



Subject Access Request (SAR) Policy

| | |
|----------------|-------------------|
| Approval date: | 16 October 2024 |
| Approved by: | Board of Trustees |
| Next review: | Summer 2026 |

Together we **Exceed**



Contents

| | |
|--|----|
| 1. Statement of Intent | 2 |
| 2. Legal Framework | 2 |
| 3. Definition of Data Protection Terms | 2 |
| 4. Handling Requests | 2 |
| Identity Verification | 3 |
| Requests by a Pupil | 3 |
| Complex Requests | 3 |
| Third Party Requests | 4 |
| Simultaneous Requests | 4 |
| 5. Requests on Behalf of a Pupil | 4 |
| 6. Seeking Clarification | 5 |
| 7. Charges | 5 |
| 8. Finding and Sending Information | 6 |
| Finding Information | 6 |
| Sending Information | 6 |
| 9. Exemptions and Refusing Requests | 7 |
| Manifestly Unfounded Requests | 8 |
| Manifestly Excessive Requests | 8 |
| Information About Other Individuals | 9 |
| Education Data | 9 |
| Child Abuse Data | 9 |
| Health data | 10 |
| Exam Scripts and Exam Marks | 10 |
| 10. Record Keeping | 10 |
| Annex 1 - Definitions | 11 |

1. Statement of Intent

- 1.1 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. At Exceed Academies Trust, we are 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 Trust/school uses such data. This policy sets out how the Trust will:
- Recognise and respond to SARs.
 - Provide the information requested.
 - Always consider pupil wellbeing.
 - Refuse requests, where appropriate.
- 1.2 Routine verbal enquiries and correspondence that covers information that is provided routinely and can be managed quickly in the normal course of the Trust's/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.

2. Legal Framework

- 2.1 This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:
- Data Protection Act 2018
 - DfE (2023) 'Data protection in schools'
 - UK GDPR
- 2.2 This policy operates in conjunction with the following Trust policies:
- Data Asset Register
 - Data Protection Policy
 - Freedom of Information Policy
 - Records Management Policy

3. Definition of Data Protection Terms

- 3.1 All defined terms in this policy are indicated in bold text, and a list of definitions is included in Annex 1 to this policy.

4. Handling Requests

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

- 4.3 The Trust 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 Freedom of Information Policy.
- 4.4 All office staff, and any other staff identified by the DPO, will receive specific training on how to identify a SAR and the next steps to take. All SARs will be forwarded to the DPO, upon receipt, for oversight. The Trust will treat all SARs the same regardless of how they are received, e.g. in writing, verbally or through social media.

Identity Verification

- 4.5 To avoid personal data being sent to someone who does not have a right to access it, the Trust 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.
- 4.6 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 Trust, or there is the possibility of deception. The DPO will determine what information the Trust requires to verify an individual's identity and explain to them what they need to provide.

Requests by a Pupil

- 4.7 Where a request is from a pupil, the Trust 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 Trust will decide on a case-by-case basis. Where the Trust 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

- 4.8 Where a request is deemed to be complex, the response deadline will be extended by an extra 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.
- 4.9 In deciding whether a request is complex, the DPO will consider the Trust's/school's circumstances and the specifics of the requests. 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

4.10 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

4.11 The Trust 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 Trust 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.

4.12 Where the Trust believes an individual may not understand the nature of the information being disclosed and is concerned about disclosing excessive information, the Trust 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

4.13 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 request will be managed separately. The deadline for the SAR will be extended by two months; the individual will be notified with an explanation as soon as possible, and within one month at the latest.

5. Requests on Behalf of a Pupil

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

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

5.2 The Trust will allow parents to exercise their child's rights on their behalf where authorisation is provided, or it is evident that this is in the child's best interests. The Trust 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

- 5.3 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 Trust 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.
- 5.4 Where a pupil authorises someone other than a parent or carer to make a SAR on their behalf, the Trust 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.
- 5.5 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.

6. Seeking Clarification

- 6.1 Where it is not fully clear what personal data the individual wants, the Trust 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 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 Trust processes a large amount of information about the individual.
- 6.2 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.
- 6.3 Where the Trust 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.
- 6.4 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.

7. Charges

- 7.1 Requesters will not typically be charged for the Trust's compliance with a SAR. The 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.
- 7.2 In determining a reasonable fee, the administrative costs will be considered for:
- Assessing whether the Trust 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 Trust holds the requested information.
 - Staff time in performing all of the above.

- 7.3 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.
- 7.4 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 Trust intends to charge, even if the information is not being provided.
- 7.5 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 DPO will decide if it is appropriate to close the request on a case-by-case basis.

8. Finding and Sending Information

Finding Information

- 8.1 The Trust 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
- 8.2 If certain information is determined to be unreasonable or disproportionate, the Trust will still search for any other information within the scope of the request
- 8.3 The Trust will follow guidance from the ICO on finding and retrieving information to ensure adherence to UK GDPR for all SARs.
- 8.4 Routine management and changes as part of the Trust's processing activities will be allowed to proceed as normal for personal data in line with the Data Protection Policy and Records Management Policy; however, the DPO will ensure that all staff understand that data must not be amended or deleted with the intention of preventing its disclosure under a SAR.

