their personal data is used.

#### **3.2 Subject Access Requests received directly from a Child/Young Person**

- 3.2.1 A child/young person can request access to his/her own personal data.
- 3.2.2 Before responding to a Subject Access Request from a child/young person, the Principal should consider whether the child/young person is mature enough to understand their rights.
- 3.2.3 What matters is that the child/young person can understand (in broad terms) what it means to make a Subject Access Request and how to interpret the information they receive as a result of doing so. The Principal must evaluate a request on a case-by-case basis considering factors such as:
  - 3.2.3.1 the child/young person's level of maturity and their ability to make decisions like this; and

#### 3.2.3.2 the nature of the personal data.

- 3.2.4 There is no legal age limit in respect of a child/young person exercising their data subject rights in Northern Ireland. Competence is instead to be assessed depending on the level of understanding of the child. In Scotland, a child aged 12 years or over is presumed to be competent enough to exercise their rights and the ICO notes that this approach would be reasonable in many cases. As a broad guide, therefore it is considered reasonable to deem a child/young person aged 12 or over to be of sufficient maturity to understand and exercise their data protection rights, unless contrary is shown to be the case. For example, a child/young person would not be considered competent if it is evident that they are acting contrary to their own best interests. If the Principal has decided that child/young person is competent to provide their own consent, then it will usually also be reasonable to assume they are also competent to exercise their own data protection rights.
- 3.2.5 Subject Access requests submitted by children/young people should not be processed where the requester is :
- 3.2.5.1 A child/young person aged 12 or over but who is not considered competent to exercise their right of subject access request themselves;
  - 3.2.5.2 A child under the age of 12 unless the Principal has determined that, notwithstanding their young age, they are mature enough to understand their rights as described in **paragraph 4.2.3** above.
- 3.2.6 If the Principal is confident that the child/young person can understand their rights, then he or she should process the request, responding directly to the child/young person.
- 3.2.7 If the principal considers the child/young person is not competent the child/young person making the request should be informed that they are unable to make the request on their own behalf but that an individual with parental responsibility for them or a court appointed guardian may make the request on their behalf, provided the child/young person authorises this, or the Principal is satisfied that if it is evident that this is in the best interests of the child/young person (see further guidance in **paragraph 4.3**).

### 3.3 Subject Access Requests on behalf of a Child

- 3.3.1 If a child/young person is competent then, just like an adult, they may authorise someone else to act on their behalf, this may be a parent, another adult, or a representative such as an advocacy service, solicitor, or charity.
- 3.3.2 Without a child/young person's authorisation, a parent (or a person with parental responsibility) will only be able to exercise these rights on behalf of a child/young person if:

- 3.3.2.1 the child/young person does not have sufficient understanding to exercise the rights themselves (unless the School has evidence that letting the holder of parental responsibility exercise the rights on their behalf is not in the best interests of the child/young person); or
    - 3.3.2.2 it is evident that it is in the best interests of the child/young person to allow this.
  - 3.3.3 In terms of considering the best interests of the child, in borderline cases, we may need to consider factors such as:
    - 3.3.3.1 the nature of the personal data sought;
    - 3.3.3.2 any court orders relating to parental access or responsibility that may apply;
    - 3.3.3.3 any duty of confidence owed to the child or young person;
    - 3.3.3.4 any consequences of allowing those with parental responsibility access to exercise the child/young person's rights (this will be particularly relevant where there have been allegations of a safeguarding nature or where the personal data being requested suggests that the person making the request does not know which school the child or young person attends);
    - 3.3.3.5 any detriment to the child or young person if individuals with parental responsibility cannot access this information; and
    - 3.3.3.6 any views of the child/young person on whether the parent/guardian should have access to the requested personal data.
  - 3.3.4 If the School has assessed that the child/young person **does not** have sufficient understanding of their rights **and** the person who has approached the School holds parental responsibility for the child/young person, then it is usually appropriate to let the holder of parental responsibility exercise the child/young person's rights on their behalf. An **important exception** to this would be if, in the specific circumstances of the case, the School considers that release to the parent/guardian is not in the best interests of the child/young person (again see non-exhaustive list of relevant factors above which may be considered in that regard in **paragraph 4.3.3**).
- 3.4 The majority of Subject Access Requests received by the School and relating to pupils are likely to come from adults in their capacity as parent/guardian. However, we must always bear in mind that even if a child/young person is too young to understand the implications of data subject rights, personal data about them is still their personal data and does not belong to anyone else. Therefore, the School must always consider if it is in the best interests of the child/young person that we respond to the parent's request, for example, we should consider any consequences of allowing that parent/guardian to access information where the records contain allegations of abuse or ill-treatment; and

conversely another consideration which should always be made is whether there is any detriment to the child if their parent/guardian cannot access the information.

- 3.5 A child/young person with competency to understand can refuse consent to a Subject Access Request made on their behalf. If we have concerns over a child/young person's likelihood of consenting to a request, the School should usually check this with the child/young person.
- 3.6 Finally, the School's reporting obligations to parents pursuant to the Education (Child Reporting) Regulations (Northern Ireland) 2009 and the obligation to provide certain limited, educational records to parents on request, pursuant to the Education (Pupil Records and Reporting) Regulations (Northern Ireland) 2007, are separate to the rights and obligations that arise under Data Protection Legislation, and the former obligations remain in place, regardless of any decision taken as regards the ability of a parent to exercise the right of Subject Access on behalf of their child.

#### **4. Processing a Subject Access Request**

##### **Time limits**

- 4.1 The Data Protection Legislation requires that all Subject Access Requests are responded to without delay and at latest within one calendar month of receipt.
- 4.2 To be clear, we should calculate the time limit from the day we receive the Subject Access Request, even if that day falls on a weekend, public holiday, or bank holiday. The one calendar month period ends on the corresponding calendar date of the next month. However, if the end date falls on a weekend, public holiday or bank holiday, the one calendar month period ends on the next working day. For example, if we receive a Subject Access Request on 3 September, the time limit will be calculated from that day, which gives the School until 3 October to respond. If 3 October is a Saturday, the deadline for the end of the one calendar month period moves forward to the next working day, i.e. Monday 5 October). Also, if the corresponding calendar date does not exist because the following month has fewer days, then the end of the one calendar month period is the last day of the following month. For example, if we receive a request on 31 March, as there is no equivalent date in April, we have until 30 April to comply with the request.
- 4.3 Under Data Protection Legislation, it is possible for the Data Controller (i.e. the School) to extend the time period for responding to a Subject Access Request by two further months where necessary, considering the complexity and/or number of the requests received from an individual. It is important to note however, in that case, that the School must still inform the data subject of any such extension within one month of receipt of the request, and explain why the extension is considered necessary.
- 4.4 The meaning of 'complex' is likely to be fact and context dependent and the burden is on the School, as Data Controller, to show that a request is sufficiently complex to justify

extending the period for responding. The more a data subject refines their request, the harder it will be to show 'complexity.' The ICO have guidance on their website as to the circumstances in which a subject access request might be reasonably considered to be 'complex' (['What should we consider when responding to a request?' | ICO](#)). Examples provided include: -

- 4.4.1 technical difficulties in retrieving the information – for example if data is electronically archived;
  - 4.4.2 applying an exemption that involves large volumes of particularly sensitive information;
  - 4.4.3 clarifying potential issues around disclosing information about a child to a legal guardian;
  - 4.4.4 any specialist work involved in obtaining the information or communicating it in an intelligible form;
  - 4.4.5 clarifying potential confidentiality issues around the disclosure of sensitive medical information to an authorised third party;
  - 4.4.6 needing to obtain specialist legal advice. Note if a organisation routinely obtains legal advices, (for example, where lawyers are responsible for responding to, or reviewing SARs) it is unlikely to be complex;
  - 4.4.7 searching large volumes of unstructured manual records (only applicable to public authorities).
- 4.5 ICO guidance confirms, while requests that involve a large volume of information may add to the complexity of a request, a request is not complex solely because the individual requests a large amount of information.
- 4.6 ICO guidance also states that a request should not be considered complex just because you have to rely on a processor to provide the information you need in order to respond.

