



KING'S LEADERSHIP
ACADEMY BOLTON

Subject Access Request Policy

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1. Aims

This policy aims to ensure that King’s Leadership Academy Bolton (KLAB) is upholding the data protection rights of its students, parents, staff, visitors Local Advisory Council and other stakeholders (“data subjects”) in respect of their personal data under EU Regulation 2016/679 General Data Protection Regulation (“GDPR”).

This policy aims to inform KLAB staff what you need to do if a Subject Access Request (SAR) has been requested or you would like a SAR.

2. KLAB Staff

If you only want information about a specific incident you may find that you can get that information by asking for it directly from the department holding it, without having to go through the Subject Access Request procedure. It is possible that the department may have to check whether the data can be released, but that shouldn’t take too long. If the department is happy to release your data to you in this way, it will be a much shorter and less formal process than the Subject Access Request process. However, if you want information from a number of areas of the School the best way is still to use the Subject Access Request.

3. How to make a request

All SARs must be made in writing to KLAB. KLAB provides a form for such requests that is designed to collect the information needed to identify the data you are requesting. Download and complete the form and then send it, with the appropriate identification documents, either by post to the Administration Office, King’s Leadership Academy Bolton, Lever Edge Lane, Bolton, BL3 3LA, or by email to info@kingsbolton.com. If you would prefer, you can bring original identification documents to the Administration Office in person. KLAB does not charge for this service.

What information do we need to start the search?

In order to find the data you are requesting we will need the following information:

- Your name
- Address
- Date of Birth
- Copy of your passport or driving licence including the photograph page
- Details of the information required

Identification is required to confirm that you are the data subject, that is, the individual to whom the data refers, so that the school does not disclose any data to someone who is not entitled to receive it.

If you are making a request on behalf of the data subject e.g. you are a solicitor acting on your client's behalf, you will need to provide the information detailed above for the data subject, plus proof that you have your client's consent to request and receive their personal data. This may be a signed form of authority from the individual.

It would be helpful to provide some contextual information about the required data e.g. dates that the information may have been produced, or whether it refers to your time as a student or a member of staff. What type of search will be carried out for the information requested?

The vast majority of searches for personal data that could be carried out by the school are general searches in relation to students or members of staff.

If you are, or were, a student or parent, the school will routinely search the following areas for your data as these are the areas where most student data is held:

- Paper based student files
- Data held on the Bromcom database, and on computer network.
- Financial Services – for details of fee payments and any disputes over payments
- The School Library – for details of borrowing and / or fines (once in the new build)
- The School Nurse – for any medical data
- If you would like other areas of the school searched for your data, you can indicate these department(s) on the SAR form.

If you are, or were, a member of staff, the school will routinely search the following areas for your data as this is where the majority of staff data is held:

- Human Resources – for your central HR file containing details of your initial application, any subsequent applications within the School, job changes, communications to and from HR; this includes paper files and files on Bromcom
- Finance Office – payroll data, payments details, pension details.
- The department in which you are / were employed –for any locally held HR records and Personal Development records.

If you would like other areas searched for your data, you can indicate these department(s) on the SAR form.

You may however, only want to receive information relating to a specific incident or issue. If that is the case, please provide as much detail as possible regarding the information you require e.g. dates of events, when the information may have been recorded or where you think the information may be held, to help identify the data you require.

