

The Bishop Wheeler Catholic Academy Trust



Policy

Subject Access Request (SAR)

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The Bishop Wheeler Catholic Academy Trust



Our Mission

Outstanding Catholic education for all pupils. As a family of schools, we will enable our young people to develop spiritually, morally, intellectually and personally, putting their faith into action, through serving Christ in others, in the church and in the world around them.

This policy was approved by the Chief Executive Officer on behalf of the Trust Board

Signature:

Mr D Beardsley

Chief Executive Officer

Date: 15th January 2024

Version		1.0	
Date		January 2024	
Approved by CEO		15/01/24	
Version	Date	Description	Revision Author/s
1.0	January 2024	Trust Policy	JJN (DPO), GNE (COO), DBY (CEO)

Change Review

Version	Date	Changes
1.0	January 2024	New Policy - changed from guidance to a policy. Full review completed.

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Definitions

In this Subject Access Request policy, unless the context otherwise requires, the following expressions shall have the following meanings:

BWCAT	The Bishop Wheeler Catholic Academy Trust.
Trust, we and our	Covers all of the schools within The Bishop Wheeler Catholic Academy Trust and The Bishop Wheeler Catholic Academy Trust Central Team.
Trust Board	The Directors of the Trust Board.
Academy Council	Governors elected or appointed to individual Academy Councils.
CEO	The Chief Executive Officer for the Trust.
DPO	Data Protection Officer – The Head of Governance is the DPO for BWCAT
DSL	Designated Safeguarding Lead
ICO	Information Commissioner’s Office
GDPR	General Data Protection Regulation
Personal Data	<p>Any information relating to an identifiable person who can be directly or indirectly identified, in particular by reference to an identifier.</p> <p>This definition provides for a wide range of personal identifiers to constitute personal data, including:</p> <ul style="list-style-type: none"> • name • identification number • location data • online identifier <p>It may also include factors specific to the individual’s physical, physiological, genetic, mental, economic, cultural or social identity.</p>

	UK GDPR applies to both automated personal data and to manual filing systems where personal data are accessible according to specific criteria.
Sensitive personal data (special categories of personal data)	<p>Personal data which is more sensitive and so requires greater protection. This includes:</p> <ul style="list-style-type: none"> • racial or ethnic origin • political opinions • religious or philosophical beliefs • trade union membership • genetic data • biometric data for the purpose of uniquely identifying a natural person (e.g. fingerprints, retina and iris patterns), • health – physical or mental • sex life or sexual orientation. <p>Personal data relating to criminal convictions and offences are not included, but similar extra safeguards apply to its processing.</p>
Processing	<p>Any action involving personal information, including obtaining, viewing, recording, copying, amending, adding, deleting, extracting, storing, disclosing, destroying or otherwise using information.</p> <p>Processing can be automated or manual.</p>
Data subject	The identified or identifiable individual who is the subject of personal data or the person to whom the information relates.
Data controller	A person or organisation that determines the purposes and the means of processing personal data.
Data processor	A person or other body, other than an employee of the data controller, who processes personal data on behalf of the data controller.

Statement of Intent

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 the Bishop Wheeler Catholic Academy Trust (BWCAT) 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 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.

Legal Framework

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

This policy operates in conjunction with the following Trust policies:

- Data Protection Policy
- Freedom of Information Policy
- Records Management Policy

Roles and responsibilities

The Trust Board will be responsible for:

- Ensuring all BWCAT academies respect the rights of individuals to obtain copies of their personal information.
- Ensuring the Head of Governance obtains legal advice as required when handling SARs.

The Headteacher will be responsible for:

- Ensuring all staff understand how to recognise a SAR.
- Ensuring the wellbeing of pupils is always taken into account when handling SARs.

The Head of Governance will be responsible for:

- Overseeing the management of all SARs received by individual academies.
- Ensuring all relevant staff understand their roles and responsibilities in relation to complying with SARs.
- Identifying which staff members should receive specific training on SARs.
- Ensuring an accurate record is retained on the SAR log for each SAR.

The DSL will be responsible for:

- Advising the Head of Governance as necessary on possible safeguarding concerns when handling SARs.

All staff will be responsible for:

- Identifying SARs and understanding the next steps.
- Following instructions and advice from the Head of Governance on how to handle SARs.

Handling requests

Anyone whose personal data is controlled by BWCAT 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.

BWCAT will treat any request where it is clear that an individual is asking for their own personal data, and which is outside the academies' normal course of business, as a SAR. The Head of Governance will determine whether enquiries that are not formal requests for information should be processed as a SAR on a case-by-case basis.

Academies 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.

All SARs will be forwarded to the Head of Governance, upon receipt, for oversight. BWCAT will treat all SARs the same regardless of how they are received, e.g., in writing, verbally or through social media.

The SAR will be acknowledged as soon as possible to the requester, with a timeframe set out for the response. Requests will be responded to within one calendar month from the date received, e.g., a request on 1 January will have a deadline of 1 February. Where there is no corresponding calendar date, the date for response is the last day of the following month, e.g., a request on 31 August will have a deadline of 30 September. Where the corresponding date falls on a weekend or public holiday, the deadline will be the next working day.

