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Data Subject Access Protocol

Policy Author:	Alison Hall
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Next Review Date:	November 2024

Brief

Has an identical request been received previously? Has sufficient time elapsed?

Is the person making the request able to do so?

This protocol sets out the circumstances and processes for managing requests from individuals (Data Subjects) to access the personal data which is held by Washingwell Primary School.

Such requests have a statutory timeframe and specific requirements for disclosure and should be processed and recorded centrally by the Data Protection Officer. Data subjects are entitled to be told;

- How long we retain data
- Their rights to have inaccurate data corrected
- The legal basis for processing this data

There is no fee for this service.

Protocol Process

Stage 1 - Establish Bona Fides of Request

Check that the person making the request is either the Data Subject or someone who is authorised to act on their behalf.

Stage 2 – The application form or request has been received in writing

Check supporting evidence. If the requestor is not the Data Subject, has a copy of the Power of Attorney or a Proof of Authority to act been provided? Is the Data Subject a Child? Does the person making the request have evidence that he/she has parental rights in regard to the data subject?

Stage 3 – Establish Validity of Request

Is there sufficient information to identify where the data requested (if any exists) will be? Is the request manifestly unfounded or excessive?

Stage 4 – Issue written acknowledgement to requestor

Calculate the 30 calendar day deadline for response. E-mail or post letter. Return any original documents supplied.

Stage 5 – Undertake Initial Departmental Investigations

Do any relevant files exist? Departments locate all of the files (if any exist) which contain the information requested.

Stage 6 – Establish whether there are any Third Party data involved

DPO to advise if Third Party Data/any refusal from Third Party justify exemption from disclosure.

Stage 7 – Establish whether any exemptions from Disclosure Apply before secure disclosure

Advice from DPO sought re any applicable exemption.

Disclosure

The school, with advice from the Data Protection Officer, will establish what is to be disclosed and how. The school collates exemption/non-disclosure details for the DPO who can offer advice on redaction of non-disclosable data.

The service area will need to identify the legal basis for sharing and retention information which has to be provided to the Data Subject. Reference can be made to Information Audit documents.

Hard Copy disclosures, with necessary redactions, should be made following advice from the Data Protection Officer who can ensure the most appropriate, secure method is used. The school/academy will disclose to the requestor the data being disclosed, providing details of the exemptions on which the refusal to disclose other information is based. Details of record retention, the legal basis for processing and any third party sharing will be explained. The letter will explain the rights of the Data Subject to have any inaccuracies corrected. The right to complain and details of the Information Commissioner's office will be given.

The central record of Data Subject Access Requests and Disclosures made will be maintained by the school/academy.

Checks and Balances

Do not assume that the requestor has the authority to ask for the data. Seek evidence. Where the Data Subject is a child, ensure that the requestor has parental responsibility and consider the age of the child. If the child is old enough to understand the concept of privacy, consider getting their consent or suggesting they make their own request.

Ensure necessary redactions of third party data are clearly made with a black pen and are photocopied so that no readable material exists. Consider what is already known to the Data Subject regarding Third Parties. Consider obtaining Consent from family members to make redaction unnecessary.

Consider any exemptions that may apply. Would disclosure harm the Data Subject or any other individual?

Consider if the request is manifestly unreasonable or a repeated request for the same information.

Take care when disclosing hard copy material. Consider arranging a hand delivery or handover in person to the requestor. Postage should be via special delivery in a sturdy envelope and check the correspondence address.

Simple Process Summary

Validate and acknowledge request providing 30 calendar day deadline



Log centrally [designated staff member]



Send to relevant directorate(s) to locate and copy data



Service area to supply copied data to Designated staff member of deadline



Service area to keep a copy of disclosure along with reasons for any redactions



Designated staff member to disclose hard copy in a secure manner and update Log



Face to face disclosure may be undertaken by service area where more appropriate

If you need advice and assistance contact your DPO at Veritau