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## **Cornerstone Academy Trust**

### **Subject Access Request Policy**

## Contents

1	Definitions	1
2	Recognising a Subject Access Request (SAR)	2
3	Verifying the Identity of a Requester	2
4	Fee for Responding to Requests	3
5	Time Period for Responding to a SAR	3
6	Form of Response	3
7	Sharing Information with Third Parties	4
8	Withholding Information	4
9	Process for Dealing with a Subject Access	5

## Cornerstone Academy Trust - Policy Statement

### Subject Access Request Policy

This policy is drafted in accordance with the requirements of the General Data Protection Regulation (“**GDPR**”) and should be read in conjunction with our Data Protection Policy and privacy notices.

All **Data Subjects** have rights of access to their **personal data**. This document sets out the procedure to be followed in relation to any request made for the disclosure of personal data processed by The Cornerstone Academy Trust (**TCAT**).

#### 1 Definitions

All defined terms in this policy are indicated in bold text, and a list of definitions is included in the Annex 1 to this policy.

<b>Term</b>	<b>Definition</b>
<b>Data</b>	is information, which is stored electronically, on a computer, or in certain paper-based filing systems;
<b>Data Subjects</b>	for the purpose of this policy include all living individuals about whom we hold personal data. This includes pupils, our workforce, staff, and other individuals. A data subject need not be a UK national or resident. All data subjects have legal rights in relation to their personal information;
<b>Personal Data</b>	means any information relating to an identified or identifiable natural person (a data subject); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person;
<b>Data Controllers</b>	are the people who or organisations which determine the purposes for which, and the manner in which, any personal data is processed. They are responsible for establishing practices and policies in line with Data Protection Legislation. We are the data controller of all personal data used in our business for our own commercial purposes;
<b>Data Users</b>	are those of our workforce (including Trustees and volunteers) whose work involves processing personal data. Data users must protect the data they handle in accordance with this data protection policy and any applicable data security procedures at all times;
<b>Data Processors</b>	include any person or organisation that is not a data user that processes personal data on our behalf and on our instructions;
<b>Processing</b>	is any activity that involves use of the data. It includes obtaining, recording or holding the data, or carrying out any operation or set of operations on the data such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available,

	alignment or combination, restriction, erasure or destruction. Processing also includes transferring personal data to third parties;
<b>Special Category Personal Data</b>	includes information about a person's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, physical or mental health or condition or sexual life, or genetic or biometric data; and
<b>Staff</b>	Includes, any individual employed by the Trust such as staff and those who volunteer in any capacity including Trustees/Members/parent helpers.

## 2 Recognising a Subject Access Request (SAR)

- 2.1 As TCAT **processes personal data** concerning **data subjects**, those **data subjects** have the right to access that **personal data** under Data Protection Law. A request to access this personal data is known as a subject access request or SAR.
- 2.2 A **data subject** is generally only entitled to access their own **personal data**, and not information relating to other people.
- 2.3 Any request by a **data subject** for access to their **personal data** is a SAR. This includes requests received in writing, by email, and verbally.
- 2.4 If any member of our staff receives a request for information, they should inform the Data Protection Officer (“DPO”) as soon as possible. Our DPO is Kyriaki Constanti, and she can be contacted by email at: [DPO@tcat.education](mailto:DPO@tcat.education)
- 2.5 In order that TCAT is properly able to understand the nature of any SAR and to verify the identity of the requester, any requester making a request verbally should be asked to put their request in writing and direct this to the DPO. This can only be requested and not a condition of processing the request.
- 2.6 A SAR will be considered and responded to in accordance with the Data Protection Law.
- 2.7 Any SAR must be notified to the DPO at the earliest opportunity.

