



# Subject Access Request Policy

## Statement of intent

1. A subject access request (SAR) is a request made by, or on behalf of, an individual for the information which they are entitled to ask for under Article 15 of the UK GDPR. Fulham Cross Academy Trust (FCAT) is committed to upholding the right of individuals to obtain a copy of their personal data, as well as other supplementary information, to provide transparency in how and why the school uses such data. This policy sets out how the Trust and our schools will:
  - Recognise and respond to SARs
  - Provide the information requested
  - Always consider pupil wellbeing
  - Refuse requests, where appropriate
2. Routine verbal enquiries and correspondence that covers information that is provided routinely and can be managed quickly in the normal course of the school's business, e.g. a request by a staff member to see their employment contract, are not considered to be SARs and are not considered under this policy.

## Legal framework

3. This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:
  - Data Protection Act 2018
  - General Data Protection Regulation (UK GDPR)
  - Department for Education Data protection in schools guidance (2023)
  - Information Commissioner's Office Right of Access guidance
4. This policy operates in conjunction with the following school policies:
  - FCAT Data Protection Policy
  - FCAT Freedom of Information Policy
  - FCAT Data Retention Policy

## Roles and responsibilities

5. The FCAT Board will be responsible for ensuring that the Trust and its schools respect the rights of individuals to obtain copies of their personal information.
6. The FCAT Data Protection Team, including one or more Data Protection Officers (DPOs) will be responsible for:
  - Informing and advising each school and its employees about their obligations to comply with an individual's right of access, in line with relevant data protection legislation.
  - Providing advice and support to schools in receipt of SARs to ensure that they are able to respond appropriately, and within statutory timeframes, including obtaining legal advice as required.
  - Ensuring each school has appropriately recorded SARs on our data management system, GDPRiS.
  - Analysing management information on the nature and responses to SARs across the Trust and reporting this to the Trust Board.
  - Providing ongoing training to Data Protection Leads in our schools in support of their personal development and the required training of staff members.
  - Managing any SARs received directly to FCAT in accordance with this policy.
7. The Local Governance Committee (LGC) at each FCAT school will be responsible for:
  - Ensuring the school respects the rights of individuals to obtain copies of their personal information.
  - Ensuring that a lead governor for data protection is appointed to monitor each school's response to SARs and other data protection duties.
  - Ensuring the school obtains legal advice as required when handling SARs.
8. The headteacher at each FCAT school will be responsible for:
  - Ensuring all staff understand how to recognise a SAR.

- Ensuring relevant staff receive detailed training on handling SARs in line with their job responsibilities.
  - Ensuring the wellbeing of pupils is always taken into account when handling SARs.
  - Ensuring that the FCAT DPO team is consulted at the earliest stage in the event of complex SARs.
9. The Data Protection Lead (DPL) at each FCAT school will be responsible for:
- Overseeing the management of all SARs received by the school including the accurate tracking and recording of SARs received and school decisions and actions in response on to GDPRiS.
  - Ensuring all relevant staff understand their roles and responsibilities in relation to complying with SARs and are regularly briefed.
  - Identifying which staff members should receive specific training on SARs.
10. The Designated Safeguarding Lead (DSL) will be responsible for:
- Advising the DPL as necessary on possible safeguarding concerns when handling SARs.
11. All staff will be responsible for:
- Identifying SARs and understanding the next steps.
  - Following instructions and advice from the DPL on how to handle SARs and responding to DPL requests in support of SAR responses in a comprehensive and timely fashion.

## **Handling requests**

12. Anyone whose personal data is controlled by the school can submit a SAR, including pupils, parents, staff, volunteers and governors. Where a request is made for data for which the school is a processor but not a controller, it will inform the requester and refer them to the controller.
13. The school will treat any request where it is clear that an individual is asking for their own personal data, and which is outside of the school's normal course of business, as a SAR. The DPL at the school (or DPO team for FCAT requests) will determine whether enquiries that are not formal requests for information should be processed as a SAR on a case-by-case basis.

