Shefford Lower School

Subject Access Request Policy

Written by	Reviewed & Ratified by Governors	Shared with Staff	Last Updated	Review cycle	Next Review Due
Victoria Joyce Business Manager	September 2026	September 2026	September 2026	Annual	September 2027

Statement of Intent

The school is committed to upholding its responsibilities under the data protection legislation and respects the rights of data subjects.

The aim of this policy is to ensure that the school complies with its legal obligations and can evidence that you have done so. It also aims to ensure we:

- Have robust processes in place for dealing with SARs, saving time and effort;
- Increase levels of trust and confidence by being open with individuals about the personal information we hold;
- Improve the transparency of our activities in line with public policy requirements.

This policy should be read in conjunction with the Subject Access Request Procedure.

1. Legislation

The UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018 (the Act), as amended by subsequent legislation including the Data Use and Access Act, give individuals rights over the use, the processing of and access to their personal records held by the school. This Policy explains how the school will fulfil its obligations under the Act. Whilst the policy specifies how subject access requests will be handled, it will be followed in the processing of all data subject rights requests (as detailed in the school's Data Protection Policy).

The school will apply a proportionate and reasonable approach when responding to Subject Access Requests, including determining the scope of searches and whether a request may be considered manifestly unfounded or excessive, in line with current data protection legislation.

2. Scope of the Policy

This document outlines how an applicant can make a request to exercise their rights in relation to the information we hold about them. The Act and how it will be processed. An applicant may be a member of the school, their legal representative or a member of staff

3. Key Definitions

Subject Access Request or SAR	A request for access to data by a living person under the Act is known as a Subject Access Request or SAR. All records that contain the personal data of the subject will be considered for disclosure, subject to applicable exemptions.
Personal Data	Personal data means data which relates to a living individual who can be identified directly or indirectly from the data, particularly be reference to an identifier. Personal data can be factual (such as a name, address or date of birth) or it can be an opinion (such as a performance appraisal).
Special Category Data	Certain personal data, special category data, is given special protections under the Act because misuse could create more significant risks to a person's fundamental rights and freedoms. For example, by putting them at risk of unlawful discrimination. Special category data includes: a person's racial or ethnic origin; political opinions; religious or similar beliefs; trade union membership; physical or mental health or condition or sexual life; biometric or genetic data.
Data Controller	The organisation which determines the purposes and the manner in which, any personal data is processed is known as the data controller. The school is the data controller of all personal data used and held within each part of the school
Data Processors	Organisations or individuals who process personal data on behalf of a data controller are known as data processors. Employees of data controllers are

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	excluded from this definition, but it could include suppliers which handle personal data on our behalf.
Data Subject	A living individual who is the subject of personal data is known as the data subject. This need not be a UK national or resident. Provided that the data controller is subject to the Act, rights with regards to personal data are available to every data subject, wherever his nationality or residence.
Third Party	An individual who is not the subject of the data but may be connected to or affected by it is known as a third party.
Relevant Professional	The practitioners who supply information held on Social Services records, and various other medical and educational records. A relevant professional will consider where disclosure is likely to cause serious physical or mental harm to the applicant or any third party.

4. Data Subject Rights

Subject access is most often used by individuals who want to see a copy of the information the school holds about them. However, subject access goes further than this and an individual is entitled to the:

- right to be informed
- right of access
- right to rectification
- right to erasure
- right to restrict processing
- right to data portability
- right to object
- rights in relation to automated decision making and profiling.

5. Roles and Responsibilities

Adhering to the data protections laws is the responsibility of every member of staff acting for or on behalf of the school. Subject Rights requests fall within the data protection statutory framework and the ability to identify and appropriately handle a request for information or to exercise any other rights is part of every employee's role. Requests can be made verbally and are still valid requests.

Headteacher	Holds overall responsibility for compliance with the Act.
School Business Manager	Has responsibility for the management of Subject Access Requests; this includes assisting your Data Protection Officer in dealing with complaints from the Information Commissioners Office, general compliance issues and data subject queries and concerns. Ensures that SARs are responded to in a timely manner and that only data that the data subject is entitled to access are sent out. Also responsible for completing a double check of all SAR's before they are securely dispatched.
Employees	All employees, including temporary staff, must understand their duty of care to ensure the confidentiality of all personal data. In addition, they must

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	understand this Policy and where to direct individuals enquiring about subject access requests. The school DPO will also be involved with carrying out reviews of access requests where required.

6. How can an individual make a SAR?

A valid SAR does not have to be made in writing, but it is good practice to have a written request or confirmation in writing, so that the scope of the request is clear.