4. Dealing with a Subject Access Request

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

- the child or young person lacks sufficient understanding; and
- the request made on behalf of the child or young person is in their interests.
- KLAB will only grant pupils' access to their personal data if, in KLAB's reasonable belief, the pupil understands the nature of the request.
- Any individual, including a child or young person with ownership of their own information rights may appoint another person to request access to their records. In such circumstances KLAB must have written evidence that the individual has authorised the person to make the application and the Principal must be confident of the identity of the individual making the request and of the authorisation of the individual to whom the request relates.
- Access to records will be refused in instances where an exemption in the DPA applies, for example, information sharing may place a child at risk of significant harm or jeopardise police investigations into any alleged offence(s).
- KLAB may ask for any further information reasonably required to locate the information.
- An individual only has the automatic right to access information about themselves, and care needs to be taken not to disclose the personal data of third parties where you do not have their consent, or where seeking consent would not be reasonable, and it would not be appropriate to release the information.
- All files must be reviewed by Principal before any disclosure takes place. Access will not be granted before this review has taken place.
- If an individual discovers that information which KLAB holds in relation to them is inaccurate or out of date, they should write to Principal setting out the inaccuracy, and the accurate position. The Principal will arrange for information to be corrected where KLAB agrees that the previous information was inaccurate. If KLAB disagrees that the information is inaccurate, it will discuss the matter with the individual, but KLAB has the right to maintain the original information. If the individual is unhappy with this outcome [they have the right to instigate the complaints procedure/request a review of the decision by a LAC member, as long as such review is requested with [30] days of the date of receipt of the letter, and this deadline has been notified to the individual in correspondence].

5. How long will it be before you receive your data?

The school has 40 days (regardless of school holidays) in which to provide the data you have requested. This period starts on the date that the school receives all of the information it needs to confirm firstly, your identity, or your right to request a third party's data, and secondly, the type of search you want carried out (either a general search or a search for specific information). The date on which you will receive your requested information will be confirmed once the school has received all the required information.

6. How will your data be provided to you?

The General Data Protection Regulation requires that you receive a permanent copy of any personal data held about you. Therefore, you will receive either an electronic or paper copy of the personal data found about you, depending on the preference you selected on the SAR form, and the size of the data.

If you wish to receive your data in paper form, this will be sent to you using first class recorded delivery post. The school uses recorded delivery post to ensure an audit trail exists to show where the parcel was sent, who signed for it and when. In the event that no-one is available to sign for your parcel, it will be held at a local office until it is collected or finally returned to the School. This ensures your data is held as securely as possible until you receive it.

If you wish to receive your data electronically, assuming the file size is not too large, it will be sent to you by email as an attachment. The file will be password protected and once you receive the file, you will need to contact the school for the password in order to access the attachment. Information on how to do this will be included in the email that sends your data to you.

7. What data will be provided to you?

You will receive copies of the personal data relating to you. Personal data is defined as data that identifies a living individual and relates to that individual. Therefore, the data you receive will not only name you but also have some reference to you. As the school still holds some paper files as well as electronic records, a search will be carried out initially for files / folders that are named using your name in any format. After that, electronic searches will be carried out for any electronic records that contain your name in the body of the data, not just the title. It is not always possible to carry out this search fully without any background information on the type of record you are looking for.

Whether you receive copies of particular emails will depend on whether the data may relate to you. So, for example, you will not receive copies of emails that have been sent to a list of email addresses including yours, where the information in the email does not relate to you, e.g. it is a reminder of a student and graduate employment fair open to everyone. However, you will receive a copy of an email that has been sent to a list of email addresses including yours, where the information in the email does relate to you.

Your personal data may be held in a document or database that contains personal data relating to other individuals. To avoid providing you with a third party's personal data, it may be necessary to redact the other person's data (that is, blank it out or obscure it in other ways) or to extract your data from the larger document/database. Therefore, you may receive copies of documents with blank spaces in the text, or with only one line of information under column headings. These are examples of redacted documents or where your data has been extracted.

8. Exemptions to Access by Data Subjects

Confidential references given, or to be given by KLAB, are exempt from subject access. KLAB will therefore treat as exempt any reference given by them for the purpose of the education, training or employment, or prospective education, training or employment of any pupil, member of staff, or volunteer.

It should be noted that confidential references received from other parties may also be exempt from disclosure, under the common law of confidence. However, such a reference can be disclosed if such disclosure will not identify the source of the reference or where, notwithstanding this, the referee has given their consent, or where disclosure is reasonable in all the circumstances.