14. The school may receive requests for personal data which refer to the Freedom of Information Act 2000 in error – these will still be processed as SARs. Legitimate freedom of information requests will be handled in line with the FCAT Freedom of Information Policy.
15. All FCAT staff receive mandatory Data Protection training on appointment, and this is refreshed every three years. In addition, all office staff, and any other staff identified by the DPL (or DPO team in respect of the FCAT central team), will receive specific training on how to identify a SAR and the next steps to take. All SARs will be forwarded to the DPL upon receipt for oversight. The school will treat all SARs the same regardless of how they are received, e.g. in writing, verbally or through social media.
16. Requesters are strongly encouraged to complete a SAR form, available at [Annex A](#) and on request from school offices, to formalise their request and ensure that there is a shared understanding of the data that is being requested. If a form is not completed, the SAR will be treated in the same way. Where the information that has been requested is not fully clear, either where schools are in receipt of a form or not, then further clarification will be sought (see [Seeking clarification](#)).
17. The SAR will be acknowledged as soon as possible to the requester, with a timeframe set out for the response. Requests will be responded to within 28 days from the date received. Where the corresponding date falls on a weekend or public holiday, the deadline will be the next working day.

### **Identity verification**

18. To avoid personal data being sent to someone who does not have a right to access it, the school will ensure it is satisfied that the identity of the requester or the person the request is made on behalf of is known. Requests for identity verification will be made promptly. The deadline for responding will begin only after the requester's identity has been verified.
19. Alternatives to requesting formal identification will be considered, and formal identification will only be requested to verify a requester's identity where necessary, e.g. who they are is not obvious to the school, or there is the possibility of deception. The DPL (or DPO team for FCAT requests) will determine what information the school or Trust requires to verify an individual's identity and explain to them what they need to provide.

### **Requests by a pupil**

20. Where a request is from a pupil, the school will consider the extent to which the pupil is mature enough to understand their rights. Typically, a pupil will be presumed to possess sufficient maturity from the age of thirteen, but the school will decide on a case-by-case basis. Where the school is confident the pupil understands their rights, it will respond directly to the pupil. If not, the pupil will be informed that they will need to ask their parents to make a request on their behalf.

## **Complex requests**

21. Where a request is deemed to be complex, the response deadline will be extended by up to an additional two calendar months. The individual will be notified within one month of receiving their request of the decision, with a clear explanation of why it has been deemed complex.
22. In deciding whether a request is complex, the DPL (or DPO team for FCAT requests) will consider the school's circumstances, the specific detail of the request and whether it is deemed to be reasonable and proportionate. Examples of where a request may be complex include, but are not limited to, the following:
  - Technical difficulties in retrieving the information, e.g. it is electronically archived
  - Applying an exemption that involves large volumes of particularly sensitive information
  - Clarifying potential issues around disclosing information about a pupil to a legal guardian
  - Any specialist work involved in obtaining the information or communicating it in an intelligible form
  - Clarifying potential confidentiality issues around the disclosure of sensitive medical information to an authorised third party
  - Specialist legal advice is required
  - Searching large volumes of unstructured manual records
  - Requests involving a large volume of information will be considered a factor that can add to the complexity of a request, but a request will not be deemed complex solely on this basis.

## **Third party requests**

23. The school will ensure the third party is entitled to act on behalf of the individual, e.g. by requesting a written authority signed by the individual confirming they give the third-party permission to act on their behalf. Where there is insufficient evidence to satisfy the school that the third party is authorised to act on the individual's behalf, the SAR will not be complied with. A response will be provided to the requester to explain this.
24. Where the school believes an individual may not understand the nature of the information being disclosed and is concerned about disclosing excessive

information, the school will contact the individual to make them aware and may agree to send the response directly to the individual rather than the third party.

### **Simultaneous requests**

25. Where an individual makes a number of other requests relating to other rights, e.g. the right to erasure and the right to data portability, each will be managed separately. The deadline for the SAR may be extended by up to two months; the individual will be notified with an explanation as soon as possible, and within one month at the latest.

### **Requests on behalf of a pupil**

26. Where a parent makes a request to see what the data the school holds about their child, the school will first check if:

- The requester has parental responsibility.
- The pupil is aged 13 or older, has given their consent in writing for a parent or carer to act on their behalf, and is deemed by the school to have the capacity to give consent.
- Releasing the information to an absent parent or carer would cause the pupil distress or result in safeguarding concerns.

