

West Exmoor Federation



Data Subject Rights Procedure

Version 1.0

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West Exmoor Federation
(Lynton CE Primary)
(Parracombe CE Primary)
(Kentisbury Primary)

If you require help in the interpretation of this procedure, contact Vikki Brown

If this document has been printed, please note that it may not be the most up-to-date version. For the current version please contact DPO Vikki Brown or check the federation website

1.0 Introduction

1.1 This procedure supports the School's Data Protection Policy and applies to staff, agents, Governors, contractors and partners of School. The intention of this procedure is to ensure that the School is able to respond appropriately to data subjects who wish to exercise their rights under the [General Data Protection Regulation](#) (GDPR) or other applicable laws governing the processing of personal data.

2.0 Scope

2.1 This procedure applies to the handling of requests made by data subjects, to exercise their rights under the GDPR or other applicable laws governing the processing of personal data. This may include members of the public, the School's clients and its staff.

3.0 Procedure review

3.1 This procedure will be reviewed by the Data Protection Officer on an annual basis. Formal requests for changes should be sent to the Data Protection Officer at Lynton Primary School.

4.0 Roles and responsibilities

4.1 Responsibility for GDPR compliance rests with the School's Head teacher. The Data Protection Policy and its supporting guides and standards are managed, maintained and communicated to staff by the Data Protection Officer.

4.2 The School's Information Asset Owners and Information Asset Administrators are responsible for ensuring that appropriate structures and procedures are in place to enable the School to manage requests from data subjects to exercise their rights under the GDPR. They are also responsible for ensuring that staff are made aware of, and comply with the Data Protection Policy, its associated standards and the Data Subject Rights Procedure. All staff are personally responsible for complying with this policy and supporting standards.

4.3 Requests to exercise should be directed to the Data Protection Officer who is responsible for oversight of these requests.

5.0 Right of transparency

5.1 Under [Chapter 3](#) of the GDPR, a data subject has a right to transparency about the way that their personal data is being processed by the School. As such, the School will ensure that when collecting personal data, we make available the information contained in our template [Privacy Notice](#). This may be available online and referenced on data capture forms, directly referenced on documentation or provided verbally.

5.2 If the School receives personal data from third parties, we will ensure that the information contained in a privacy notice, is made available to a data subject as soon as practical. This will usually be at the first point we are required to communicate with the data subject.

5.3 The School will endeavour to make available the information contained in our [Privacy Notice](#) proactively. Services responsible for the collection and processing of personal data must be prepared to offer this information to the Data Protection Officer on request. This information will be supplied to those requesting it, within one calendar month of receipt of their request to the Data Protection Officer.

5.4 Further advice on Privacy Notices is available on the [Inside Devon website](#). For more detailed assistance contact the Data Protection Officer.

6.0 The right of subject access

6.1 [Article 15](#) of the GDPR outlines a data subject's right to request access to their personal data. Requests include the right to ask for;

- the purposes of the processing;
- the categories of personal data concerned;
- the recipients or categories of recipient to whom the personal data have been or will be disclosed, in particular recipients in third countries or international organisations;
- where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period;
- the existence of the right to request from the controller rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing;
- the right to lodge a complaint with a supervisory authority;
- where the personal data are not collected from the data subject, any available information as to their source;
- the existence of automated decision-making, including profiling, referred to in Article 22(1) and (4) and, at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.

6.2 Requests to exercise this right (the right to subject access) are delivered by the Information Governance Team with oversight from the Data Protection Officer. All requests will be logged on the School's Customer Relationship Management System within 3 working days of receipt. Such requests will be acknowledged within 3 working days and allocated to a Disclosure Officer in the Information Governance Team who will ensure that the School is satisfied that the requester has the necessary proof of entitlement to receive the information they have requested.

6.3 Examples of the proof of entitlement that the School is prepared to accept from those wishing to make a subject access request, are outlined on the School's [access to information website](#).

6.4 Once satisfied that the person making a request is entitled to receive what they have requested, the Disclosure Officer will undertake reasonable searches for the information in question. If necessary, clarification will be sought promptly from the data subject, to assist with any searches for information.

6.4 It is the responsibility of the Disclosure Officer to ensure that information which the data subject is not entitled to receive, is removed from documentation disclosed in response to a subject access request. All disclosures will be subject to peer checking procedures.

6.5 The School will endeavour to respond to a request within 1 calendar month of receipt of any necessary clarification and or proof of entitlement. West Exmoor Federation reserves the right to extend this deadline by a further month if compliance with the request involves reading and or removing information the data subject is not entitled to, from over 1500 pages.

