



HEARTWOOD

LEARNING TRUST

SUBJECT ACCESS REQUEST (SAR) POLICY

THIS POLICY APPLIES TO THE HEARTWOOD LEARNING TRUST BOARD, THE CENTRAL TEAM,
AND ALL TRUST SCHOOLS/ACADEMIES

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Policy Updates

Date	Page	Policy Updates
October 2023	Whole policy	Updated inline with the new Scheme of Delegation
June 2024	3	Statement of Intent - wording updated
June 2024	4	1 - Legal Framework - updated inline with current applicable legislation and Trust policies
June 2024	4	2 - Roles and Responsibilities - section added for clarity of processes involved in SARs reported to the Trust
June 2024	5	4 - Requests for Information - section added for clarity
June 2024	7	8.2 - Point added re: conditions for complying with a SAR from a parent/carer on behalf of a pupil
June 2024	7	9 - section updated to reflect CCTV footage is used for internal monitoring purposes only
June 2024	9	12 - Monitoring and Review - section added inline with other Trust policies
September 2024	6	6.2 - All SARs must be sent to dpo@hlt.academy
September 2024	7	6.3 - Template to respond to SARs with amended to reflect new procedures
September 2024	10	Appendix 1 - Template amended to reflect new procedures

Statement of Intent

This document sets out the Heartwood Learning Trust (HLT) policy for responding to **Subject Access Requests** (SARs) under the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act (DPA) 2018.

A subject access request is a written or verbal request for personal information (known as personal data) held about a data subject by an organisation. UK GDPR gives individuals the 'Right of Access', entitling the data subject to know what information is held about them. It provides a framework to ensure that personal information is handled properly. However, this right is subject to certain exemptions that are set out in the UK GDPR. Any disclosure should be fair, lawful and transparent; information should be limited to what is necessary.

1. Legal Framework

- 1.1. This policy has due regard to all relevant **legislation** and **statutory guidance** including, but not limited to, the following:
 - UK General Data Protection Regulation (UK GDPR)
 - Data Protection Act (DPA) 2018
 - Freedom of Information Act 2000
 - Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004
 - DfE (2023) 'Data Protection in Schools'
- 1.2. This policy has due regard to **guidance** including, but not limited to, the following:
 - Subject Access Code of Practice
- 1.3. This policy operates in conjunction with the following **Trust** policies and procedures:
 - Data Protection (UK GDPR) Policy
 - Complaints Policy and Procedure
 - Freedom of Information (FOI) Policy
 - Subject Access Request (SAR) Procedures

2. Roles and Responsibilities

- 2.1. The nominated **GDPR Representative** is responsible for:
 - Updating the Deputy DPO via email throughout the lifecycle of the SAR
 - Liaising with appropriate school/academy staff to collate information requested in any SARs
 - Redacting any information requested and ensuring this is reviewed by the Deputy DPO prior to its release
- 2.2. The **Compliance Officer** (Deputy DPO) is responsible for:
 - Being the main point of contact for SARs received by the Trust and liaising with the requestor to confirm receipt of a SAR and to securely release the requested information upon completion
 - Keeping an auditable trail/register of all SARs reported across the Trust and assigning a reference to each SAR to ensure this information is tracked appropriately
 - Confirming the deadline for SARs to the nominated GDPR Representative
 - Having regular contact with nominated GDPR Representatives and school/academy staff to ensure their awareness of the work required and expected timescales for completion
 - Checking any redactions and making required suggestions prior to information being disclosed
 - Completing redactions for large SARs, on occasion, to ensure statutory deadlines are met
 - Liaising with the Information Commissioner's Office (ICO) or seeking legal advice on behalf of the schools/academies where required
 - Creating GDPR reports on a half termly basis for the DPO to maintain oversight of SARs alongside other GDPR requests or areas of concern
- 2.3. The **Executive Support Manager (ESM)** is responsible for:
 - Proving final validation of redactions prior to information being disclosed externally
 - Providing support to the Compliance Officer where required