27. The school will allow parents to exercise their child's rights on their behalf where written authorisation is provided, or it is evident that this is in the child's best interests. The school will consider the following when a parent, or someone else authorised by the pupil, makes a SAR on the pupil's behalf:

- Any court orders relating to parental access or responsibility that may apply
- The duty of confidence owed to the pupil
- Any consequences of allowing those with parental responsibility, or those authorised to act on their behalf, access to the pupil's information
- Any detriment to the pupil if individuals with parental responsibility, or their authorised representatives, cannot access this information
- Any views the pupil has on whether others should have access to information about them

28. The DSL will be consulted if there is information of a sensitive nature that it may not be in the best interests of the pupil to be shared. The school will not provide a pupil's personal data, including their educational record, to a parent

or carer if there is a court order in place that limits the exercise of their parental responsibility.

29. Where a pupil authorises someone other than a parent or carer to make a SAR on their behalf, the school will not respond if there are reasonable concerns that the pupil is acting against their own best interests, e.g. they are being pressured to make the SAR. Such concerns will be reported to the DSL immediately.
30. Requests for educational records from parents will be treated as a SAR. This will be without prejudice to the trust's obligation to provide an annual report of each registered pupil's progress and attainment in the main subject areas taught to every parent, unless they agree otherwise in writing.

### **Seeking clarification**

31. Where it is not fully clear what personal data the individual wants, the school (or Trust for FCAT requests) will ask for clarification as soon as possible, with an explanation, to specify the information or processing activities the request relates to before responding. Clarification may also be sought by the school or Trust where there is evidence that the request is manifestly unfounded or excessive and not deemed to be reasonable or proportionate.
32. Clarification will not be required in usual circumstances and will be limited to requests where it is genuinely required in order to respond and where the school processes a large amount of information about the individual.
33. The deadline for responding to the request will be paused until clarification is received, and the requester will be made aware of this. Once the requester responds, the deadline will resume with an extension by the number of days taken for a response. Where the school receives a request that is genuinely unclear whether an individual is making a SAR, the time limit to respond will apply from the date that clarification is received.
34. Where the requester responds repeating the original request or declines to provide any additional information, the SAR will be complied with by making reasonable searches for the information.

### **Charges**

35. Requesters will not typically be charged for the school's compliance with a SAR. The school or Trust may, however, decide to charge a reasonable fee for administrative costs where:
  - A request is manifestly unfounded or excessive
  - An individual requests further copies of their data following a request
36. In determining a reasonable fee, the administrative costs will be considered for:

- Assessing whether the school processes the information
- Locating, retrieving and extracting the information
- Providing a copy of the information, e.g. photocopying, printing and postage costs
- Communicating the response to the individual, including contacting the individual to inform them that the school holds the requested information
- Staff time in performing all of the above.

37. The costs of staff time will be based on the estimated time it will take staff to comply with the specific request, charged at a reasonable hourly rate.

38. Requests for a fee will be sent as soon as possible, and within one calendar month of receiving the SAR. When requesting a fee, the costs will be explained to the individual, including a copy of the criteria used to determine it. The individual will be notified if the school intends to charge, even if the information is not being provided.

39. Where a charge is determined, the SAR will not be complied with until it is paid. Where no response is received within one month, the DPL, in consultation with the FCAT DPO team, will decide if it is appropriate to close the request on a case-by-case basis.

## **Finding and sending information**

### **Finding information**

40. The school will make reasonable efforts to find and retrieve the information requested. Searches will not be conducted that are unreasonable or disproportionate to the importance of providing access to the information. To determine this, the following will be considered:

- The circumstances of the request
- Any difficulties involved in finding the information, e.g. if technical expertise is required
- The fundamental nature of the right of access

41. If certain information is determined to be unreasonable or disproportionate, the school will still search for any other information within the scope of the SAR. The DPL (or DPO team for FCAT requests) will have regard to guidance from the ICO on finding and retrieving information to ensure adherence to UK GDPR for all SARs.

42. Routine management and changes as part of the school's processing activities will be allowed to proceed as normal for personal data in line with the Data Protection Policy and Data Retention Policy; however, the DPL (or DPO team for FCAT requests) will ensure that all staff understand that data must not be amended or deleted with the intention of preventing its disclosure under a SAR.
43. Information will be thoroughly checked to see if anything should be redacted, e.g. references to other individuals, prior to sending, and / or whether any exemptions need to be applied.

