

The Bishop Wheeler Catholic Academy Trust



Guidance

Subject Access Request

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Our Mission

The school communities of The Bishop Wheeler Catholic Academy Trust will work together in truth and love to provide the best possible opportunities for all our young people and their families.

Our mission is the provision, development and future safeguarding of a World Class Catholic Education where every child, member of staff and family matters

The schools, their governors and the trust directors will work together, based on the principle of subsidiarity, in faithfulness and humility, to provide an education where Christ and His values of respect, service, tolerance, dignity and forgiveness are at the heart of everything we do.

The Bishop Wheeler Catholic Academy Trust Making a Subject Access Request (SAR)

Under the General Data Protection Regulation you have the right to request access to information we hold about you. Under this right you can request:

- Confirmation that we hold personal information about you and why we do so and;
- a copy of any information we may hold about you

An individual is entitled to make a request for the information we hold about them, but in certain circumstances they may be able to make a request for information we hold on someone else. If you have parental responsibility for a child at school, you may wish to make a request to identify what personal data we hold on that child, as well to request a copy of that information.

The requester must effectively communicate their request to the school in order for us to properly process your request.

Identification

We may ask you to provide any evidence we reasonably need to confirm your identity. This may be done by requesting a recognised form of identification or asking you a series of questions that only a parent of a pupil for example would know the answers to. Identification requested will be in line with the nature of the request.

When requesting details of information held about a pupil, we will confirm your right to this information. In order to do this we may request a copy of the child's birth certificate or other official documentation confirming parental/guardianship rights.

When requesting information on behalf of another individual, we will request a copy of the written authority of the individual involved confirming both their and your identity and clearly stating you are acting on their behalf and with their full knowledge.

How we process Subject Access Requests

School will clarify the nature of the request and determine whether the request relates to information belonging to a child or whether the request has been made in relation to information belonging to the requestor.

In the event that a large quantity of information is being processed about an individual or the information being requested is unclear, the school may ask the requester to specify the information the request is in relation to.

If while processing a request we identify information that relates to third parties, we will take all reasonable steps to establish whether this information can be disclosed.

We are not required to disclose information relating to third parties, unless they have provided their consent or it is reasonable to do so without their consent. If a third party objects to the information being disclosed, we may seek legal advice on what action we should take.

Before sharing any information that relates to third parties, we will where possible anonymise information that identifies individuals. We will also edit information that may affect another party's privacy, and if necessary summarise the information provided (rather than provide a full copy of the document).

Once we have confirmed identification, resolved any queries around the applicant's request, and gathered the relevant information, we will issue our response electronically where possible, or in hard copy. Hard copy responses will be sent by Royal Mail recorded delivery in an envelope or package marked 'Private and Confidential' and 'Addressee Only'. It is the requester's responsibility to ensure school holds accurate address details.

Right to Information

Parents accessing their child's personal data under the GDPR are exercising the child's right of subject access on the child's behalf.

A parent or guardian does not have an automatic right to information held about their child. The right belongs to the child and the parent acts on their behalf, where they have parental responsibility for the child.

In England, the age at which a child reaches sufficient maturity to exercise their own right to access their information is normally 13, but this may vary amongst individuals. Once a child reaches sufficient maturity, the parent may only act with their child's consent.

Where a child is over the age of 13 and a request is made on their behalf, the school may contact them separately to seek their signed consent for someone to access their records on their behalf. The school may respond directly to the child.

When deciding whether information about a child can be released, consideration will be given to the best interests of the child.

The school will not service a Subject Access Request for information held on a child if the child, having been deemed capable and mature enough to understand the nature of the request and the consequences of their actions, refuses to consent to this information being disclosed.

The cost

A copy of the information will be supplied to the requester free of charge; however, school may impose a 'reasonable fee' to comply with requests for further copies of the same information or for excessive requests.

Where a request is manifestly unfounded, excessive or repetitive, a reasonable fee may be charged. All fees will be based on the administrative cost of providing the information charged at £25.00 per hour. Where the total fee charged exceeds £450, school has the right to refuse the request.

Where a fee has been imposed, the individual has the right to appeal to the cost specified in the first case to the School and, if they are still dissatisfied, they may complain to the Information Commissioner's Office.

