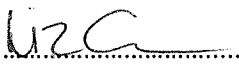
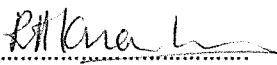


Subject Access Requests

Authorised signature..... 

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Subject Access Requests

Lymm High School follows the Information Commissioner's Office (ICO) code of practice in respect of Subject Access Requests. The Code of Practice explains the rights of individuals to access their personal data. It also clarifies what we must do in this regard to comply with our duties as a data controller. These rights are set out in sections 7-9A of General Data Protection Regulation 2018 (GDPR) and are often referred to as 'the right of subject access', a phrase this code also uses. The code refers to a request made under section 7 of the GDPR as 'subject access request' (SAR).

The GDPR's sixth data protection principle requires the school to process personal data in accordance with the rights the GDPR gives to individuals. Subject access is one of those rights.

What is subject access?

Enabling individuals to find out what personal data we hold about you, why you hold it and who we disclose it to is fundamental to good information-handling practice. Individuals may exercise the right by making a written 'subject access request' (SAR).

The request does not have to be in a particular form (apart from in writing) nor does it have to include the words 'subject access' or make any reference to the GDPR, although it does help the school to respond if the term 'subject access' is used.

What is personal data?

For information to be personal data, it must relate to a living individual and allow that individual to be identified from it (either on its own or along with other information likely to come into the school's possession).

What format should a SAR be in?

A SAR simply needs to be made in writing to the Headteacher. Under the new GDPR Act, there are no fees for providing the requested information.

Information you are entitled to

Subject access is most often used by individuals who want to see a copy of the information an organisation holds about them. However, subject access goes further than this and an individual is entitled to be: -

- told whether any personal data is being processed;
- given a description of the personal data, the reasons it is being processed, and whether it will be given to any other organisation or people;
- given a copy of the personal data; and
- given details of the source of the data (where this is available).

Time limit for responding

The school will respond with 1 month of the request being made. Please note that requests during school holidays may take a little longer but we will always endeavour to meet the deadline and give you plenty of notice if this is not achievable, i.e. during the six-week summer holiday when the majority of staff are not contactable.

Information exempt from subject access

Some types of personal data are exempt from the right of subject access and so cannot be obtained by making a SAR. Information may be exempt because of its nature or because of the effect its disclosure is likely to have. There are also some restrictions on disclosing information in response to a SAR – where this would involve disclosing information about another individual, for example.

Making a request on behalf of others

The GDPR does not prevent an individual making a subject access request via a third party, i.e. through a solicitor. In any case, the school need to be satisfied that the third party making the request is entitled to act on your behalf. It is the third party's responsibility to provide evidence of this entitlement.

If we think an individual may not understand what information would be disclosed to a third party who has made a SAR on their behalf, we may send the response directly to you rather than the third party. You can then choose whether to share the information with the third party or not after having had the chance to review it.

Even if a child is too young to understand the implications of subject access rights, data about them is still their personal data and does not belong to anyone else, such as a parent or guardian. Therefore, it is the child who has right of access to the information held about them, even though in the case of young children these rights are likely to be exercised by those with parental responsibility for them.

Before we respond to a SAR for information held about a child, we will consider whether the child is mature enough to understand their rights. If we are confident the child can understand their rights, then we will respond to the child rather than the parent.

The law presumes that a child aged 12 years or more has the capacity to make a SAR.

Information held about pupils by schools

There are two distinct rights to information held about pupils by schools. They are:

- the pupil's right of subject access under the GDPR; and
- the parent's right of access to their child's 'educational record'. As an academy this right of access does not apply to Lymm High School but we will review each request we receive.

Broadly speaking, the term 'educational record' has a wide meaning and includes most information about current and past pupils that is processed by or on behalf of a school. However, information kept by a teacher solely for their own use does not form part of the educational record.

Unlike the distinct right of access to the educational record, the right to make a SAR is the pupil's right. Parents are only entitled to access information about their child by making a SAR if the child is unable to act on their own behalf or has given their consent.

Please contact Tina McGuffie, Business Manager, for any queries or information regarding subject access requests.