### **Sending information**

44. Individuals will receive the following information:

- An acknowledgement of their SAR and the timeframe for response
- Confirmation that the school is processing their personal data
- A copy of their personal data (where no exemptions apply)
- Other supplementary information

45. In addition to the above, the information below will be supplied:

- Information about the FCAT Privacy Notice which sets out the school's / Trust's purposes for processing data and the categories of data being processed
- Information about the FCAT Data Retention Policy which sets out the retention period for different categories of personal data, mainly via the Information Records Management Society's toolkit for schools
- The individual's right to request rectification, erasure or restriction or to object to processing
- The individual's right to lodge a complaint with the school (or Trust for FCAT requests) if they are dissatisfied
- The individual's right to lodge a complaint with the ICO should they be dissatisfied with the outcome of their complaint to the school (or Trust for FCAT requests).

46. Prior to sending any personal data, the destination, e.g. email or postal address, will be checked to ensure it is correct. The DPL (or DPO team for FCAT requests) will ensure information is sent securely, with consideration given to the nature and sensitivity of the data.

47. Information provided will be explained, where necessary, to ensure it is easily understandable, e.g. clarifying the meaning of an attendance code.
48. Where a SAR is made verbally or through social media, the school will ask for an appropriate delivery address for the response. The school will respond to all SARs in a commonly used electronic format unless the requester asks for it to be provided in another commonly used format. Information will typically be provided via copies of relevant sections of original documents.
49. Where the response is requested to be verbal, the school will accept this, provided the individual's identity is confirmed and only a small amount of information is requested. A record will be kept of the date, who provided the information, and what was shared on GDPRIS. The requester will be asked to sign to confirm that they have been given the information that they requested.
50. Reasonable adjustments will be made to the format of the response, as required, to facilitate and comply with SARs made by an individual with a disability, in line with their specific needs.
51. Where the school has concerns, e.g. about security, over the method the individual has requested their information, the DPL will contact them as soon as possible to explain the school's concerns and ask for an alternative address or method.

## **Exemptions and refusing requests**

52. SARs will be refused wholly or in part where:

- An exemption applies
- It is manifestly unfounded or manifestly excessive
- Complying would cause serious harm to the physical or mental health of any individual, provided the serious harm test is met.

53. All SARs will be considered on a case-by-case basis and in the context in which it is made before a decision is made to refuse to it. Where an individual genuinely wants to exercise their right to access, the school will not refuse the SAR without strong justification.

54. Following a refusal, the school will inform the individual of:

- The reasons why
- Their right to make a complaint to the school and the ICO
- Their ability to seek to enforce their right through the courts

55. The school will be as transparent as possible on the reasons for withholding information; however, where telling an individual that a particular exemption applies would prejudice the purpose of that exemption, the response will be generalised.
56. A record of when and why a decision was made to refuse a SAR, in whole or in part, will be maintained within the Trust's data management system, GDPRIS.

### **Manifestly unfounded requests**

57. The school will refuse to comply with a SAR wholly or partly where it is determined to be manifestly unfounded. This will apply where an individual has no clear intention to exercise their right of access, e.g. they offer to withdraw the SAR in return for some form of benefit, or the request is malicious in intent and is being used to harass the school to cause disruption. Examples of malicious requests include, but are not limited to, where an individual:

- Explicitly states in the request or other communications their intent to cause disruption.
- Makes unsubstantiated accusations against the school or specific employees.
- Targets a particular employee against whom they have a personal grudge.
- Systematically sends different requests to the school, e.g. once a week, as part of a campaign.

### **Manifestly excessive requests**

58. The school will refuse to comply with a SAR wholly or partly where it is determined to be manifestly excessive, i.e. it is clearly or obviously not reasonable or proportionate. The DPL (or DPO team for FCAT requests) will consider whether the request is proportionate when balanced with the burden or costs involved in dealing with it, and consider the following circumstances:

- The nature of the requested information
- The context of the request, and the relationship between the school and the individual
- Whether a refusal to provide the information, or even acknowledge if the school holds it, may cause substantive damage to the individual
- The school's available resources

- Whether the request largely repeats previous requests and a reasonable interval has not elapsed
- Whether it overlaps with other requests

## **Information about other individuals**

59. Where the information requested would mean disclosing information that identifies another individual, the SAR will be refused wholly or partly unless:

- The other individual consents to the disclosure
- It is reasonable to comply with the request without the other individual's consent.

60. The DPL (or DPO team for FCAT requests) will determine on a case-by-case basis whether it is reasonable to comply without the other individual's consent.