- 2.4. The **DPO** is responsible for:
- Oversight of all GDPR related practices across the Trust
 - Liaising with the ICO where required
 - Providing support to the Deputy DPO where required
- 2.5. The **Headteacher/Principal** is responsible for:
- Ensuring that all staff understand how to recognise a SAR
 - Cascading the Trust's **Subject Access Request (SAR) Policy** to all staff
 - Ensuring the wellbeing of pupils is taken into account when their staff are dealing with SARs
- 2.6. The **Designated Safeguarding Lead (DSL)** is responsible for:
- Advising the nominated GDPR Representative of any possible safeguarding concerns when dealing with SARs
 - Liaising with the Trust's Director of Safeguarding where required for complex cases
- 2.7. The **Director of Safeguarding** is responsible for:
- Providing advice and guidance to the DSL, nominated GDPR Representative and Compliance Officer, where required to support during SARs
- 2.8. **All Staff** are responsible for:
- Adhering to this policy and the Trust's **Subject Access Request (SAR) Procedures** regarding all requests received for access to personal data
 - Providing information to support the completion of SARs, where required and within their remit or area of responsibility and expertise

3. Subject Access Requests under UK GDPR

- 3.1. The UK GDPR works in two ways. Firstly, it states that anyone who processes personal data must comply with six principles, which make sure that personal data is:
- Processed lawfully, fairly and in a transparent manner in relation to individuals
 - Collected for specified, explicit and legitimate purposes
 - Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed
 - Accurate and where necessary, kept up to date
 - Kept in a format which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data is processed
 - Processed in a manner that ensures appropriate security of the personal data
- 3.2. Secondly, it provides individuals with important rights, including the right of access. Individuals have the right to find out details of what personal data is being held about them, by both electronic means (e.g. on a computer or other device) and as paper records intended to form part of a manual filing system.
- 3.2.1. **Personal data** means any information which can be used to identify a natural (living) person.

3.2.2. Personal data includes basic information (such as a person's name, address, telephone number, etc) as well as **Special Category data**, which includes more sensitive data such as information relating to personal beliefs, health, gender or biometric information, etc.

4. Requests for Information

- 4.1. The Trust and its schools/academies control and process large volumes of personal data regarding stakeholders. Everyone is entitled to submit a request for access to the personal data held about them. In cases where the Trust is a Data Processor rather than a Data Controller, the Trust will provide a clear explanation of why they are not able to provide the requested information and will signpost the data subject to the appropriate body.
- 4.2. The Trust may receive requests for personal data which refer to the Freedom of Information Act 2000; these requests will be processed in accordance with this policy and the Trust will notify the requester of the expected timescale for completion of the SAR.
- 4.3. As a Multi-Academy Trust, our schools/academies are not expected to adhere to the Education (Pupil Information) (England) Regulations 2005, which gives parents/carers the right of access to a pupil's educational record within 15 school days. For academy schools, parents/carers have no legal right of access to their child's educational record; this information may be provided at the school/academy's discretion and may be subject to the pupil's consent, depending on their age. If however, a request for an educational record forms part of the information requested in a Subject Access Request, the Trust will treat this as a SAR and will respond to these statutory requests.

5. Procedures

- 5.1. When a subject access request is received, the Trust will firstly confirm the identity of the data subject (or the individual making the request on their behalf). The Trust may request any information reasonably required to **confirm the identity of the requester**. The Trust will request any verification documentation promptly.
- 5.2. The timescale for responding to a SAR is **one calendar month** from the date the identity of the requester is verified. The Trust will respond to a SAR to provide the requester with the information or to provide a clear explanation as to why the Trust is unable to provide the information, depending on the circumstances.
- 5.3. The information will be provided in the **most appropriate format**. The UK GDPR contains a number of exemptions to our duty to disclose personal data and we may seek legal advice if we consider that they might apply. An example of an exemption is information covered by legal professional privilege. If we agree that the information is inaccurate, we will correct it and where practicable, destroy the inaccurate information. If we do not agree or feel unable to decide whether the information is inaccurate, we will make a note of the alleged error and keep this on file.

6. Verbal Requests

- 6.1. If a verbal Subject Access Request (SAR) is received, the Trust will request that the SAR be **confirmed in writing** (via letter or email), and for the subject to provide any other information the Trust may require to verify their identity. The Trust asks that SARs are submitted in writing so that an accurate record can be retained of any information pertaining to the SAR, for audit purposes.