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 Trust to service such requests may be reduced or impossible due to staff absence and academy closure over the school holidays. Teaching staff with permission to access pupil information are not required to work within school holidays. Administrative staff may also not be contracted to work outside term time, rendering the request impossible to fulfil in the absence of staff and academy closure.

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

Identity verification

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 timescale for responding will begin only after the requester's identity has been verified. 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 academy, or there is the possibility of deception. The Head of Governance 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

Where a request is from a pupil, the academy 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 academy will decide on a case-by-case basis. Where the academy is confident the pupil understands their rights, the response will be 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

Where a request is deemed to be complex the response deadline will be extended by up to 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.

In deciding whether a request is complex the Head of Governance will consider the academy's circumstances and the specifics of the request. 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

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

BWCAT 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.

Where BWCAT 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

Where an individual makes a number of other requests relating to other rights, e.g., the right to erasure, each request will be managed separately. The deadline for the SAR will be extended by up to two months; the individual will be notified with an explanation as soon as possible, and within one month at the latest.

Requests on behalf of a pupil

Where a parent makes a request to see what data the academy holds about their child the academy 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 a parent or carer would cause the pupil distress or result in safeguarding concerns.

BWCAT 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

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 share. BWCAT 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.

Where a pupil authorises someone other than a parent or carer to make a SAR on their behalf the school 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.

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.

Seeking clarification

Where it is not fully clear what personal data the individual wants, BWCAT 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.

The timescale 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 timescale will resume with an extension by the number of days taken for a response. Where the school 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.

Charges

The Trust may, decide to charge a reasonable fee for administrative costs where:

- A request is manifestly excessive.
- An individual requests further copies of their data following a request.

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 academy holds the requested information.
- Staff time in performing all of the above.

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, not more than their hourly cost, including pay and on-costs.

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.

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 Head of Governance will decide on a case-by-case basis if it is appropriate to close the request.

Finding and sending information

BWCAT will make reasonable efforts to find and retrieve the information requested. Searches will not be conducted where the request is 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

If certain requests for information is determined to be unreasonable or disproportionate, the Trust will still search for any other information within the scope of the SAR. The Head of Governance will have regard to guidance from the ICO on finding and retrieving information to ensure adherence to UK GDPR for all SARs.

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 Head of Governance 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

Individuals will receive the following information:

- Confirmation that BWCAT is processing their personal data
- A copy of their personal data, if no exemptions apply. The data may also be redacted in parts.
- Other supplementary information

In addition to the above, the information below will be supplied:

- BWCAT'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 lodge a complaint with the ICO
- Information about the source of the data, if the Trust did not obtain it directly from the individual
- The safeguards provided where personal data has or will be transferred to a third country or international organisation.

This information is also documented in the BWCAT Privacy Notice, which is available on the Trust and individual academy websites.

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 Head of Governance will ensure information is sent securely, with consideration given to the nature and sensitivity of the data.

Where a SAR is made verbally or through social media, BWCAT 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 normally be provided via copies of relevant sections of original documents.

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.

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

Exemptions and refusing requests

SARs will be refused wholly or in part where:

- An exemption applies.
- It is manifestly unfounded or excessive.
- Complying would cause serious harm to the physical or mental health of any individual.

All SARs will be considered on a case-by-case basis and in the context in which they are made before a decision is made to refuse it. Where an individual genuinely wants to exercise their right to access the Trust will not refuse the SAR without strong justification.

In refusing a request BWCAT will inform the individual of:

- The reasons why.
- Their right to make a complaint to the ICO.

BWCAT 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.

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

BWCAT 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 academy or Trust 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 academy, Trust or specific employees.
- Targets a particular employee, governor, parent or pupil against whom they have a personal grudge.
- Systematically sends different requests to the academy, e.g. daily or weekly, as part of a campaign.

Manifestly excessive requests

BWCAT 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 Head of Governance will consider whether the request is proportionate when balanced with the burden or costs to public funds 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 academy and the individual
- Whether a refusal to provide the information, or even acknowledge if the academy holds it, may cause substantive damage to the data subject or any individual linked to the information.
- The academy'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

Where the information requested would mean disclosing information that identifies another individual, the SAR will be refused wholly or in part unless:

- The other individual consents to the disclosure.
- It is reasonable to comply with the request without the other individual's consent.

The Head of Governance 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 redacted, 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.

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 a staff member, i.e. a teacher's name, it is reasonable for the Trust to disclose information about them without their consent, provided the staff member is an employee of the Bishop Wheeler Catholic Academy Trust.

Education data

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 an academy 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

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 school 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.

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

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

- Within the last six months the Trust has obtained an opinion from the appropriate health professional that the serious harm test for health data is not met; and
- The Trust is satisfied that the individual it is about has already seen, or knows about, the health data.

Record keeping

All requests will be recorded on the BWCAT SAR Log upon being received, and updated as appropriate. Each entry will document:

- The date the SAR was received.
- The data subject's name.
- 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.

Complaints

Please direct any complaint in connection with a SAR in writing to the BWCAT Head of Governance:

Mrs J Johnson at: j.johnson@bwcat.org

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>

Monitoring and review

This policy will be reviewed every three years by the Head of Governance and the CEO. The next scheduled review date for this policy is January 2027.

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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