Most SAR requests are made by parents requesting access to their child's records.

NOTE: No matter how a request is received there is no requirement for the requester to mention either the Data Protection Act or Subject Access for it to be a valid request. In some cases, the requester may even state the wrong legislation e.g. Freedom of Information Act, but the request will still be valid.

It is the responsibility of all staff to recognise a subject access request and process it accordingly. Failing to recognise a SAR is not an excuse for non-response and the school will still need to comply with the request in the statutory time period of a month from receipt of the request.

7. Can individuals request personal information on behalf of another person?

Yes, they can. The Act allows for an individual to make a request on behalf of another person. This may be a solicitor acting on behalf of the individual, a parent making a request for their child's information, a third party making the request for someone who has limited capacity, or indeed many other reasons.

However, to ensure the security of the personal information we hold, we must confirm identity and a right to exercise the rights before we act on a request. For example, a parent is not necessarily automatically entitled to all information about their children. They must have parental responsibility for the child. One parent does not have the power to consent or refuse to a request made by another parent who has parental responsibility.

Further information with regards to SARs made on behalf of another person can be found in the Subject Access Procedure.

8. How long do we have to respond?

A maximum of a month starting from the day the request and identification (if required) is received or from when sufficient information is obtained to confirm the requester's identity, where necessary. Where a request is unclear or overly broad, the school may seek clarification from the requester. The statutory timeframe will be paused until sufficient clarification is received to enable the school to respond.

9. Is there a fee to pay?

No. The rights are fundamental, and no fee can be charged for handling a request. However, a 'reasonable fee' can be charged when a request is manifestly unfounded or excessive, particularly if it is repetitive. The school may also refuse to act on a request where it is manifestly unfounded or excessive, taking into account whether the request is reasonable and proportionate.

We may also charge a reasonable fee to comply with requests for further copies of the same information. This does not mean that we can charge for all subsequent access requests.

The fee must be based on the administrative cost of providing the information.

10. What do I do if I receive a request?

In practice, if the request is simple e.g. someone wants to see a small part of their data (an exam result or attendance information); staff should apply a proportionate and practical approach. We do not require a formal SAR if the individual can prove their identity, the information is readily available there and then, and no other third-party data will be unreasonably released. Such requests should be dealt with quickly, as business as usual and with little formality. The extent of searches carried out will be reasonable and proportionate to the nature of the request.

All other ("non-routine") requests for rights relating to the personal data we hold which are likely to take a reasonable amount of resource must be directed to the Headteacher and be logged.

11. Which information is covered by a request?

Requests relate to all the information we hold, not just for "live" files. SARs cover all information held by the school regardless of the format it is in or where it is stored, whether it is closed, archived, and in some cases even deleted information (e.g. located in outlook deleted items).

12. Can I provide all information found relating to the data subject?

The simple answer is no.

The school is not required to provide information that the requester already holds or can reasonably access themselves. In applying this, the school will take a proportionate approach and consider the circumstances of the request.

The school must consider whether it is possible to comply with the SAR without revealing information that relates to and identifies a third-party individual or any other exempt information.

Examples of third-party information that cannot be shared routinely without specialist consideration are:

- Safeguarding concerns which may contain information about multiple children including siblings and estranged parents
- Files containing legally privileged information
- Files containing advice from relevant professionals such as doctors, police or probation services
- Employee files containing information identifying managers or colleagues who have contributed to (or are discussed in) that file.

Special consideration should be given to sharing this type of information. More information can be found in the Subject Access Request Procedure.

13. What is a double check?

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Before a SAR is sent out to the data subject the Headteacher is required to carry out a double check. This is done to ensure that all third-party data has been removed appropriately and that any documents have been redacted appropriately.

Third party data sent out in error to the wrong person constitutes a data breach and can have very serious consequences for the school.

The Headteacher is responsible for completing a double check of the information to be provided to the data subject. For further guidance on the double check please refer to the Subject Access Request Procedure.

14. Complaints

If an applicant is unhappy with the service, they have received or the response to their request they should contact the Headteacher. As there is a statutory complaint process in place, these complaints will be dealt with outside the School's Complaint Policy.

The school will aim to respond to complaints within one month of receipt.

Where a complaint relates to the response to a subject access request, the response must include an explanation of why that response was given e.g. why information was not deleted from a record.

The Data Protection Officer will make an independent assessment of the case. If the applicant remains dissatisfied, they may ask the Information Commissioners Office to carry out an independent investigation.

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Telephone: 0303 123 1113
Fax: 01625 524510

https://ico.org.uk/make-a-complaint/

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