

HLTY SUBJECT ACCESS REQUEST POLICY & PROCEDURES

THIS POLICY APPLIES TO THE HOPE TRUST BOARD, ALL TRUST SCHOOLS
AND THE EBORHOPE TEACHER TRAINING PARTNERSHIP

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STATEMENT OF INTENT

This document sets out the Hope Learning Trust York (HLTY) policy for responding to “Subject Access Requests” (SARs) under General Data Protection Regulations (GDPR) which came into force on 25 May 2018.

A subject access request is a written request for personal information (known as personal data) held about you by an organisation. GDPR gives individuals the right 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 GDPR.

Signed by:

_____	Chief Executive Officer	Date: _____
_____	Chair of Resources Committee	Date: _____

1. Legal framework

1.1. This policy has due regard for legislation including but not limited to the following:

- General Data Protection Regulations (GDPR)
- Freedom of Information Act 2000
- Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004

1.2. This policy also has due regard to guidance including but not limited to, the following:

- Subject Access Code of Practice

1.3. This policy will be viewed in conjunction with the following other Trust policies:

- HLTy Data Protection Policy
- HLTy Complaints Policy

2. Subject access requests under GDPR

The 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 form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed;
- processed in a manner that ensures appropriate security of the personal data

Secondly, it provides individuals with important rights, including the right to find out what personal data is held on computer and most paper records. Personal data will cover basic details and will include details such as name, address, telephone number, trade union membership and information held about that person in files, etc.

3. Procedures

When we receive a subject access request we will first check that we have enough information to be sure of your identity. We can ask you to provide any evidence we reasonably need to confirm your identity. We will gather any manual or electronically held information (including emails) and identify any information provided by a third party or which identifies a third party. If we have identified information that relates to third parties, we will write to them asking whether there is any reason why this information should not be disclosed.

We do not have to supply the information to you unless the other party has provided their consent, or it is reasonable to do so without their consent. If the third party objects to the information being disclosed, we may seek legal advice on what we should do.

We have one calendar month starting from when we have received all the information necessary to identify you, to identify the information requested, to provide you with the information or to provide an explanation about why we are unable to provide the information.

Copies of the information will be sent to you in the most appropriate format. The 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.

4. Verbal Requests

If a verbal request for an SAR is received, the Trust will require that the request be put in writing (email will suffice), and for the subject to provide any other information the Trust may require to verify their identity. Requests should be sent to the [Data Protection Representative](#) within the individual Trust school. Contact information is available on the schools' individual websites.

An example letter (APPENDIX A) can be used in order to respond to a request and which can be amended according to circumstances/school setting.

5. Deadline for receipt of information

We will respond without undue delay and where possible within one calendar month of the receipt of the request. However, we may extend the calendar month time period to two months where necessary. For example, this might be appropriate where the initial assessment of the personal data held indicated that the request was complex (perhaps because locating the data would involve considering a number of different mail boxes and dealing with redacting a lot of third party data) or there are numerous requests. The SAR will be sent available for collection by you, the data subject on receipt of identification, or by Special Delivery 'next day', as appropriate.

There will be no charge for the request unless it is unfounded or excessive, in which case we have the right to charge a reasonable fee based on the administrative costs incurred for providing you with the information you requested. Alternatively, we may refuse to act on the request.

6. Compliance with SAR

A SAR only applies to 'personal data'. A definition of personal data is provided in full in the HLTy Data Protection Policy.

7. Records to be provided

The rules apply particularly to computer or automated records (including email) but can also apply to manual records which enable information about a particular individual to be easily retrieved e.g. filed by the name or role.

Examples of automated records include:

- Computer files - files stored on discs, DVDs, hard disks, back-up files, emails
- Audio/Video - CCTV, webcam images,
- Digitalised images - scanned photos, digital camera

Examples of manual records include:

- Files - on employees, parents, young people
- Index systems - names, addresses, other details

8. Redacting information

Under the rules, an individual is entitled only to their own personal data and not to information relating to other people. Therefore, when disclosing personal data to subjects HLTY will not disclose personal data about third parties in the process.

All personal data relating to any individuals apart from the data subject will be redacted to the extent that it is not visible to the data subject. Photocopies will be provided to the subject (and not the original redacted papers) as the photocopying process will ensure the redacted information remains obscured. A copy of the original documents will be retained.

If the identity of third parties is still ascertainable then HLTY reserve the right to withhold the whole document to comply with the data protection rights of the third party.

8.1. What data can be withheld and how?

There are exemptions to disclosure but, in the main, these are very specific and tend to apply to particular cases, e.g. confidentiality of police investigation or HR records. It is quite rare for exemptions to apply more generally and decisions must be made on a carefully considered discretionary basis, which can be justified. Also, when they do apply this does not necessarily mean that a whole document is exempt e.g. the exemption could apply to a part or parts of a document too. Please see the ICO website for further explanation and to see whether any of these may apply.

8.2. Some basic rules to apply when redacting

8.2.1. The information disclosed should relate to the data subject making the request - do not include irrelevant information.

8.2.2. Particular care should be taken when redacting to ensure that the personal data of other individuals is not released - that is any data which would allow you to identify the people from the data combined with other information held.

8.2.3. 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 e-mail addresses
- redact addresses

- redact phone numbers
- redact references to an individual's gender if that would lead to them being identified
- redact personal descriptions which may lead to a person being identified, so 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.

If you are not satisfied by our actions, you can seek recourse through our internal complaints procedure; please see the [HLTY Complaints Policy](#). If you remain dissatisfied, you have the right to refer the matter to the Information Commissioner.

The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 01625 545745
Fax: 01625 524510
Email: enquiries@ico.gsi.gov.uk

APPENDIX A

Address1
Address2
Address3
Postcode

Date

Dear xx

Re: Subject Access Request (SAR)

Further to your request under GDPR regarding personal data about you held by (Hope Learning Trust York), can you please send us the following (delete from list as appropriate):

1. Your request in writing
2. Copies of your passport and/or driving licence in order to verify your identity

By way of reassurance, once we have received the proof of identification, we will endeavour to process your request as soon as we are able but, in any event, within one calendar month in accordance with statutory period. We look forward to receiving the required information and progressing the matter.

Yours sincerely