## **5. Collecting Personal Data**

- 5.1 The person responsible within the School for dealing with the Subject Access Request must collect personal data about the relevant individual. This information might include personal data recorded in:
- 5.1.1 emails, electronic files and documents, and electronic systems;
  - 5.1.2 databases, word processing systems, computer hard drives;
  - 5.1.3 automated systems such as door entry or key card access systems;
  - 5.1.4 hard copy files;
  - 5.1.5 voice recordings, photographs, monitoring records and CCTV images;

- 5.1.6 internet logs, telephone records;
  - 5.1.7 back-up files;
  - 5.1.8 the systems of any third-party data processors engaged by the School who hold records containing personal data on the Schools behalf (e.g. C2K)
- 5.2 The Principal is responsible for working with staff and any of the School's third-party data processors, to collate the information needed to respond to the Subject Access Request. This search must include any structured set of personal data which is accessible according to specific criteria (e.g. requestor's name or date of birth), whether centralised, decentralised or dispersed on a functional or geographical basis. The School should retain a record of the searches undertaken in this regard, in case of a latter complaint to the ICO, by the Data Subject that the School has failed to provide all the requested personal data.
- 5.3 The information, when provided in response to a Subject Access Request, must be provided using the School's formal method of correspondence. Any abbreviations, codes, or technical terms in the information that the individual may not understand must be annotated with a brief description. If information contained within the response is difficult to read or illegible, then it should be retyped.

#### **Reviewing the relevant personal data**

- 5.4 Once the School has carried out the search and gathered the relevant personal data it must identify any of that information within same which cannot be disclosed.
- 5.5 It is important to note that the requestor is only entitled to receive information which constitutes their personal data or the personal data of the person who has authorised them to act on their behalf.
- 5.6 Names and any other details that would provide the requestor access to another individual's personal data must be removed or made unreadable (redacted). The method used in doing so must be adequate so as not to inadvertently reveal personal information belonging to another individual, e.g. tip-ex can be scratched away; some marker pens can still show printed text through the ink. The ICO guidance, '[How to Disclose Information Safely](#)' is important reading in this respect.
- 5.7 Certain personal information may also be withheld from disclosure by relying on an exemption. For example, where providing the information could prejudice prevention or detection of a crime, where the information forms part of current negotiations with the requestor (e.g. redundancy, fees payable), where the information requested is or contains references and exams (e.g. confidential references, exam scripts and exam marks) or where the requested information is or contains legal advice concerning the person involved. See **Section 7** below for more information on all of the exemptions.

#### **Amending data before we send out the response**

- 5.8 The ICO's view is that a Subject Access Request relates to the data held at the time the request was received. This means that what we issue should be the record(s) in the form

that they were on the date that the request was received.

- 5.9 The only exception to this would be where routine use of the data may result in it being amended or even deleted while the School is dealing with the request. In those circumstances it would be reasonable for the School to supply the information we hold when we send out a response, even if this is different to that held when we first received the request.
- 5.10 It is not, however, acceptable to amend or delete data that is the subject of a request if the School would not otherwise have done so. It is an offence under the DPA 2018 to alter, deface, block, erase, destroy or conceal information with the intention of preventing its disclosure.

### **Copies of documents**

- 5.11 Of note is that the right of access enables individuals to obtain their personal data rather than giving them a right to see copies of documents containing their personal data. The School may therefore provide the information in the form of transcripts of relevant documents (or release of sections of documents that contain the personal data), or by providing a print-out of the relevant information from our computer systems. While it is reasonable to supply a transcript if it exists, the ICO do not expect Data Controllers to create new information to respond to a Subject Access Request.
- 5.12 It is further important to note that although the easiest way to provide the relevant information is often to supply copies of original documents, the legislation does not oblige us to provide copies of such documents, the right of access is a right to access information, not documents.

## **6. Releasing the Personal Data**

- 6.1 The information in any response to a Subject Access Request must be checked thoroughly by the Principal before it is released.
- 6.2 Once we locate and retrieve the relevant personal data for the request, have checked it and are content that it is ready for disclosure, we must provide the requester with a copy. How we do this, and the format we use, will depend upon how the requester submitted their request (i.e. electronically or otherwise):
  - 6.2.1 if the individual submitted the Subject Access Request electronically (e.g. by email), we must provide a copy in a commonly used electronic format.
  - 6.2.2 if the individual submitted the Subject Access Request by other means (e.g. by letter or verbally), we can provide a copy in any commonly used format of our choosing (electronic or otherwise), unless the requester makes a reasonable request for the School to provide it in another commonly used format.

- 6.3 The information and the covering letter must be sent out to the individual to the postal address or email address detailed in the Subject Access Request, using an appropriately secure method with proof of delivery (e.g. recorded delivery, hand collection/hand delivery with signed for receipt or secure email with receipt of delivery requested) and with cover letter).
- 6.4 Cover letters should be used regardless of the means by which the response is issued. Template cover letters providing all or some of the information requested in a Subject Access Request are provided at **Appendix 13** and **Appendix 14**.

## **7. Requested information not held**

- 7.1 If our searches identify that the School does not hold the personal data which the individual making the request or who is the subject of the request has requested access to, the School must still send the requestor a formal response letter stating this (see template response at **Appendix 11**).

## **8. Rejecting a Subject Access Request**

- 8.1 There are certain circumstances in which the School, as Data Controller, may be entitled to decline a request by an individual.

### **General**

- 8.2 The School, as Data Controller, can refuse to comply with a request:
- 8.2.1 if the individual fails to present sufficient proof of identity or authority to make the request;
  - 8.2.2 if the request is manifestly unfounded or excessive, particularly because of its repetitive character;
  - 8.2.3 to the extent that an exemption applies (wholly or partly) to the information requested.
- 8.3 In the case of manifestly unfounded or excessive requests, it is the School as Data Controller that bears the burden of demonstrating the request is manifestly unfounded or excessive and each request must be considered individually on a case-by-case basis. If we decide a request is manifestly unfounded or excessive, we must keep a record of our reasoning, as in the event of a complaint to the ICO, the ICO will ask us to explain how we handled the request and why.
- 8.4 The ICO has published useful guidance on its website about the meaning of manifestly unfounded and excessive, see [‘When can we refuse to comply with a request? | ICO.’](#)



## **Exemptions and exclusions**

- 8.5 The School's obligations in relation to a Subject Access Request may also be covered by an exemption or an exclusion.
- 8.6 The DPA 2018 includes several exemptions from data subject rights, broadly associated with the reason the School are processing the data. DPA 2018 exemptions differ depending on which data subject right we are looking at, and the type of processing we are carrying out. Some exemptions apply simply because we have a particular purpose for processing the personal data. But others only apply to the extent that complying with the UK GDPR would:
  - 8.6.1 be likely to prejudice our purpose, e.g. have a damaging or detrimental effect on what the School is doing
  - 8.6.2 prevent or seriously impair processing personal data as required or necessary for our purpose
- 8.7 Exemptions from data subject rights when we are carrying out general processing are found in section 15 and Schedules 2, 3 and 4 of the DPA 2018. They include the following which may be of relevance to subject access requests:
  - 8.7.1 personal data which is being processed for crime and taxation-related purposes, to the extent that disclosing the information is likely to prejudice the crime and taxation purposes;
  - 8.7.2 information which is the subject of legal professional privilege;
  - 8.7.3 confidential references;
  - 8.7.4 exam scripts and exam marks;
  - 8.7.5 records of negotiations with the data subject, to the extent that disclosing this information would prejudice those negotiations;
  - 8.7.6 personal data that the school's processes for management forecasting or management planning about a business or other activity, are exempt from the right of access to the extent that disclosing this information would be likely to prejudice the conduct of the business or activity.
  - 8.7.7 processing in connection with specified regulatory and judicial functions and for public protection, where disclosure of the relevant information would be likely to prejudice the proper discharge of any of these functions;
  - 8.7.8 processing of health, social work, education (subject to a serious harm test)
  - 8.7.9 child abuse data;
  - 8.7.10 processing for journalistic, academic, artistic, and literary purposes;
  - 8.7.11 processing for scientific or historical research, archiving and statistical purposes;

8.7.12 protection of the rights of other (third party) data subjects.