61. Considerations will include:

- Information the person making the request may have, or may get hold of, that could enable them to identify another individual referred to
- Whether names can be deleted, or documents edited, so that information on another individual is not included, while still complying with the request
- The type of information that would be disclosed, e.g. if it is of a sensitive nature, if it is already known or generally available to the public
- Any duty of confidentiality owed to the other individual
- Any steps taken to try to get the other individual's consent
- Whether the other individual is capable of giving consent
- Any stated refusal of consent by the other individual.

62. All staff will be made aware that, under the Data Protection Act 2018, if an individual requests information that is also the personal data of an education worker, it is reasonable for the school to disclose information about them without their consent, provided the worker is an employee of the Bourne Education Trust.

## **Education data**

63. Education data is personal data which consists of information that forms parts of a pupil's educational record and is not data concerning health. Most of the personal information held by the school about a particular pupil will typically be considered to form part of the pupil's educational record, including a statement of special educational needs and disabilities (SEND). Information that teaching staff keep solely for their own professional use will not form part of a pupil's educational record.

## **Child abuse data**

64. Child abuse data is personal data consisting of information about whether the data subject is, or has been, the subject of, or may be at risk of, child abuse. This includes physical injury to, and physical and emotional neglect, ill-treatment and sexual abuse of, an individual aged under 18. The school is exempt from providing child abuse data in response to a SAR from someone:

- With parental responsibility for an individual aged under 18.
- Appointed by a court to manage the affairs of an individual who is incapable of managing their own affairs.

65. The exemption will only apply to the extent that complying with the request would not be in the best interests of the pupil.

## **Health data**

66. Health data will not be disclosed in response to a SAR, unless:

- Within the last six months the school has obtained an opinion from the appropriate health professional that the serious harm test for health data is not met; the appropriate health professional will also be reconsulted if it would be reasonable given the circumstances.
- The school is satisfied that the individual it is about has already seen, or knows about, the health data.

## **Exam scripts and exam marks**

67. Pupils do not have the right to copies of their answers to exam questions but can access the information recorded by the person marking the exam. Where a pupil makes a SAR for this information before the results are announced, special rules will apply for how long the school has to comply with the request. The information will be provided within five months of receiving the request, or 40 days of the exam results being announced if this is earlier.

## Record keeping

68. All requests will be recorded on the Trust's data management system (GDPRiS) upon being received and updated as appropriate. Each entry will document:

- The date the SAR was received
- The data subject's name and address
- The name of the requester, if made on another individual's behalf
- Confirmation that requester identification has been verified
- The type of personal data requested
- The deadline for responding
- Whether a charge will be made for the response
- The reason why a request has been refused, where applicable.

## Monitoring and review

69. This policy will be reviewed every two years by the FCAT DPO team or earlier if required (for example in the event of changes to relevant legislation). The next scheduled review date for this policy is Autumn 2027.

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<b>Author:</b>	<b>Head of Compliance</b>
<b>Approved by:</b>	<b>Business Director</b>
<b>Next review:</b>	<b>Autumn 2027</b>

# Annex A: Subject Access Request Form

Please complete the following form and return it to the school office. We will respond within one calendar month unless the request is complex, in which case we will advise you if we need more time.

Please note if the person whose data being requested (data subject) is aged 13 or over, they must provide their consent to the school in writing before this subject access request can be processed.

## Data Subject Details:

Name of person whose data is requested (data subject):	
Address (if applicable):	
Date of birth:	
Details of data requested: Please be specific to help us quickly locate the information. For example: <ul style="list-style-type: none"><li>▪ SEND records</li><li>▪ Behaviour records</li><li>▪ Academic reports</li><li>▪ Attendance records</li><li>▪ Communications from school</li><li>▪ Emails specifically referring to data subject</li><li>▪ Meeting notes</li><li>▪ Other</li></ul>	

Please turn over

If the person requesting the information is NOT the data subject, complete the below:

Are you acting on behalf of the data subject with their written consent or in another legal authority?	Yes/No
If 'Yes' please state your relationship with the data subject (e.g. parent, legal guardian or solicitor)	
Have you provided proof of consent with this application to confirm you are legally authorised to obtain the information? (e.g. letter of authority from the data subject)	Yes/No

**If you are making the request for data about a child aged 13 or over, we will require their written consent before we are able to proceed.**

**Details of person requesting data:**

Name:	
Address:	
Email address:	
Phone number:	
Date of request:	