- 6.2. Requests should be sent to the nominated **GDPR Representative** within the individual Trust academy/school and emailed to dpo@hlt.academy. Contact information is available on the school/academy's website.
- 6.3. An example email template (available as **Appendix 1**) may be used in order to respond to a Subject Access Request and which can be amended according to the circumstances of the request.

7. Deadline for Receipt of Information

- 7.1. The Trust will respond without undue delay and where possible, within one calendar month of receipt of the request. The Trust may, in exceptional circumstances, extend the 'deadline' by up to two calendar months. An extension may be considered appropriate where the initial assessment of the personal data held indicates that the request is complex, or there are numerous requests received from the same individual. Once the information has been gathered for the SAR, this will be made available for collection by the data subject (or the parent/carer submitting the request on their behalf) on receipt of identification. Where it is not possible for the data subject to collect this information in person, this may be sent via 'signed for' special delivery.
- 7.2. There will be no charge for the request unless it is unfounded or excessive, in which case the Trust has the right to charge a reasonable fee based on the administrative costs incurred for providing the information requested. Alternatively, the Trust may refuse to act on the request.

8. Compliance with a SAR

- 8.1. A Subject Access Request is valid if it is clear that the requestor is asking for their own personal data (or that of a child for whom they are responsible for, with their consent, if required). A SAR only applies to 'personal data'. A definition of personal data is provided in full within the **Data Protection (UK GDPR) Policy**.
- 8.2. The Trust will release pupil's personal data requested in a SAR to someone with parental responsibility only when the school/academy believes that doing so would not cause distress, detriment or result in a safeguarding concern for the pupil involved. The Trust will permit release of a pupil's personal data when the pupil has provided their authorisation for this to take place or it is evident that this is in the pupil's best interests.

9. Records to be Provided

- 9.1. The right of access applies to both electronic/automated records and to manual records which enable information about a **particular individual** to be **easily retrieved**.
- 9.2. Examples of automated records include:
 - Computer files - files stored on discs, DVDs, hard disks, back-up files, emails etc.
 - Audio/Video* - CCTV footage, webcam images
 - Digitalised images - scanned photos, images held on digital cameras
- 9.3. Examples of manual records include:
 - Files - overview information held on employees, parents/carers, pupils

- Index systems - names, addresses, other details

**It should be noted that the Trust utilises CCTV footage for internal monitoring purposes only.*

10. Redacting Information

10.1. Whilst the UK GDPR gives individuals the right to access their own personal data, it does not permit access to information relating to, or that which could be used to identify other people. As such, the Trust will not disclose any personal data relating to third parties when fulfilling a subject access request, unless explicit consent has been received.

10.2. All personal data relating to any individuals other than the data subject will be redacted. Redaction software will be used to permanently edit PDF files by removing the required sections and 'sanitising' the document. Where paper files are manually redacted, this will be repeated until the information is no longer visible. Photocopies of manually redacted documents will be provided to the subject (rather than the original redacted papers) as the photocopying process will ensure the redacted information is completely obscured. A copy of the original redacted documents will be retained by the school/academy.

10.3. Should the identity of any third party be ascertainable following redaction, the Trust would then reserve the right to withhold the information held, and refuse to comply with the SAR if doing so would impede the rights of the third party under UK GDPR and the Data Protection Act 2018. In such instances the Trust will respond to the requester to justify the decision to withhold any information on this basis.

10.4. What data can be withheld and how?

10.4.1. There are **exemptions** to disclosure which are generally very specific and tend to apply to particular cases, e.g. confidentiality of police investigation or HR records. Exemptions can apply if a request is considered to be **manifestly unfounded** (e.g. a request is made with malicious intent or for personal gain) or **manifestly excessive** (e.g. unproportionate or repetitive). Further clarification on what constitutes an unfounded or excessive SAR can be sought via the Information Commissioner's Office (ICO) website. It is quite rare for exemptions to apply more generally and justifiable decisions must be made on a carefully considered, discretionary basis. If an exemption applies, it may be possible to refuse to provide some or all of the requested information, depending on the circumstances. Please refer to the ICO website for further information and guidance regarding exemptions and where these apply.