Sending Information

- 8.5 Individuals will receive the following information:
- Confirmation that the Trust is processing their personal data
 - A copy of their personal data
 - Other supplementary information
- 8.6 In addition to the above, the information below may be supplied:
- The Trust's purposes for processing
 - Categories of personal data being processed
 - Recipients or categories of recipient the Trust has or will be disclosing the personal data to

- The retention period for storing the personal data or, where this is not possible, the criteria for determining how long it will be stored
- 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 ICO
- Information about the source of the data, if the Trust did not obtain it directly from the individual
- Whether or not the Trust uses automated decision-making, including profiling, and information about the logic involved, as well as the significance and envisaged consequences of the processing for the individual
- The safeguards provided where personal data has or will be transferred to a third country or international organisation.

8.7 If the information above is provided in the Trust's privacy notice, a link to or a copy of the notice may be provided instead.

8.8 Prior to sending any personal data, information will be thoroughly checked to see if anything should be redacted, e.g. references to other individuals. The destination, e.g. email or postal address, will be checked to ensure it is correct. The DPO will ensure information is sent securely, with consideration given to the nature and sensitivity of the data.

8.9 Information provided will be explained, where necessary, to ensure it is easily understandable, e.g. clarifying the meaning of an attendance code.

8.10 Where a SAR is made verbally or through social media, the Trust will ask for an appropriate delivery address for the response. The Trust 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.

8.11 Where the response is requested to be verbal, the Trust will accept, 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.

8.12 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.

8.13 Where the Trust has concerns, e.g. about security, over the method the individual has requested their information, the DPO will contact them as soon as possible to explain the Trust's concerns and ask for an alternative address or method.

9. Exemptions and Refusing Requests

9.1 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 Trust has obtained an opinion within the last six months from an appropriate health professional that the serious harm test is met.

- 9.2 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 Trust will not refuse the SAR without strong justification.
- 9.3 Following a refusal, the Trust will inform the individual of:
- The reasons why.
 - Their right to make a complaint to the ICO.
 - Their ability to seek to enforce their right through the courts.
- 9.4 The Trust 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.
- 9.5 A record of when and why a decision was made to refuse a SAR, in whole or in part, will be maintained on the SAR Log.

Manifestly Unfounded Requests

- 9.6 The Trust 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 Trust/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 Trust/school or specific employees.
 - Targets a particular employee against whom they have a personal grudge.
 - Systematically sends different requests to the Trust/school, e.g. once a week, as part of a campaign.

Manifestly Excessive Requests

- 9.7 The Trust 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 unreasonable. The DPO 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 Trust/school and the individual
 - Whether a refusal to provide the information, or even acknowledge if the Trust holds it, may cause substantive damage to the individual
 - The Trust'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

9.8 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.

9.9 The DPO will determine on a case-by-case basis whether it is reasonable to comply without the other individual's consent. 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.

9.10 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 Trust to disclose information about them without their consent, provided the worker is:

- An employee of an LA that maintains a school.
- A teacher or other employee at a voluntary-aided, foundation or foundation special school, an academy school, alternative-provision academy, independent school or non-maintained special school.

Education Data

9.11 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 Trust about a particular pupil will typically be considered to form part of the pupil's educational record, including a statement of SEN. Information that teaching staff keep solely for their own professional use will not form part of a pupil's educational record.

Child Abuse Data

9.12 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 Trust 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.

9.13 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

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

- Within the last six months the Trust/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 Trust/school is satisfied that the individual it is about has already seen, or knows about, the health data.

Exam Scripts and Exam Marks

9.15 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 Trust 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.

10. Record Keeping

10.1 All requests will be recorded on the Trust's SAR Log 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.
- 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.

Annex 1 - Definitions

| Term | Definition |
|------------------|---|
| Data Subjects | for the purpose of this policy include all living individuals about whom we hold personal data. This includes pupils, our workforce, staff, and other individuals. A data subject need not be a UK national or resident. All data subjects have legal rights in relation to their personal information |
| Personal Data | means any information relating to an identified or identifiable natural person (a data subject); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person |
| Data Controllers | are the people who or organisations which determine the purposes for which, and the manner in which, any personal data is processed. They are responsible for establishing practices and policies in line with Data Protection Legislation. We are the data controller of all personal data used in our business for our own commercial purposes |
| Processing | is any activity that involves use of the data. It includes obtaining, recording or holding the data, or carrying out any operation or set of operations on the data such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction. Processing also includes transferring personal data to third parties |
| Workforce | Includes, any individual employed or commissioned by the Trust such as staff and those who volunteer in any capacity including Governors and/or Trustees / Members/ parent helpers and system leaders / Trainees through the Exceed SCITT. |