

Aspiring Foundations Federated Nursery Schools

Procedure for Access to Personal Information (Subject Access Request) Guidance for Schools

Rights of access to information

There are two distinct rights of access to information held by schools about pupils. The GDPR clarifies that the reason for allowing individuals to access their personal data is so that they are aware of and can verify the lawfulness of the processing

1. Under the Data Protection Act 1998 / GDPR 2018, a pupil has a right to request access to their own personal information. In certain circumstances requests may be made by a parent on behalf of their child (see below).
2. The right of parents to have access to curricular and educational records relating to their child as defined within the Education (Pupil Information) (England) Regulations 2005.

These procedures relate to the above mentioned rights.

Dealing with a request

1. Requests for personal information must be made in writing and addressed to the Headteacher. If the initial request does not clearly identify the information required, then further enquiries will be made.

2. The identity of the requestor must be established before the disclosure of any personal information, and checks should also be carried out regarding proof of relationship to the child.

Evidence of identity can be established by requesting production of, eg

- passport
- driving licence
- utility bills with the current address
- Birth / Marriage certificate
- P45/P60
- Credit Card or Mortgage statement

3. Any individual has the right of access to information held about them. However with children, this is dependent upon their capacity to understand. As a general rule, a child of 13 or older is expected to be mature enough to understand the request they are making. If the child cannot understand the nature of the request, someone with parental responsibility can ask for the information on the child's behalf.

The Headteacher should discuss the request with the child and take their views into account when making a decision.

4. The school must provide a copy of the information **free of charge**. However, the school can charge a 'reasonable fee' when a request is manifestly unfounded or excessive, particularly if it is repetitive.

The school may also charge a reasonable fee to comply with requests for further copies of the same information. This does not mean the school can charge for all subsequent access requests.

The fee must be based on the administrative cost of providing the information.

5. The response time for subject access requests, once officially received, is **a calendar month**
6. There are some exemptions to the right to subject access that apply in certain circumstances or to certain types of personal information. Therefore all information must be reviewed prior to disclosure.
7. Responding to a request may involve providing information relating to another individual (a third party). Third party information is that which identifies another pupil/parent or has been provided by another agency, such as the Police, Local Authority, Health Care professional or another school.

Before disclosing third party information consent should normally be obtained. There is still a need to adhere to the calendar month timescale.
8. Any information which may cause serious harm to the physical or mental health or emotional condition of the pupil or another individual involved should not be disclosed, nor should information that would reveal that the child is at risk of abuse, or information relating to court proceedings.
9. If there are concerns over the disclosure of information then additional advice should be sought from the school's Data Protection Officer.
10. Where redaction (information edited/removed) has taken place then a full copy of the information provided should be retained in order to establish, if a complaint is made, what was redacted and why.
11. Information disclosed should be clear, thus any codes or technical terms will need to be clarified and explained. If information contained within the disclosure is difficult to read or illegible, then it should be retyped.
12. Information can be viewed at the school with a member of staff on hand to help and explain matters if requested, or provided at face to face handover. The views of the applicant should be taken into account when considering the method of delivery. If the applicant has asked for the information to be posted then special next day delivery or recorded delivery postal service must be used.

Complaints

Complaints about the above procedures should be made to the Chair of the Governing Body who will decide whether it is appropriate for the complaint to be dealt with in accordance with the school's complaint procedure.

Complaints which are not appropriate to be dealt with through the school's complaint procedure can be dealt with by the Information Commissioner. Contact details of both will be provided with the disclosure information.

Contacts

If you have any queries or concerns regarding access to records or the Data Protection Act, then please contact the school's Data Protection Officer, Halton Borough Council on schoolsdpo@halton.gov.uk



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Further advice and information can be obtained from the Information Commissioner's Office, www.ico.gov.uk