Timeframe

We will send a response within 30 calendar days starting from the date when we have received all the information necessary to identify you and, where necessary, identify the information requested or where a fee is charged, the fee has been paid in full. We will aim to respond to all requests as soon as possible within this timeframe.

Where a response is proving difficult to service, we may provide the information that is available while we continue to work through additional information.

In the event of numerous or complex or excessive requests, the period of compliance may be extended by a further two months. The requester will be informed of this extension, and will receive an explanation of why the extension is necessary, within one month of the receipt of the request.

In the event that a large quantity of information is being processed about an individual, the school may ask the requester to clarify, refine or reduce the information requested.

As a matter of course, requests submitted prior to any school holiday period will be responded to within the required timescales. However, the ability of the school to service such requests may be reduced or impossible due to staff absence and school closure over the school holidays. Teaching school staff with permission to access pupil information are not required to work within school holidays.

Administrative school staff may also not be contracted to work outside of term time, rendering the request impossible to fulfil in the absence of staff and school closure.

Should a school holiday closedown period severely affect the school's ability to facilitate the production of the required information, the requestor will be notified and school may extend the period of compliance by a further two months.

Requests made during school closures, principally the summer holiday period, will not be actioned until staff return to work at the beginning of term time and identification of the requestor has been, made where applicable.

This information will be communicated on the school website.

Grounds for not complying with Subject Access Requests

Where a request is manifestly unfounded or excessive, the school holds the right to refuse to respond to the request. The requester will be informed of this decision and the reasoning behind it, as well as their right to complain to the supervisory authority and to a judicial remedy. We will inform you of this decision within one month of the request.

If you have made a previous subject access request, we must respond only if a reasonable interval has elapsed since this previous request was made. We will define a reasonable interval by reviewing the elapsed time, nature of information, and changes that have occurred since the last request was made.

Inaccurate information in our records

If you identify an error in the information we hold please notify us as soon as possible. If we agree that the information is inaccurate we will take all reasonable steps to correct the information or, if relevant and practically possible, remove the inaccurate information by deletion or secure destruction.

If we believe the information is accurate, or we are unable to make a decision as to the accuracy of the information, we will keep a note of the alleged error on file.

What to do if you want us to stop processing your data

You have the right to ask us to delete or completely stop processing some of your data, or stop processing this data in relation to a particular purpose or in a particular way. The right to prevent processing applies only in specific limited circumstances.

We will respond to a processing objection within 20 days of receipt, and in writing, advising that we have either complied with your request, intend to comply with it, or state the extent to which we will comply with it and why. Please also see the 'Timeframe' section and the advice on school closures above which may affect the response time.

Where we cannot comply with a request to delete or stop processing data we will clearly communicate the reasons to you.

Complaints

An individual having any complaint in connection with our actions has the right to present a complaint in writing to the Headteacher of the school.

If you remain dissatisfied, you have the right to report your concern to the Information Commissioner's Office (ICO):

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Telephone: 0303 123 1113
<https://ico.org.uk>

The 13 schools in our Trust:

St. Mary's Menston, a Catholic Voluntary Academy

St. Joseph's Catholic Primary School Otley, a Voluntary Academy

Ss Peter and Paul Catholic Primary School, a Voluntary Academy

Sacred Heart Catholic Primary School Ilkley, a Voluntary Academy

St Mary's Horsforth Catholic Voluntary Academy

St. Joseph's Catholic Primary School Pudsey, a Voluntary Academy

St Joseph's Catholic Primary School Harrogate, a Voluntary Academy

St Mary's Catholic Primary School Knaresborough, a Voluntary Academy

St. Stephen's Catholic Primary School and Nursery, a Voluntary Academy

Holy Name Catholic Voluntary Academy

St Roberts Catholic Primary School, a Voluntary Academy

St John Fisher Catholic High School Harrogate, a Voluntary Academy

St Joseph's Catholic Primary School Tadcaster, a Voluntary Academy



The Bishop Wheeler Catholic Academy Trust

The Bishop Wheeler Catholic Academy Trust is a charity and a company limited by Guarantee, registered in England and Wales.

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