6.6 If the School needs to extend the deadline to respond to a request, we will write to the data subject in advance to notify them of the reason for this. We will also endeavour to keep the data subject updated with progress of their request and will write to notify them of any delay in responding.

6.7 If during the course of handling a request to exercise this right, the School becomes aware of any system or process that is not able to facilitate such a request, the system or process in question will be subject to a [privacy impact assessment](#). This will be handled in accordance with the School's Information Assurance Policy.

7.0 The right to rectification

7.1 [Article 16](#) of the GDPR outlines that data subject have the right to obtain from the School without undue delay the rectification of inaccurate personal data concerning them. The data subject is also entitled to have incomplete personal data updated if necessary.

7.2 Requests to exercise this right are managed by the School's Data Protection Officer or their deputy who will ensure requests are logged on the School's information rights recording system and acknowledged within 3 working days.

7.3 The School reserves the right to request proof of identification from those wishing to exercise this right. The type of documentation we are prepared to accept in this instance is outlined on our [Access to Information pages](#) online.

7.4 Once the School is satisfied of the identity of the person making a request to exercise this right, the requests will be sent to the relevant Service Lead for a decision

as to whether the right to rectification is applicable. Where necessary, advise will be sought from the Data Protection Officer. Contentious matters will be referred to the relevant Head Teacher for a decision where necessary.

7.5 The School will respond to any requests to exercise this right within 1 calendar month of receipt of any necessary clarification and or proof of identity. Our response will clearly outline the decision taken by the School and will detail how the data subject can appeal any decision. We will also endeavour to keep the data subject updated with progress of their request and will write to notify them of any delay in responding.

7.6 If during the course of handling a request to exercise this right, the School becomes aware of any system or process that is not able to facilitate the right to rectification, the system or process in question will be subject to a [privacy impact assessment](#). This will be handled in accordance with the School's Information Assurance Policy (Insert hyperlink).

8.0 Right to erasure

8.1 [Article 17](#) of the GDPR outlines that under circumstances, a data subject has the right to erasure of their personal data. Requests to exercise this right are managed by the School's Data Protection Officer or their deputy who will ensure requests are logged on the School's information rights recording system and acknowledged within 3 working days.

8.2 The School reserves the right to request proof of identification from those wishing to exercise this right. The type of documentation we are prepared to accept in this instance is outlined on our [Access to Information pages](#) online.

8.3 Once the School is satisfied of the identity of the person making a request to exercise this right, the requests will be sent to the relevant direct report to Head Teacher and relevant service lead for a decision as to whether the right to erasure can be complied with or whether there are other legitimate legal reasons to refuse this request. Where necessary, advise will be sought from the Data Protection Officer. Contentious matters will be referred to the relevant Head Teacher for a decision where necessary.

8.4 The School will respond to any requests to exercise this right within 1 calendar month of receipt. Our response will clearly outline the decision taken by the School and will detail how the data subject can appeal any decision. We will also endeavour to keep the data subject updated with progress of their request and will write to notify them of any delay in responding.

8.5 If during the course of handling a request to exercise this right, the School becomes aware of any system or process that is not able to facilitate the right to erasure, the system or process in question will be subject to a [privacy impact assessment](#). This will be handled in accordance with the School's Information Assurance Policy (Insert hyperlink).

9.0 Right to restriction of processing

9.1 [Article 18](#) of the GDPR outlines that under circumstances, a data subject has the right to request the restriction of processing of their personal data. Requests to exercise this right are managed by the School's Data Protection Officer or their deputy who will ensure requests are logged on the School's information rights recording system and acknowledged within 3 working days.

9.2 The School reserves the right to request proof of identification from those wishing to exercise this right. The type of documentation we are prepared to accept in this instance is outlined on our [Access to Information pages](#) online.

9.3 Once the School is satisfied of the identity of the person making a request to exercise this right, the requests will be sent to the relevant direct report to Head Teacher and relevant service lead for a decision as to whether the right to restriction of processing can be complied with or whether there are other legitimate legal reasons to refuse this request. Where necessary, advice will be sought from the Data Protection Officer. Contentious matters will be referred to the relevant Head Teacher for a decision where necessary.

9.4 The School will respond to any requests to exercise this right within 1 calendar month of receipt. Our response will clearly outline the decision taken by the School and will detail how the data subject can appeal any decision. We will also endeavour to keep the data subject updated with progress of their request and will write to notify them of any delay in responding.