8.8 The ICO has published useful guidance on its website in relation to the above exemptions which can be accessed here: <https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/individual-rights/right-of-access/what-other-exemptions-are-there/>.

8.9 Exemptions, however, are complex and should not be relied upon or applied in a blanket fashion. Any application of an exemption must be considered on a case-by-case basis and advice sought from the School's appointed DPO. Where an exemption is relied upon, the reason for doing so should be recorded to comply with the accountability principle. Additionally, keeping such a record will assist the School to respond to the ICO in the event of the requester/data subject complaining to the ICO about information that has been withheld.

### **Dealing with third party data**

8.10 Responding to a data subject access request will often involve providing information that relates to or identifies another individual as well as the data subject. The School does not have to comply with an access request if and to the extent that it would mean disclosing information about a third party who can be identified from that information, unless:

- the third party has consented to the disclosure; or
- it is reasonable to comply with the request without the consent of the third party

8.11 In all such circumstances we must consider:

- whether it possible to redact or otherwise reduce the information provided, to comply with the request without the need to disclose information about the third party at all; or
- whether it possible to request the third party's consent to the disclosure, (bearing in mind if we request consent to disclose from a third party and receive it, the ICO's view is it would then be unreasonable not to disclose the information about the third party)

If neither of the above options is available, or if the third-party refuses to consent to disclosure, the law requires that the School must still consider whether it is reasonable to comply with the request anyway.

8.12 In determining whether it is reasonable to disclose the information without consent, the School must consider all the relevant circumstances, including:

- the type of information it would disclose;
- any duty of confidentiality the School owes to the third-party;
- any steps the School has taken to seek consent from the third-party;
- whether the third party is capable of giving consent; and,

- any express refusal of consent by the third party.
- 8.13 The School must decide, on a case-by-case basis, whether it is appropriate to disclose third party information. Providing information to the data subject must not adversely affect the rights or freedoms of others and this decision will involve balancing the data subject's rights against the other individual's rights.
- 8.14 Helpfully, the ICO has published guidance under the freedom of information (FOIA) regime that considers some of the issues that arise when the data relates to multiple data subjects, and in particular when the information requested is contained in complaints files. Although published under the FOIA regime, the guidance is also relevant to the data protection regime:
- *ICO FOIA guidance: [Section 40 and Regulation 13 – personal information](#)*
  - *ICO FOIA guidance: [Access to information held in complaints files](#)*
- 8.15 The School must not use third-party rights as the basis of a refusal to provide all information to a data subject who has made a data subject access request, merely the information which would prejudice those third-party rights.
- 8.16 Again, the School, as Data Controller, must be able to justify its decision to disclose or withhold information concerning third parties, so a record of the decision and reasoning must always be kept.

## **9. Consequences of Failing to Comply with a Subject Access Request**

- 9.1 If we fail to comply with a Subject Access Request, including failing to provide access to all the personal data requested, (except to the extent that an exemption under Data Protection Legislation has been properly applied), or fail to respond within the one calendar month time period, the School will be considered in breach of its obligations under the Data Protection Legislation. This may have several consequences:
- 9.1.1 it may put at risk the individual(s) whose personal information is being processed;
  - 9.1.2 the individual may complain to the ICO which could lead to an ICO investigation and the potential risk of enforcement action and/or sanctions against the School and, in some circumstances, the individual responsible for the breach;
  - 9.1.3 if an individual has suffered damage, or damage and distress, because of the School's breach of the Data Protection Legislation, they may take court proceedings against the School and claim damages; and
  - 9.1.4 a court may order us to comply with the Subject Access Request if it is found that the School has failed with its obligations under the Data Protection Legislation.

- 9.1.5 if the requester is an employee the School's failure to comply with the request may also have a detrimental impact on the employer/employee relationship.
- 9.2 Any school employee failure to comply with this Procedure may also result in the matter being considered under the relevant disciplinary procedure.

## **9. Record keeping and reporting**

- 9.1 The School must document all Subject Access Requests in a Subject Access Request Register, (see template at **Appendix 1**) as soon as they are received. This includes details of the requestor, date the Subject Access Request was received, the data subject (if applicable), who dealt with the Subject Access Request, what information was provided in response and when.
- 9.2 A full copy of all information collated and provided in response to a Subject Access Request should be also kept in a secure location together with the Subject Access Request form (if provided) and response. Information released and information withheld (including redactions) should also be clearly identifiable, again in case of challenge from the requestor or the ICO. Where information has been withheld, reasons must be documented and recorded explaining the reason for withholding.
- 9.3 In addition it may also be helpful for the School to record the nature of searches that were made to find and retrieve the requested information (e.g. the areas of the school searched, the staff and/or data processors consulted and, if the school conducted electronic searches, the systems or accounts searched and any keywords and time parameters used, etc.).
- 9.4 Taking the above steps will assist the School to monitor compliance with the Subject Access Requests we receive, and, in the event of a requester making a complaint to the ICO about how we dealt with their request, assist our investigation of and response to that complaint.

## **10. Complaints**

- 10.1 Where an individual is dissatisfied with the way the School has responded to a Subject Access Request, they can complain to the School and/or are entitled to refer their complaint to the ICO.
- 10.2 The right to complain to the ICO must be noted in every Subject Access Response, whether the requested information is being provided in full, in part or not at all.
- 10.3 The ICO usually requires that requesters who are unhappy with how a Data Controller has responded to a Subject Access Request, initially attempt to resolve their complaint with the Data Controller, before complaining to the ICO.

- 10.4 Where an individual submits a complaint to the School about the way the School has responded to a Subject Access Request, the School may wish to contact the School's DPO for advice on how to investigate and respond to the complaint.
- 10.5 The School will acknowledge the complaint as soon as possible, but at least within 10 schoolworking days of receipt of the complaint. The School will usually respond to the complaint within 20 schoolworking days of receipt of the complaint. If, for any reason, the School anticipates that it will be unable to respond to the complaint within this time limit, the complainant will be informed of the revised time limit and kept updated on progress.
- 10.6 When issuing a response to a complaint about how it has dealt with a Subject Access Request the School must ensure that it again includes information on the Complainant's right to escalate their complaint to the ICO.