Examination scripts, i.e. information recorded by pupils during an examination, are exempt from disclosure. However, any comments recorded by the examiner in the margins of the script are not exempt even though they may not seem of much value without the script itself.

Examination marks do not fall within an exemption as such. However, the 40 day compliance period for responding to a request is extended in relation to examination marks to either five months from

the day on which KLAB received the request or 40 days from the announcement of the examination results, whichever is the earlier.

Where a claim to legal professional privilege could be maintained in legal proceedings, the information is exempt from disclosure unless the privilege is waived.

9. Will you receive all of the data that relates to you?

It is important to note that it is not always possible to know exactly what information is held about an individual when a search is made. It may not always be possible for the school to provide every piece of information about your employment or studies, as there may have been some discussions relating to a final decision made at a meeting or over the telephone, which will not always be recorded.

Emails are often seen as an informal method of communication and staff are encouraged to retain emails in line with their subject matter, but that does mean that not all emails will be kept for the same length of time. Therefore, an email in which someone agrees to attend a meeting does not need to be kept for as long as one that includes a decision on a particular subject that has ramifications for others or over a length of time.

There may be occasions where the final data is provided to you but information which led to that data is not provided. An example of this is the data given to a Board of Examiners, which shows the marks you have received as a student. Unless there is any information other than your name and marks, this information will not routinely be sent to you because you will be provided it in a transcript of your marks.

There may be times when the school holds personal data about you which it does not / cannot disclose to you. This may be because it is not possible to disclose your personal data without disclosing a third party's data, and either the third party has refused to give consent for their data to be disclosed or the third party's data is awarded a degree of confidentiality which means the data cannot be disclosed.

There are other exemptions in the General Data Protection Regulations which mean that personal data can be withheld. Details and examples of these instances can be found in Chapter 9 of the Information Commissioner's Office, Subject Access Code of Practice. If it is necessary to withhold any data, you will be informed of the reasons for the non-disclosure, but the school endeavours to release as much of your data as possible.

Examples of information which (depending on the circumstances) may be withheld include information that:

- might cause serious harm to the physical or mental health of the pupil or another individual;
- would reveal that the child is at risk of abuse, where disclosure of that information would not be in the child's best interests;
- is contained in adoption and parental order records; and
- is legally privileged, including certain information given to a court in proceedings concerning a child;
- records the intentions of the school in negotiations with the individual making the SAR;
- consists of confidential references either given or received by the school;
- consists of exam or test answers or exam results before the allotted publication time;
- is held for purposes of management planning (e.g. redundancy planning);
- would prejudice the prevention and detection of crime if disclosed (e.g. in live investigations);
- might cause serious harm or distress in limited social work contexts.

10. Repeated Requests for Access to Records

Unless a reasonable period of time has lapsed between the compliance with one request and receipt of the next, the DPA allows for access to be refused when the applicant has made repeated requests for information already provided.

11. Charging

The maximum fee which can be charged is £10 and must not exceed the cost of supplying the information. KLAB does not intend to charge this fee as a matter of course, and this is made clear on the website.

12. Section 10 Notices

Any request to stop dealing with personal data by the Trust because of damage or distress caused should be treated as a request under section 10 DPA. Any such request must be notified to Office Manager, who will deal with them as appropriate.

Throughout section 9, where reference is made to 'Principal' this should be replaced by 'Office Manager' where staff who are not employed at any specific school are concerned.

13. What can you do if you are unhappy with the response to your request?

You may first contact the school to clarify any queries about the information you have received or to point out any omissions in the data that you expected to receive, although if you are looking for anything particular, it is best to stipulate this in your original request. We will look again at the information held within the school to see if any new information can be sourced with the extra detail provided by you.

If you remain dissatisfied with the response to your request, you may submit a complaint to the Information Commissioner's Office (ICO). More advice on how to do this is available by contacting the ICO on its helpline number of 0303 123 1113.

Principal: Mr. David Crosby

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