10.5. Some basic rules to apply when redacting

10.5.1. The information disclosed should relate to the data subject making the request and should not include irrelevant/supplementary information.

10.5.2. Particular care should be taken when redacting to ensure that the personal data of other individuals is not disclosed. Any information which would allow the reader to identify any person(s) (not including the data subject) from the information held should be removed.

10.5.3. The following general rules should be applied - although there may be specific incidents when they would not:

- Redact all names other than that of the person making the request
- Redact job titles
- Redact email addresses
- Redact addresses

- Redact phone numbers
- Redact references to an individual's gender if that could lead to them being identified
- Redact personal descriptions which may lead to a person being identified. E.g. a description of someone as a brown-haired man is unlikely to identify someone, but a red-haired man with a beard may redact any other narrative data that would lead to an individual being identified
- Think about the combination of information sets that taken together would lead to an individual being identified
- When taking out personal details from email headers, leave in the date and title line unless the title line conflicts with the above

11. Information Commissioner's Officer (ICO)

- 11.1. The Trust would encourage anyone who is not satisfied by our actions following a SAR to seek recourse through our internal complaints procedure. For further information, the Trust's Complaints Policy and Procedure is available on our website: <https://hlt.academy/our-policies>.
- 11.2. Alternatively, or in cases where an individual remains dissatisfied, they have the right to refer the matter to the Information Commissioner for their review. The Information Commissioner can be contacted via the following means:

Postal Address:	Information Commissioner's Office Wycliffe House Water Lane Wilmslow Cheshire SK9 5AF	Telephone:	01625 545745
		Email:	enquiries@ico.gsi.gov.uk
		Website:	https://ico.org.uk

12. Monitoring and Review

- 12.1. This policy is reviewed on an annual basis by the Trust's Compliance Officer and approved by the Chief Operating Officer.
- 12.2. This policy is available to all stakeholders via the Trust and individual school/academy websites.
- 12.3. The next scheduled review date for this policy is shown on the cover page.

Template for Confirmation of Receipt of a SAR

Following receipt of a SAR, the **DPO account** (dpo@hlt.academy) will issue an initial response on behalf of the school/academy:

To: **Data Subject(s) or their representative(s)**
 CC: **GDPR Rep**
 Subject: Subject Access Request - **NAME OF SCHOOL/ACADEMY**

Hello,

I hope you are well.

Thank you for your email. Please take this as confirmation of receipt of your Subject Access Request (SAR) in relation to **INSERT DETAILS OF THE SAR.**

[INSERT IF REQUIRED]:

In order for us to provide the required information as quickly as possible, please could I ask you to specify the type(s) of information you would like access to*, and for which period of time this should apply. This will help us to narrow down the request and ensure you only receive documents which you would consider helpful for your needs. You are of course welcome to submit a further SAR at a later stage should your interests change.

**For example, CPOMS records, SIMS records, SEND information, attendance records etc.*

[INSERT IF REQUIRED]:

I would like to clarify that requests for educational records fall under the 'Education (Pupil Information) (England) Regulations 2005' - this is legislation pertaining to maintained schools only, and academy schools are not obligated to respond to such requests. As an academy school, **INSERT NAME OF SCHOOL** are required to treat any requests for personal information about pupils as a Subject Access Request (under Article 15 of the UK GDPR).

In order for us to facilitate your request, please could I ask you to attend the main reception at **INSERT NAME OF SCHOOL** to enable staff to take a copy of and verify a form of photographic ID. Reception is open Mon-Fri 08:45-15:15. Please advise the office staff that this is in relation to a subject access request and ask them to notify the GDPR Representative.

The reason why you are asked to provide ID is because we need to be satisfied that we are providing the information to the correct individual in order to avoid any unnecessary data breaches and to protect the identity and personal data of our pupils. The Trust's policy is to request photographic ID for this purpose.

The deadline for this SAR is one calendar month from the date of receipt of the request, however this is 'paused' whilst we await confirmation of the request, where required, and verification of ID. We will collate the required information as soon as possible and this will be shared securely from this inbox.

If you have any queries regarding this request, or if there is anything I can help with, please do not hesitate to contact me.

dpo@hlt.academy EMAIL SIGNATURE