## SECTION B: STEPS TO BE TAKEN WHEN RESPONDING TO SUBJECT ACCESS REQUESTS

The following steps should be taken when responding to **ALL** Subject Access Requests:

STEP	ACTION	CONSIDERATIONS	RELEVANT DOCUMENT(S)
1.	Record receipt of Subject Access Request, appoint an appropriate person to oversee handling the request.	<ul style="list-style-type: none"> <li>• Ability of person to manage a Subject Access Request in the required timescales</li> <li>• Does the School have a policy or protocol for allocating Subject Access Requests to member(s) of staff?</li> </ul>	<ul style="list-style-type: none"> <li>• Use the Subject Access Request Register (<a href="#">Appendix 1</a>)</li> </ul>
2.	Check that the Subject Access Request is in writing or otherwise recorded in writing.	<ul style="list-style-type: none"> <li>• The data subject is not <u>required</u> to submit a Subject Access Request in writing – it can be done verbally or electronically e.g. via the School's social media page</li> <li>• Important for School's audit purposes that the Subject Access Request is recorded in writing so if an individual makes a request orally, ask them to confirm in writing by completing the Subject Access Request Form or otherwise ensure the request is properly logged in the Subject Access Request Register.</li> </ul>	<ul style="list-style-type: none"> <li>• Consider encouraging the requester to use the proforma Subject Access Request Form (<a href="#">Appendix 2</a>)</li> </ul>

		<ul style="list-style-type: none"> <li>Note that the time period for responding to the oral request is <b><u>upon receipt</u></b> not upon a receipt of the request in writing.</li> </ul>	
3.	Confirm receipt of Subject Access Request in writing.		Use proforma acknowledgement letter ( <a href="#">Appendix 4</a> )
4.	Verify the identity of the individual making the Subject Access Request.	<ul style="list-style-type: none"> <li>Is the request made by a data subject or by a person acting on their behalf?</li> <li>If request is made on behalf of data subject does the requestor have authority to receive the information?</li> <li>Does the School have a policy or protocol for verifying identity?</li> <li>Is the individual already known to the School?</li> <li>If individual is not known to the School, consider whether the individual has provided sufficient information to confirm identity.</li> <li>School is entitled but not required to request more information.</li> <li><b><u>You must not proceed with a response to the Subject Access Request unless you have verified the</u></b></li> </ul>	<ul style="list-style-type: none"> <li>Modify proforma letter in <a href="#">Appendix 4</a> acknowledging receipt of request and ask the data subject for confirmation of identity/authority (see <a href="#">Appendix 5</a> and <a href="#">Appendix 6</a> for appropriate wording)</li> </ul>

		<b><u>identity of the individual making the request.</u></b>	
5.	Assess whether the information requested falls within the statutory definition of “personal data.”	<ul style="list-style-type: none"> <li>• If the information requested is <b><u>NOT</u></b> personal data, then inform the data subject that you do not hold their personal data and inform them that this process does not address a query of this nature.</li> <li>• Note that this may in fact be a Freedom of Information Act request and you may need to advise the data subject that their request may be processed using the School’s FOI process.</li> </ul>	<ul style="list-style-type: none"> <li>• If it is not personal data, use proforma letter at <a href="#">Appendix 11</a></li> </ul>
6.	Assess whether an exemption applies to the personal data that is subject of the Subject Access Request?		
7.	Assess whether the Subject Access Request provides enough information to locate the personal data RELATING to the data subject and the request.	<ul style="list-style-type: none"> <li>• School may need to consider how it manages its personal data i.e. the systems it uses, records, storage, etc.</li> <li>• Request further information if the data subject has not provided sufficient information to allow you to locate the personal data.</li> </ul>	<ul style="list-style-type: none"> <li>• To request additional information use proforma letter at <a href="#">Appendix 7</a></li> </ul>



		<p>When trying to locate information:</p> <ul style="list-style-type: none"> <li>• Review School's information asset register.</li> <li>• Work with the IT department and members of different departments to effectively identify and collect relevant personal data.</li> <li>• Ascertain the difficulty to obtain the requested personal data and quantify the time and effort required to obtain the personal data so that you can inform the data subject of any time extension required.</li> <li>• Sources of personal data may include: emails, electronic systems (e.g. SIMS (School Information Management System)); databases; computer hard drives; voice recordings; internet logs; back up files; third party data processors' systems.</li> <li>• Consider whether the files and records collected do contain personal data relevant to the request.</li> <li>• If the School does not have or process</li> </ul>	
--	--	--	--

		the data subject's personal data, ensure that there is evidence that a diligent search for records has taken place and did not uncover any relevant results (including details of steps taken and search methods used).	
8.	Assess whether any personal data that belongs to or identifies a third party may be included within the response to a Subject Access Request and redact the third party's personal data as appropriate.	<ul style="list-style-type: none"> <li>• Does the School have a policy on how it redacts documents?</li> <li>• School needs to take care that appropriate redaction software is available to ensure integrity and security of third party personal data.</li> <li>• Note that redaction may not simply be the names or other obvious identifiers of an individual. A description of circumstances could also identify a person (e.g. by a process of elimination).</li> </ul>	
9.	Respond to and comply with request <b><u>within one month</u></b> of receiving the Subject Access Request unless: the School needs additional time to respond (in which case notify the data subject) or; inform the data subject that the School will not respond to the request		<p>If you are extending response time, use proforma letter at <a href="#">Appendix 8</a></p> <p>If refusing request, depending on reason for refusal, select appropriate proforma</p>

	(setting out the reasons why and right to complain to ICO).		letter from <a href="#">Appendix 10</a> to <a href="#">Appendix 13</a>  If providing all the requested information, use proforma letter at <a href="#">Appendix 14</a>
10.	Responses to Subject Access Requests are free of charge unless the request is unfounded or excessive in which case you may also refuse to comply with the request.	<ul style="list-style-type: none"> <li>• Does the School have a policy in place to deal with how such responses should be charged?</li> <li>• Consider basis on which a fee can be applied under UK GDPR and/or School protocol for charging a fee.</li> <li>• Assess the level of fee based on the administrative costs of providing the information or taking the requested action.</li> </ul>	<p>Manifestly unfounded/excessive use proforma letter at <a href="#">Appendix 12</a></p> <p>If an admin fee is to be applied, include wording regarding charges in the 'Admin Fee' Letter use proforma letter at <a href="#">Appendix 9</a></p>
11.	Follow all procedures for documenting and tracking responses to Subject Access Requests.		<ul style="list-style-type: none"> <li>• Subject Access Request Register (<a href="#">Appendix 1</a>)</li> </ul>

**PART III**  
**APPENDICES**

## APPENDIX 1

### Guidance for completing the Data Subject Request Register

Column	Heading	Guidance
<b>A</b>	DSR Reference	<i>Allocate a reference number for each request received by the School so that it is easy to identify in correspondence.</i>
<b>B</b>	Date of DSR	<i>Enter the date that the request was received by the School.</i>
<b>C</b>	Request Status	<i>Enter details regarding the action(s) needed in relation to the request, e.g. proof of identity requested, confirmation of authority requested.</i>
<b>D</b>	Interim Response Date(s) and Details	<i>Enter the date of any acknowledgement or update sent to the data subject regarding their request.</i>
<b>E</b>	Additional Information/Fee Received Date	<i>Was a charge made for complying with the request? If so, state the amount of the charge.</i>
<b>F</b>	Response Due Date	<i>Was an extension to the default time available for complying with the request taken? If so, state the reason(s) and the duration.</i>
<b>G</b>	Assigned Employee	<i>Enter name of employee assigned to dealing with the request.</i>
<b>H</b>	Request Format	<i>Enter details of how the request was made e.g. email, a Subject Access Request Form, social media, telephone call, etc.</i>
<b>I</b>	Data Subject Name	<i>Enter the first and last name of the individual who is the subject of the request.</i>
<b>J</b>	Requester Name	<i>Enter the first and last name of the individual who is making the request if it is not the data subject themselves.</i>
<b>K</b>	Method(s) of Identification	<i>Provide details of the type of identification provided to verify the identity of the data subject and requester (where relevant) e.g. passport, driving licence, birth/adoption certificate, evidence of change of name. The identification</i>