9.5 If during the course of handling a request to exercise this right, the School becomes aware of any system or process that is not able to facilitate the right restriction of processing, the system or process in question will be subject to a [privacy impact assessment](#). This will be handled in accordance with the School's Information Assurance Policy.

10.0 Right to data portability

10.1 [Article 20](#) of the GDPR outlines that under circumstances, a data subject has the right to request a copy of the personal data they have supplied to the School in machine readable format. Requests to exercise this right are managed by the School's Data Protection Officer or their deputy who will ensure requests are logged on the School's information rights recording system and acknowledged within 3 working days.

10.2 The School reserves the right to request proof of identification from those wishing to exercise this right. The type of documentation we are prepared to accept in this instance is outlined on our [Access to Information pages](#) online.

10.3 Once the School is satisfied of the identity of the person making a request to exercise this right, the requests will be sent to the relevant direct report to Head Teacher and relevant service lead for a decision as to whether the right to data portability can be complied with or whether there are other legitimate legal reasons to refuse this request. Where necessary, advice will be sought from the Data Protection Officer. Contentious matters will be referred to the relevant Head Teacher for a decision where necessary.

10.4 The School will respond to any requests to exercise this right within 1 calendar month of receipt. Our response will clearly outline the decision taken by the School and will detail how the data subject can appeal any decision. We will also endeavour to keep the data subject updated with progress of their request and will write to notify them of any delay in responding.

10.5 If during the course of handling a request to exercise this right, the School becomes aware of any system or process that is not able to facilitate the right to erasure, the system or process in question will be subject to a [privacy impact assessment](#). This will be handled in accordance with the School's Information Assurance Policy.

11.0 Right to object to processing

11.1 [Article 21](#) of the GDPR outlines that a data subject has the right to object to processing. Requests to exercise this right are managed by the School's Data Protection Officer or their deputy who will ensure requests are logged on the School's information rights recording system and acknowledged within 3 working days.

11.2 The School reserves the right to request proof of identification from those wishing to exercise this right. The type of documentation we are prepared to accept in this instance is outlined on our [Access to Information pages](#) online.

11.3 Once the School is satisfied of the identity of the person making a request to exercise this right, the requests will be sent to the relevant direct report to Head Teacher and relevant service lead for a decision as to whether the right to erasure can be complied with or whether there are other legitimate legal reasons to refuse this request. Where necessary, advice will be sought from the Data Protection Officer. Contentious matters will be referred to the relevant Head Teacher for a decision where necessary.

11.4 The School will respond to any requests to exercise this right within 1 calendar month of receipt. Our response will clearly outline the decision taken by the School and will detail how the data subject can appeal any decision. We will also endeavour to keep the data subject updated with progress of their request and will write to notify them of any delay in responding.

12.0 Right to request human intervention if processing is by automated means

12.1 [Article 22](#) of the GDPR outlines that a data subject has the right to human intervention if the processing of their personal data is happening entirely by automated means. Requests to exercise this right are managed by the School's Data Protection Officer or their deputy who will ensure requests are logged on the School's information rights recording system and acknowledged within 3 working days.

12.2 The School reserves the right to request proof of identification from those wishing to exercise this right. The type of documentation we are prepared to accept in this instance is outlined on our [Access to Information pages](#) online.

12.3 Once the School is satisfied of the identity of the person making a request to exercise this right, the requests will be sent to the relevant direct report to Head Teacher and relevant service lead for a decision as to whether the right to erasure can be complied with or whether there are other legitimate legal reasons to refuse this request. Where necessary, advice will be sought from the Data Protection Officer. Contentious matters will be referred to the relevant Head Teacher for a decision where necessary.

12.4 The School will respond to any requests to exercise this right within 1 calendar month of receipt. Our response will clearly outline the decision taken by the School and will detail how the data subject can appeal any decision. We will also endeavour to keep the data subject updated with progress of their request and will write to notify them of any delay in responding.

12.5 If during the course of handling a request to exercise this right, the School becomes aware of any system or process that is not able to facilitate the right to erasure, the system or process in question will be subject to a [privacy impact assessment](#). This will be handled in accordance with the School's Information Assurance Policy.

13.0 Information security incident record keeping

13.1 The officer responsible handling a data subject rights request will ensure that robust records are kept of their handling of the request. Where possible, any investigation will be informed by discussions with key personnel. Records will be

retained for the duration of the security incident investigation and in accordance with the School's Corporate Retention Policy.