

## 1. Policy Statement

All individuals who are the subject of personal data held by My Schools Together are entitled to:

- Ask what information the company holds about them and why.
- Ask how to gain access to it.
- Be informed how to keep it up to date.
- Be informed how the company is meeting its data protection obligations.

If an individual contacts the federation requesting this information, this is called a subject access request (SAR).

## 2. GDPR Compliance

Under the right of subject access, an individual is entitled only to their own personal data, and not to information relating to other people (unless they are acting on behalf of that person). Neither are they entitled to information simply because they may be interested in it. Subject access provides a right to see the information contained in personal data, rather than a right to see the documents that include that information.

## 3. Procedure

### 3.1 Subject Access Request

For a SAR to be valid, it must be made in writing or email

Subject access requests should be addressed FAO the Data Protection Officer at:

[DPO@oldham.gov.uk](mailto:DPO@oldham.gov.uk)

If a member of staff receives a request verbally from an individual, they will explain to the individual how to make a valid request;

If a disabled person finds it impossible or unreasonably difficult to make a SAR in writing, we may have to make a reasonable adjustment for them under the Equality Act 2010. We will also try to respond in a particular format which is accessible to the disabled person, such as Braille, large print, email or audio formats.

### 3.2 Confirmation of Identity

Before we are obliged to respond to a request, the Act allows us to confirm the person's identity, we will ask for enough information to judge whether the person making the request is the individual to whom the personal data relates. This is to avoid personal data about one individual being sent to another, accidentally or as a result of deception.

## Subject Access Request (SAR) Policy and Procedure

We will not assume that, on every occasion, the person making a request is who they say they are. In some cases, we will ask the person making the request to verify their identity before sending them information.

### 3.3 Response

My Schools Together will respond to a SAR as soon as possible, at the latest within one month of receipt. However, this can be extended by a further two months where the request is complex or where there are numerous requests.

The Act requires that the information we provide to the individual is in “intelligible form”. At its most basic, this means that the information we provide will be capable of being understood by the average person. However, the Act does not require us to respond in a form that is intelligible to the particular individual making the request.

Where the Data Subject makes a SAR by email, and unless otherwise requested by the Data Subject, the information will be provided in an email.

## 4. Data Sharing

If we are asked to share personal data relating to an individual, we would follow the ICO recommended checklist

### Is the sharing justified?

*Key points to consider:*

- Do you think you should share the information?
- Have you assessed the potential benefits and risks to individuals and/or society of sharing or not sharing?
- Do you have concerns that an individual is at risk of serious harm?
- Do you need to consider an exemption in the DPA to share?

### Do you have the power to share?

*Key points to consider:*

- The type of organisation you work for.
- Any relevant functions or powers of your organisation.
- The nature of the information you have been asked to share (for example was it given in confidence?).
- Any legal obligation to share information (for example a statutory requirement or a court order).

### If you decide to share

*Key points to consider:*

- What information do you need to share? -Only share what is necessary, Distinguish fact from opinion.
- How should the information be shared? - Information must be shared securely.
- Ensure you are giving information to the right person.
- Consider whether it is appropriate/safe to inform the individual that you have shared their information.

### Record your decision

*Key points to consider If you share information*

- What information was shared and for what purpose.
- Who it was shared with,
- When it was shared,
- Your justification for sharing,
- Whether the information was shared with or without consent.

### 5. Requests via a third party

The Act does not prevent an individual making a SAR via a third party. Often, this will be a solicitor acting on behalf of a client, but it could simply be that an individual feels comfortable allowing someone else to act for them. In these cases, we need to be satisfied that the third party making the request is entitled to act on behalf of the individual, but it is the third party's responsibility to provide evidence of this entitlement. We need written authority to make the request.

If we think an individual may not understand what information would be disclosed to a third party who has made a subject access request on their behalf, we will send the response directly to the individual rather than to the third party. The individual may then choose to share the information with the third party after having had a chance to review it.

### 6. Requests for information about children?

Even if a child is too young to understand the implications of subject access rights, data about them is still their personal data and does not belong, for example, to a parent or guardian. So it is the child who has a right of access to the information held about them, even though in the case of young children these rights are likely to be exercised by those with parental responsibility for them.

Before responding to a subject access request for information held about a child, we will consider whether the child is mature enough to understand their rights. If we are confident that the child can understand their rights, then we will respond to the child rather than a parent.

If the child is able to understand (in broad terms) what it means to make a subject access request and how to interpret the information they receive as a result of doing so. When considering borderline cases, we will take into account:

- The child's level of maturity and their ability to make decisions like this; the nature of the personal data;
- Any court orders relating to parental access or responsibility that may apply; any duty of confidence owed to the child or young person;
- Any consequences of allowing those with parental responsibility access to the child's or young person's information, this is particularly important if there have been allegations of abuse or ill treatment;
- Any detriment to the child or young person if individuals with parental responsibility cannot access this information; and
- Any views the child or young person has on whether their parents should have access to information about them.

### 7. If the data includes information about other people

Responding to a subject access request may involve providing information that relates both to the individual making the request and to another individual. The Act says we do not have to comply with the request if to do so would mean disclosing information about another individual who can be identified from that information, except where:

- The other individual has consented to the disclosure; or
- It is reasonable in all the circumstances to comply with the request without that individual's consent.

So, although we may sometimes be able to disclose information relating to a third party, we will decide whether it is appropriate to do so in each case. This decision will involve balancing the data subject's right of access against the other individual's rights in respect of their own personal data. If the other person consents to us disclosing the information about them, then we will disclose. If there is no such consent, we will decide whether to disclose the information anyway.

We will not refuse to provide subject access to personal data about an individual simply because we obtained that data from a third party. The rules about third party data apply only to personal data which includes both information about the individual who is the subject of the request and information about someone else.

### 8. Data Portability

The GDPR allows for Data Subjects to receive their personal data in a structured, commonly used and machine-readable format. In addition it allows them to request it to be transmitted to another Data Controller.

The Data Portability right does not apply to all personal data held by the Data Controller concerning the Data Subject. Firstly it has to be automated data. Paper files are not included. Secondly the personal data has to be knowingly and actively provided by the Data Subject. By contrast personal data that are derived or inferred from the data provided by the Data Subject. The personal data has to be processed by the Data Controller with the Data Subject's consent or pursuant to a contract with him/her.

## APENDIX 1 - Data Review Request Form

<b>Child's Details</b>	
<b>Child's Name</b>	
<b>Child's Date of Birth</b>	
<b>Child's Current Address</b>	
<b>Child's Current Class</b>	
<b>Person Requesting Data Review</b>	
<b>Your Name</b>	
<b>Your Relationship To the Child</b>	
<b>Your Address</b>	
<b>Your Telephone Number</b>	
<b>Do You Have Parental Responsibility ?</b>	
<b>Your Request</b>	
<b>What Data / Which Records Do You Wish To View ?</b>	
<b>Why Do You Wish To View Them ?</b>	
<b>What Do You Expect To Find In These Records ?</b>	

Please sign this request.....

**Signed :**

**Date :**

Once completed, please hand this form into the school office who will ensure that it is forwarded to the right person (the school's Data Protection officer). You will be issued with a receipt for it. We are required to respond to your request within one calendar month of this request being received.

**NB :** Should your request be accepted, we would not normally make a charge. However, we reserve the legal right to do so if your request is vexatious, excessive or unfounded.