Column	Heading	Guidance
		<p><i>should clearly show the data subject's name, date of birth and current address.</i></p> <p><i>If the School is satisfied that it already knows the identity of an individual then proof is not required.</i></p> <p><i>Once the identity of the data subject and/or requester (where relevant) has been verified (and such verification recorded in the Subject Access Request Register), the proof of identity documents should be securely disposed of and not be retained by the School.</i></p>
<b>L</b>	Confirmation of Authority	<i>Enter details of the evidence of authority from the data subject for the requester to exercise the SAR on that person's behalf e.g. written consent signed by data subject, evidence of parental responsibility if data subject is a child, certified copy of a power of attorney.</i>
<b>M</b>	Type of DSR	<i>Type of data subject right being exercised i.e. in the case of a request to access personal data, SAR.</i>
<b>N</b>	Details of DSR	<i>Details of the request being made i.e. in the case of a SAR, the describe the request i.e. the type of personal information the individual has requested, in nature and scope.</i>
<b>O</b>	Action taken	<i>State the action taken by the School regarding this request.</i>
<b>P</b>	Principal Approval	<i>Confirm that the Principal has approved the response to the Subject Access Request and the date of such authorisation.</i>
<b>Q</b>	Final Outcome	<p><i>Record the outcome in this column. Examples of outcomes could include:</i></p> <ul style="list-style-type: none"> <li><i>Granted</i></li> <li><i>Granted in part</i></li> <li><i>Denied</i></li> <li><i>No relevant records</i></li> </ul>
<b>R</b>	Final Response Date	<i>The outcome of the SAR must be within 1 month of receipt (or 3 months where an extension has been approved).</i>
<b>S</b>	Closure Date	<i>Once SAR is closed, record the date that the request was closed.</i>
<b>T</b>	Additional Comments	

## APPENDIX 2

### SUBJECT ACCESS REQUEST FORM

*This form is recommended for use by an individual to submit a Subject Access Request to the Rathmore Grammar School under Data Protection Legislation. We expect to respond to your request within one month of receipt of a fully completed form and proof of identity. You do not have to use this form but using this form should make it easier for you to make sure you have provided us with all relevant information, and for us to process your request.*

*We will contact you for additional information if your request is unclear or contains insufficient information for us to conduct a search.*

*We will begin processing your request as soon as we have verified your identity and have all the information we need to locate your personal data.*

#### 1. About You / the Data Subject

##### a. Are you making a request in respect of your own personal data?

☐ Yes

☐ No

If you have answered Yes, please provide your information in the table below.

If you have answered No, but are making this request on the data subject's behalf, please provide the data subject's information in the table below.

<b>Title:</b>	
<b>Name:</b>	
<b>Any other names you / the data subject may have been known by:</b>	
<b>Home Address:</b>	
<b>Email:</b>	
<b>Telephone Number:</b>	
<b>Date of Birth:</b>	
<b>Are you / the data subject a current or former employee of the School?</b>	
<b>If so, please provide your / the data subject's employee identification number</b>	

<b>(if known) and approximate dates of employment:</b>	
--	--

- b. If you are making this request on the data subject's behalf, please complete this section of the form with your name and contact details and your right to exercise the data subject's right of access to their personal data (e.g. parent/legal guardian):

<b>Name:</b>	
<b>Contact Address:</b> (if you wish to receive the Response via post)	
<b>Email:</b> (if you wish to receive the Response via email)	
<b>Telephone Number:</b> (in case we need to contact you about your request)	
<b>Basis upon which you are exercising the data subject's right to access their personal data:</b>	
<b>What is your relationship to the data subject (for example, solicitor, other adviser, parent, carer)?</b>	
<b>Do you have legal authority to request the data subject's information?</b>	
<b>If the data subject is under 12, do you have parental authority to act for them?</b>	



## **2. Proof of Identity and/or Authority**

We may require proof of your identity (and that of the person named at **paragraph 1(b)**, above if someone else is making the request on your behalf) before we can respond to your request.

### **(a) Proof of identity**

To help us confirm your **identity**, you (and the person named at **paragraph 1(b)** above, if someone else is making the request on your behalf) may be asked to provide identification that clearly verifies your identity. Where proof of identity is required, we will accept a photocopy or a scanned image of one of the following as proof of identity:

- passport; or
- photo identification such as a driver's license;
- national identification number card; or
- birth or adoption certificate;

If you have changed your name, please provide the relevant documents evidencing the change.

If you do not have any of these forms of identification available, please contact the Principal's PA for advice on other acceptable forms of identification.

We may request additional information from you to help confirm your identity and to provide you with the personal data we hold about you.

Once we have verified your identity, the proof of identity documents provided by you will be securely disposed of and will not be retained by the School.

### **(b) Proof of authority**

We accept a copy of the following as proof of your **legal authority** to act on the data subject's behalf:

- a written consent signed by the data subject;
- a certified copy of a Power of Attorney;
- evidence of parental responsibility; or

ImcaWe reserve the right to refuse to act on your request if we are unable to verify your legal authority to act on the data subject's behalf.

## **3. Personal data involved**

To help us process your request quickly and efficiently, please describe the personal data the request applies to. Please give as much detail as possible as this will help us to locate the personal data and deal with your request in a timely manner (e.g. employment record, photographs, email communication (include approximate dates and times), file numbers or any other information to help us locate your personal data).

--

We will contact you for additional information if the scope of your request is unclear or does not provide sufficient information for us to conduct a search (for example, if you request "all information about me"). We will begin processing your request as soon as we have verified your identity and have all the information we need to locate your personal data.

<b>Signature</b>	
<b>Name</b>	
<b>Date</b>	

Once completed this form should be submitted via email to Principal at [Imcallister024@c2ken.net](mailto:Imcallister024@c2ken.net) or posted to Rathmore Grammar School, Kingsway, Belfast BT10 0LF marked for the attention of the Principal.

## APPENDIX 3

### EXAMPLE CIRCULAR TO STAFF<sup>1</sup>

The [UK General Data Protection Regulation](#), known as UK GDPR, came into effect on 1 January 2021 and sets out the key principles, rights, and obligations for most processing of personal data in the UK. It is based on the EU GDPR ([General Data Protection Regulation \(EU\) 2016/679](#)) which applied in the UK before that date (since 25th May 2018), with some changes to make it work more effectively in a UK context. UK GDPR is supplemented by the Data Protection Act 2018, and are referred to collectively as the “**Data Protection Legislation**”. It affects any organisation within the UK and any organisation outside the UK that handles personal data, including ours. Our School must comply with these laws and all employees have an important role to play in ensuring this compliance.

Under the UK GDPR, an individual, also known as a data subject, has a number of specific rights in relation to their personal data, including the right to find out whether an organisation holds or processes personal data about them and to access that data. This is known as the ‘right of access’ or the right to make a **Subject Access Request**. Data subjects may also ask for rectification, or deletion (erasure) of the personal data an organisation holds about them, object to processing, ask for processing to be restricted or ask for their data to be transferred to them or someone else (right of portability).

Upon receipt of a Subject Access Request (or any of the other types of requests referred to above) from a data subject, we have just one calendar month in which to respond, therefore it is important that upon receiving any communication from an individual seeking to make a Subject Access Request (or to exercise any of their other Data Subject Rights), that School Staff take all care to bring the request to the immediate attention of the Bursar/Vice Principal.

If you receive such a request, either by email, post, social media, verbally or by other means, your role is to immediately bring the request to the attention of the Bursar/Vice Principal following the steps below.

1. If you receive a Subject Access Request (or any of the other type of data subject request) via email:

Immediately forward the email along with all attachments to the Bursar/Vice Principal, emphasizing the importance and urgency of the matter. The Bursar will be responsible for replying to the individual making the request. If the Bursar/Vice Principal does not acknowledge your email within 24 hours, make contact to ensure that they are aware of your email.