## 3 Verifying the Identity of a Requester

- 3.1 TCAT is entitled to request additional information from a requester to verify whether the requester is in fact who they say they are.
- 3.2 Where TCAT has reasonable doubts as to the identity of the individual making the request, evidence of identity may be established by production of two or more of the following:
  - 3.2.1 Current passport
  - 3.2.2 Current driving licence

- 3.2.3 Recent utility bills with current address
- 3.2.4 Birth/marriage certificate
- 3.2.5 Recent credit card or mortgage statement
- 3.3 If TCAT is not satisfied as to the identity of the requester then the request will not be complied with, to avoid the potential for an inadvertent disclosure of personal data resulting to a data breach.

#### **4 Fee for Responding to Requests**

- 4.1 TCAT will usually deal with a SAR free of charge
- 4.2 Where a request is manifestly unfounded or excessive, a fee may be requested. Alternatively, TCAT may refuse to respond to the request. If a request is considered to be manifestly unfounded or unreasonable the TCAT will inform the requester why this is considered to be the case.

#### **5 Time Period for Responding to a SAR**

- 5.1 TCAT has one month to respond to a SAR. This will run from the later of a. the date of the request, b. the date when any additional identification (or other) information requested is received, or c. payment of any required fee
- 5.2 In circumstances where TCAT is in any reasonable doubt as to the identity of the requester, this period will not commence unless and until sufficient information has been provided by the requester as to their identity, and in the case of a third-party requester the written authorisation of the **data subject** has been received (see below in relation to sharing information with third parties).
- 5.3 The period for response may be extended by a further two calendar months in relation to complex requests. What constitutes a complex request will depend on the nature of the request. The DPO must always be consulted in determining whether a request is sufficiently complex as to extend the response period.
- 5.4 Where a request is sufficiently complex as to require an extension of the period for response, TCAT will notify the requester within one calendar month of receiving the request, together with reasons as to why this is considered necessary.
- 5.5 A request may be received during or less than one month prior to a school holiday. Where a request is made prior to a holiday period TCAT will seek to respond prior to that holiday commencing, however where this is not possible then TCAT will inform the requester that this is the case.
- 5.6 Requests received during extended holiday periods may not be able to be responded to within the one-month response period. TCAT will, in those circumstances, send out an initial acknowledgement of the request as set out in Annex 2, followed by a further acknowledgment as soon as possible following commencement of the next term setting out details of when a full response will be provided (being not more than one month of commencement of that term)

#### **6 Form of Response**

- 6.1 A requester can request a response in a particular form. Where a request is made by electronic means then, unless the requester has stated otherwise, the information should be provided in a commonly readable format.

## 7 Sharing Information with Third Parties

- 7.1 **Data subjects** can ask that members of TCAT share their **personal data** with another person such as an appointed representative (in such cases you should request written authorisation signed by the **data subject** confirming which of their **personal data** they would like you to share with the other person).
- 7.2 Equally if a request is made by a person seeking the **personal data** of a **data subject**, and which purports to be made on behalf of that **data subject**, then a response must not be provided unless and until written authorisation has been provided by the **data subject**. TCAT should not approach the **data subject** directly but should inform the requester that it cannot respond without the written authorisation of the **data subject**.
- 7.3 If TCAT is in any doubt or has any concerns as to providing the **personal data** of the **data subject** to the third party, then it should provide the information requested directly to the **data subject**. It is then a matter for the **data subject** to decide whether to share this information with any third party.
- 7.4 **Personal data** belongs to the **data subject**, and in the case of the **personal data** of a child regardless of their age the rights in relation to that **personal data** are theirs and not those of their parents. Parents, in most cases, do not have automatic rights to the **personal data** of their child.
- 7.5 However, there are circumstances where a parent can request the **personal data** of their child without requiring the consent of the child. This will depend on the maturity of the child and whether TCAT is confident that the child can understand their rights. Generally, where a child is 12 years of age or under of age, they are deemed not to be sufficiently mature as to understand their rights of access and a parent can request access to their **personal data** on their behalf.
- 7.6 In relation to a child 13 years of age or older, then provided that TCAT is confident that they understand their rights, and there is no reason to believe that the child does not have the capacity to make a request on their own behalf, TCAT will require the written authorisation of the child before responding to the requester or provide the **personal data** directly to the child in accordance with the process above.
- 7.7 A **data subject** may ask a third party (eg a relative, friend or solicitor) to make a SAR on their behalf. Before responding, you need to be satisfied that the third party making the request is entitled to act on behalf of the individual. It is the third party's responsibility to provide evidence of their authority.
- 7.8 In all cases TCAT should consider the circumstances of the case, and the above are guidelines only.