2. If you receive a Subject Access Request (or any of the other type of data subject request) via post, you should immediately notify Bursar/Vice Principal and provide them with the original Request and envelope in which it was received.
3. If you receive a Subject Access Request (or any of the other type of data subject request) verbally:

Take down the following details and communicate them immediately to Bursar/Vice Principal emphasizing the importance and urgency of the matter:

- date and time you received the request
- name and contact details of person making the request
- as much detail as possible about what the individual is asking for

4. If you receive a Subject Access Request (or any of the other type of data subject request) via social media or other means:

If possible take a screen shot or other copy of the request and immediately bring it to the urgent attention of the Bursar/Vice Principal.

When sending on a social media request, please do not send a link only, as links can break or the underlying social media request can be deleted.

If you have any questions about this process and what you are required to do, please contact the Bursar/Vice Principal.

## APPENDIX 4

### LETTER FOR ACKNOWLEDGING SUBJECT ACCESS REQUEST

#### *TO BE DRAFTED ON SCHOOL LETTERHEAD*

[ADDRESSEE]

[ADDRESS LINE 1]

[ADDRESS LINE 2]

[POSTCODE]

[DATE]

Dear [INSERT NAME OF INDIVIDUAL MAKING REQUEST]

#### **Re: Acknowledgment of Subject Access Request**

We write to acknowledge receipt of your **Subject Access Request**.

Your request was received on [DATE]. We expect to be able to respond to you within one month of receiving it (on or before [DATE RESPONSE DUE BY]), or within one month of receiving any further information that we may request from you, if later.

In certain circumstances, data protection legislation allows us to extend that deadline by two months depending on the complexity of your request. We will advise you within one month if we need to extend the response deadline.

We may also need to advise you that:

- We require more information to verify your identity (and/or your legal authority to make the request, where you are making a request on behalf of someone else).
- We need more information to respond to your request.
- We require you to pay a fee before we respond to your request.

If we cannot meet your request, we will inform you of the reasons why, subject to any legal or regulatory restrictions, within the timescales referred to above.

**[DRAFTING NOTE – Include below paragraph if you would like to encourage Requester to use your standard request form, otherwise delete]**

[[INSERT NAME OF SCHOOL] asks individuals seeking to exercise their right to access their personal data under data protection legislation to use our standard request form. This standard request form asks for specific information necessary to process and respond to your request. Please consider resubmitting your request using the form attached to this

communication. While you do not have to use the standard request form, using the form should make it easier for you to make sure you have provided us with all relevant information, and for us to process your request as quickly as possible.]

[INSERT JOB TITLE] will be responsible for overseeing the response to your request. Should you have any questions on the status of your request, please contact [INSERT JOB TITLE] at [INSERT CONTACT DETAILS], quoting our Internal Reference Number [INSERT INTERNAL REFERENCE NUMBER ALLOCATED TO THE REQUEST].

Yours sincerely

## APPENDIX 5

### LETTER REQUESTING PROOF OF IDENTITY

#### *TO BE DRAFTED ON SCHOOL LETTERHEAD*

[ADDRESSEE]

[ADDRESS LINE 1]

[ADDRESS LINE 2]

[POSTCODE]

[DATE]

Dear [INSERT NAME OF INDIVIDUAL MAKING REQUEST]

**Re: Your Subject Access Request, Our Reference [INSERT INTERNAL REFERENCE]**

We write to acknowledge receipt of your **Subject Access Request** on [DATE].

We hope you will appreciate that, for security reasons, we cannot release copies of personal data without being satisfied that the person asking us to do so is who they say they are.

Unfortunately, we cannot verify your identity based on the information you provided and will require proof of your identity before we can respond to your request.

To help us establish your **identity**, you must provide identification documentation that clearly verifies your identity. We accept a photocopy or a scanned image of one of the following as proof of identity:

- passport; or
- photo identification such as a driver's license;
- national identification number card; or
- birth or adoption certificate;

If you have changed your name, please provide the relevant documents evidencing the change.

Please submit copies of the acceptable identity documentation, as set out above, to the School via post to [ADDRESS], or via email to [EMAIL ADDRESS], so that we can complete your request. We may request additional information from you to help confirm your identity, where it is reasonable and proportionate to do so.

If you do not have any of these forms of identification available, please contact [NAME AND TITLE] at [TELEPHONE NUMBER] or [EMAIL ADDRESS] for advice on other acceptable forms of identification.

Once we have verified your identity, the proof of identity documents provided by you will be securely disposed of and not be retained by the School.

We are not obliged to respond to your request until we receive satisfactory evidence of your identity. The deadline of one month to respond to your request will start to run as soon as we receive the information requested.

**[DRAFTING NOTE – Include the below paragraph if you would like to encourage Requesters to use your standard request form, otherwise delete]**

[[INSERT NAME OF SCHOOL] asks individuals seeking to exercise their right to access their personal data under data protection legislation to use our standard request form. This standard request form asks for specific information necessary to process and respond to your request. Please consider resubmitting your request using the form attached to this communication. While you do not have to use the standard request form, using the form should make it easier for you to make sure you have provided us with all relevant information, and for us to process your request as quickly as possible.]

Yours sincerely



## APPENDIX 6

### LETTER REQUESTING PROOF OF LEGAL AUTHORITY

#### *TO BE DRAFTED ON SCHOOL LETTERHEAD*

[ADDRESSEE]

[ADDRESS LINE 1]

[ADDRESS LINE 2]

[POSTCODE]

[DATE]

Dear [INSERT NAME OF INDIVIDUAL MAKING REQUEST]

**Re: Your Subject Access Request, Our Reference [INSERT INTERNAL REFERENCE]**

We acknowledge receipt of your Subject Access Request for [INSERT SUMMARY OF REQUEST] received on [INSERT DATE].

We understand you are making this request on behalf of someone else. We hope you will appreciate that, for security reasons, we cannot release copies of a data subject's personal data to a third party without being satisfied that the person so acting has the legal authority to make the request on behalf of the data subject and that they are who they say they are.

**[DRAFTING NOTE - delete this next section if proof of identity is not required]**

#### **[PROOF OF IDENTITY]**

Unfortunately, we cannot verify your identity based on the information you provided and will require proof of your identity before we can respond to your request.

To help us establish your **identity**, you must provide identification documentation that clearly verifies your identity. We accept a photocopy or a scanned image of one of the following as proof of identity:

- passport; or
- photo identification such as a driver's license;
- national identification number card; or
- birth or adoption certificate;
- **[Drafting Note: insert any other proof of identity which school deems acceptable]].**

If you have changed your name, please provide the relevant documents evidencing the change.

Please submit copies of the acceptable identity documentation, as set out above, to the School via post to [ADDRESS], or via email to [EMAIL ADDRESS], so that we can complete

your request. We may request additional information from you to help confirm your identity, where it is reasonable and proportionate to do so.]

***PROOF OF LEGAL AUTHORITY***

Unfortunately, we cannot verify your authority to make the request on behalf of the data subject based on the information you provided and will require proof of your authority before we can respond to your request.

We accept any of the following as proof of your legal authority:

- A written consent signed by the data subject;
- A certified copy of a power of attorney;
- Evidence of parental responsibility if the data subject is a child; or

Please submit copies of the acceptable authority documentation, as set out above, to the School via post to [ADDRESS], or via email to [EMAIL ADDRESS], so that we can complete your request.

We are not obliged to respond to your request until we receive satisfactory evidence of your legal authority to make the request on behalf of the data subject and that you are who you say you are. Therefore, the deadline of one month to respond to your request will start to run as soon as we receive the information requested.

Should you have any query at all about the contents of this correspondence or do not have any of the documentation referred to above, please contact [the Principal] at [TELEPHONE NUMBER] or [EMAIL ADDRESS].

Yours sincerely

## APPENDIX 7

### LETTER REQUESTING ADDITIONAL INFORMATION ABOUT REQUEST

#### TO BE DRAFTED ON SCHOOL LETTERHEAD

[ADDRESSEE]

[ADDRESS LINE 1]

[ADDRESS LINE 2]

[POSTCODE]

[DATE]

Dear [INSERT NAME OF INDIVIDUAL MAKING REQUEST]

**Re: Your Subject Access Request, Our Reference [INSERT INTERNAL REFERENCE GIVEN TO REQUEST]**

We acknowledge receipt of your Subject Access Request for [INSERT SUMMARY OF REQUEST] received on [INSERT DATE].

We require more information about the personal data you are requesting [as it is not clear what information you are requesting] **OR** [to enable us to locate and retrieve all the requested information by performing a reasonable search].

To enable us to respond to your request, we would be grateful if you could please clarify what personal data your request relates to. Please confirm [**DRAFTING NOTE:** insert explanation of further information / clarification required as required]. Please give as much detail as possible in this respect, as this will help us to identify and locate the relevant personal data and deal with your request in a timely manner.

We are not obliged to respond to your request until we receive the clarification that we require to identify the information you have requested. The deadline of one month to respond to your request will start to run as soon as we receive the information requested.

Yours sincerely

## APPENDIX 8

### LETTER CONFIRMING EXTENSION OF TIME REQUIRED

*TO BE DRAFTED ON SCHOOL LETTERHEAD*

[ADDRESSEE]

[ADDRESS LINE 1]

[ADDRESS LINE 2]

[POSTCODE]

[DATE]

Dear [INSERT NAME OF INDIVIDUAL MAKING REQUEST]

**Re: Your Subject Access Request, Our Reference [INSERT INTERNAL REFERENCE GIVEN TO REQUEST]**

We acknowledge receipt of your Subject Access Request for [INSERT SUMMARY OF REQUEST] received on [INSERT DATE].

Usually we would respond to a request of this kind within one month. In certain circumstances, however, Data Protection Legislation allows us to extend that deadline by two months depending on the complexity of your request.

Considering [the complexity [and the number] of your request[s]], we will be unable to respond within the usual one-month period. We will therefore be extending the period for responding in accordance with Data Protection Legislation.

We expect to be able to respond to your request by, [**DRAFTING NOTE:** insert date, which must not represent an extension of more than two months from 1 month date that the response would have been due on], at the latest.

Yours sincerely

## APPENDIX 9

### LETTER REQUESTING PAYMENT OF ADMINISTRATION FEE FOR ADDITIONAL COPIES

*TO BE DRAFTED ON SCHOOL LETTERHEAD*

[ADDRESSEE]

[ADDRESS LINE 1]

[ADDRESS LINE 2]

[POSTCODE]

[DATE]

Dear [INSERT NAME OF INDIVIDUAL MAKING REQUEST]

**Re: Your Subject Access Request, Our Reference [INSERT INTERNAL REFERENCE GIVEN TO REQUEST]**

We acknowledge receipt of your Subject Access Request for [**DRAFTING NOTE:** INSERT SUMMARY OF REQUEST HERE] received on [INSERT DATE].

We have identified the personal data you requested a copy of and we will provide you with one copy free of charge. However, we have the right to charge a reasonable fee to cover administrative costs for the additional copies you have requested.

Please contact us to arrange to remit payment in the amount of [INSERT FEE AMOUNT].

We will provide you with the additional copies you requested on receipt of payment.

Yours sincerely

## APPENDIX 10

### RESPONSE TO SUBJECT ACCESS REQUEST (REFUSING REQUEST DUE TO INSUFFICIENT EVIDENCE OF IDENTITY/AUTHORITY)

*TO BE TYPED ON SCHOOL LETTERHEAD*

[ADDRESSEE]

[ADDRESS LINE 1]

[ADDRESS LINE 2]

[POSTCODE]

[DATE]

Dear [INSERT NAME OF INDIVIDUAL MAKING REQUEST]

**Re: Your Subject Access Request, Our Reference [INSERT REFERENCE NUMBER]**

We write regarding your subject access request referred to above and our acknowledgment of [INSERT DATE WHEN SCHOOL SENT ACKNOWLEDGEMENT OF REQUEST].

We have reviewed your request[s] and have determined that, following our request dated [INSERT DATE INFORMATION WAS REQUESTED] for additional information to [verify your identity] **AND/OR** [verify your legal authority to make the request on the data subject's behalf], the information you provided was insufficient. Therefore, we are unable to process your data subject access request.

If you are dissatisfied with this response or have any additional questions, please contact the School Office at [INSERT CONTACT NUMBER] **AND/OR** [INSERT EMAIL ADDRESS].

If you have a complaint about our refusal to comply with your request, it is possible to complain to our supervisory authority or you can seek to take action in the courts. In the UK, our supervisory authority is the Information Commissioner's Office (ICO). More details on how to complain to the ICO are available on the ICO's website at: <https://ico.org.uk/concerns>.

Yours sincerely

## APPENDIX 11

### RESPONSE TO SUBJECT ACCESS REQUEST (CONFIRMING NO PERSONAL DATA HELD)

*TO BE TYPED ON SCHOOL LETTERHEAD*

[ADDRESSEE]

[ADDRESS LINE 1]

[ADDRESS LINE 2]

[POSTCODE]

[DATE]

Dear [INSERT NAME OF INDIVIDUAL MAKING REQUEST]

**Re: Your Subject Access Request, Our Reference [INSERT REFERENCE NUMBER]**

We write regarding your subject access request referred to above and our acknowledgment of [INSERT DATE WHEN SCHOOL SENT ACKNOWLEDGEMENT OF REQUEST].

Unfortunately, after conducting a diligent search for records relating to your access request, we have determined that we do not hold [the personal data you have requested] **OR** [any personal data] about [you]/ [the data subject].

**[DRAFTING NOTE:** include explanation here also if appropriate e.g. *We confirm that we have destroyed or erased the personal data you have requested, in accordance with our record retention obligations and practices***]**

If you are dissatisfied with this response or have any additional questions, please contact the School Office at [INSERT CONTACT NUMBER] **AND/OR** [INSERT EMAIL ADDRESS].

If you have a complaint about our response to your request, it is possible to complain to our supervisory authority or you can seek to take action in the courts. In the UK, our supervisory authority is the Information Commissioner's Office (ICO). More details on how to complain to the ICO are available on the ICO's website at: <https://ico.org.uk/concerns>.

Yours sincerely

## APPENDIX 12

### RESPONSE TO SUBJECT ACCESS REQUEST (REFUSING REQUEST AS MANIFESTLY UNFOUNDED/EXCESSIVE)

*TO BE TYPED ON SCHOOL LETTERHEAD*

[ADDRESSEE]

[ADDRESS LINE 1]

[ADDRESS LINE 2]

[POSTCODE]

[DATE]

Dear [INSERT NAME OF INDIVIDUAL MAKING REQUEST]

**Re: Your Subject Access Request, Our Reference [INSERT REFERENCE NUMBER]**

We write regarding your subject access request referred to above and our acknowledgment of [INSERT DATE WHEN SCHOOL SENT ACKNOWLEDGEMENT OF REQUEST].

We have reviewed your request[s] and [consider [it/them] to be manifestly [unfounded/excessive] for the following reason[s]:

- [ ]

**[DRAFTING NOTE:** School to state reason reason(s) for conclusion here]

We have therefore determined that applicable Data Protection Legislation allows or requires us to deny your request[s] for the reason[s] set out above.

In taking this approach we have considered and applied the guidance provided by the ICO on manifestly unfounded and manifestly excessive requests.