## 8 Withholding Information

- 8.1 There are circumstances where information can be withheld pursuant to a SAR. These are specific exemptions and requests should be considered on a case-by-case basis.

- 8.2 Where the information sought contains the **personal data** of third-party **data subjects** then TCAT will:
- 8.2.1 Consider whether it is possible to redact information so that this does not identify those third parties, taking into account that it may be possible to identify third parties from remaining information.
  - 8.2.2 If this is not possible, consider whether the consent of those third parties can be obtained; and
  - 8.2.3 If consent has been refused, or it is not considered appropriate to seek that consent, then to consider whether it would be reasonable in the circumstances to disclose the information relating to those third parties. If it is not, then the information may be withheld.
- 8.3 So far as possible TCAT will inform the requester of the reasons why any information has been withheld
- 8.4 Where providing a copy of the information requested would involve disproportionate effort TCAT will inform the requester, advising whether it would be possible for them to view the documents on TCAT premises or seeking further detail from the requester as to what they are seeking, for example key word searches that could be conducted, to identify the information that is sought.
- 8.5 In certain circumstances information can be withheld from the requester, including a **data subject**, on the basis that it would cause serious harm to the **data subject** or another individual. If there are any concerns in this regard, then the DPO should be consulted.

## 9 Process for Dealing with a Subject Access

- 9.1 When a subject access request is received, TCAT and its schools will:
- 9.1.1 notify the DPO and school leaders with a Subject Access Request Form<sup>1</sup>, filled out by the person(s) requested the Subject Access Request. The DPO will be responsible for managing the response with the relevant school leaders.
  - 9.1.2 subject to para 5.6 above, acknowledge receipt of the request and provide an indication of the likely timescale for a response within 5 working days (see template at Annex 3).
  - 9.1.3 take all reasonable and proportionate steps to identify and disclose the data relating to the request.
  - 9.1.4 never delete information relating to a subject access request, unless it would have been deleted in the ordinary course of events – it is an offence

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<sup>1</sup> Please refer to Appendix 1 - Subject Access Request Form

to amend or delete data following receipt of a SAR that would not have otherwise been so amended or deleted.

- 9.1.5 consider whether to seek consent from any third parties which might be identifiable from the data being disclosed.
- 9.1.6 seek legal advice, where necessary, to determine whether TCAT is required to comply with the request or supply the information sought.
- 9.1.7 provide a written response, including an explanation of the types of data provided and whether and as far as possible for what reasons any data has been withheld (see template at Annex 4); and
- 9.1.8 ensure that information disclosed is clear and technical terms are clarified and explained.

## 9.2 Refusal

The Trust can refuse any request if:

- 9.2.1 You estimate the cost of complying with the request will exceed the £450 limit and the cost of finding out whether you hold the information would exceed the £450 limit (e.g. if you would have to do an extensive search in a number of locations);
- 9.2.2 Vexatious requests – The Trust can refuse to comply with any part of a vexatious request, including confirming or denying whether we hold the information. The Trust will take into account the context and history of a request, including the identity of the requester and previous contact with them. If the Trust decides to refuse for this reason, we will notify the requester and keep a record of the reasons for the decision.
- 9.2.3 Repeated requests – The Trust can refuse repeated requests, whether or not they're also vexatious. The Trust will look into whether the request is complete or substantial overlap between the information sets requested by the same person.

***For Internal Use***

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