If you are dissatisfied with this response or have any additional questions, please contact the School Office at [INSERT CONTACT NUMBER] **AND/OR** [INSERT EMAIL ADDRESS].

If you have a complaint about our refusal to comply with your request, it is possible to complain to our supervisory authority or you can seek to take action in the courts. In the UK, our supervisory authority is the Information Commissioner's Office (ICO). More details on how to complain to the ICO are available on the ICO's website at: <https://ico.org.uk/concerns>.

Yours sincerely



## APPENDIX 13

### RESPONSE TO SUBJECT ACCESS REQUEST (REFUSING ALL/SOME OF THE REQUESTED PERSONAL DATA ON THE BASIS OF EXEMPTIONS)

#### TO BE TYPED ON SCHOOL LETTERHEAD

[ADDRESSEE]

[ADDRESS LINE 1]

[ADDRESS LINE 2]

[POSTCODE]

[DATE]

Dear [INSERT NAME OF INDIVIDUAL MAKING REQUEST]

**Re: Your Subject Access Request, Our Reference [INSERT REFERENCE NUMBER]**

We write regarding your subject access request referred to above and our acknowledgment of [DATE WHEN SCHOOL SENT ACKNOWLEDGEMENT OF REQUEST].

After conducting a diligent search for records relating to your access request, we can confirm that we process [some] **OR** [all] of the personal data you have requested in relation to [you] **OR** [the data subject].

Unfortunately, we are unable to provide a copy of [all] the personal data you requested because [certain of] the personal data which you have requested is exempt, within the Data Protection Legislation, and is therefore protected from disclosure under the right of access.

[A copy of the personal data you have requested, which we can provide, is enclosed with this letter.]

We confirm that [certain of] the personal data you have requested has been withheld because:

**[DRAFTING NOTE – select and delete the wording below as appropriate to the reason why the information has been withheld]**

- [the information you have requested is not classed as ‘personal data’ relating to you and is not therefore covered by your right of access to personal data under Data Protection Legislation]
- [disclosure would violate the rights and freedoms of third parties, and is exempt under Schedule 2, Part 3, Paragraph 16 of the DPA 2018]

- [the information you have requested is subject to legal professional privilege and therefore protected from disclosure under Schedule 2, Part 4, Paragraph 19 of the DPA 2018]
- [exam candidates do not have the right to copies of their answers to the exam questions] and/or [the information recorded by the person marking the exam is exempt. up until the exam results are announced]. This is pursuant to the exemption at Schedule 2, Part 4, Paragraph 25 of the DPA 2018)
- The information you have requested is exempt under the DPA 2018 [specifically [Schedule 2] or [Schedule 3], [Part 2] or [Part 3] or [Part 4], Paragraph [ ] of the DPA 2018]<sup>2</sup>.

The supplementary information you are entitled to under UK GDPR is set out in the School's Privacy Notice for [Parents and pupils][Teaching staff][Non-teaching staff] [available on our website at [INSERT SCHOOL WEBSITE ADDRESS]] **OR** [enclosed with this letter].

**[DRAFTING NOTE:** Please note that data protection legislation gives individuals the right to receive a copy of their personal data and other supplementary information (which corresponds with the information data controllers should provide in a privacy notice). This supplementary information includes: the purposes for processing; the categories of personal data processed; the recipients (or categories of recipient) the personal data has or will be disclosed to; the retention period for storing the personal data; the source of the data (if not obtained directly from the individual); whether there is any automated decision-making; and the safeguards provided in relation to any international transfers of the data. All Schools when issuing their response to any Subject Access Request should therefore include a link to the relevant privacy notice on their School website. If the School does not have a website or has not yet displayed the relevant privacy notices on its website, then the School must enclose a paper copy of the relevant privacy notice with the Subject Access Response.

Should a School, however, receive a Subject Access Request which includes a request for specific supplementary information about how the data subject's personal data is processed, e.g., who specifically their personal data is shared with or the lawful basis upon which certain of their personal data is processed, the School should contact their DPO for further advice and guidance.]

If you are dissatisfied with this response or have any additional questions, please contact the School Office at [INSERT CONTACT NUMBER] **AND/OR** [INSERT EMAIL ADDRESS].

---

<sup>2</sup> Note to School (**delete before use**), if you are applying any of the Social Work, Education exemptions based on serious harm or the expectation and wishes of the data subject or the Child Abuse exemption, careful consideration must always be given to whether it is appropriate to confirm the exemption applied. If doing so may release information about or to the data subject, which could place them at serious harm or be against their expectation and wishes, then the letter to the requester should simply state that the information is exempt under the provisions of the DPA 2018 and nothing further. A full note should however be retained by the School as to the particular exemption applied, how and why, in case of referral of the matter to the ICO

If [you/the data subject] have a complaint about the way we process [your/their] personal data it is possible to complain to our supervisory authority or you can seek to take action in the courts. In the UK, our supervisory authority is the Information Commissioner's Office (ICO). More details on how to complain to the ICO are available on the ICO's website at: <https://ico.org.uk/concerns>.

Yours sincerely

## APPENDIX 14

### RESPONSE TO SUBJECT ACCESS REQUEST (PROVIDING ALL OF THE REQUESTED PERSONAL DATA HELD BY THE SCHOOL, NO EXEMPTIONS APPLIED)

TO BE TYPED ON SCHOOL LETTERHEAD

[ADDRESSEE]

[ADDRESS LINE 1]

[ADDRESS LINE 2]

[POSTCODE]

[DATE]

Dear [INSERT NAME OF INDIVIDUAL MAKING REQUEST]

**Re: Your Subject Access Request, Our Reference [INSERT REFERENCE NUMBER]**

We write regarding your subject access request referred to above and our acknowledgment of [DATE WHEN SCHOOL SENT ACKNOWLEDGEMENT OF REQUEST].

After conducting a diligent search for records relating to your access request, we can confirm that we process [some]**OR**[all] of the personal data you have requested in relation to [you] **OR** [the data subject]. A copy of the personal data that we are processing and which you have requested is enclosed with this letter.

The supplementary information you are entitled to under UK GDPR is set out in the School's Privacy Notice for [Parents and pupils][Teaching staff][Non-teaching staff] [available on our website at [INSERT SCHOOL WEBSITE ADDRESS]]**OR**[enclosed with this letter]

**[DRAFTING NOTE:** Please note that data protection legislation gives individuals the right to receive a copy of their personal data and other supplementary information (which corresponds with the information data controllers should provide in a privacy notice). This supplementary information includes: the purposes for processing; the categories of personal data processed; the recipients (or categories of recipient) the personal data has or will be disclosed to; the retention period for storing the personal data; the source of the data (if not obtained directly from the individual); whether there is any automated decision-making; and the safeguards provided in relation to any international transfers of the data. All Schools when issuing their response to any Subject Access Request should therefore include a link to the relevant privacy notice on their School website. If the School does not have a website or has not yet displayed the relevant privacy notices on its website, then the School must enclose a paper copy of the relevant privacy notice with the Subject Access Response.

Should a School, however, receive a Subject Access Request which includes a request for specific supplementary information about how the data subject's personal data is processed, e.g., who specifically their personal data is shared with or the lawful basis upon which certain of their personal data is processed, the School should contact their DPO for further advice and guidance.]

If you are dissatisfied with this response or have any additional questions, please contact the School Office at [INSERT CONTACT NUMBER] **AND/OR** [INSERT EMAIL ADDRESS].

If [you/the data subject] have a complaint about the way we process [your/their] personal data it is possible to complain to our supervisory authority or you can seek to take action in the courts. In the UK, our supervisory authority is the Information Commissioner's Office (ICO). More details on how to complain to the ICO are available on the ICO's website at: <https://ico.org.uk/concerns>.

Yours sincerely