St John the Baptist RC Primary School

Subject Access & Pupil Information Procedures

1. Policy Statement

These are the subject access procedures of St John the Baptist RC Primary School ("the School"). We are committed to complying with requests for information, and respecting individual rights set under the UK General Data Protection Regulation (the retained EU law version of the General Data Protection Regulation (EU) 2016/679) (GDPR), the Data Protection Act 2018 (DPA), the Education (Pupil Information) (England) Regulations 2005 and other laws and regulations which create important individual rights.

2. Application of this procedure

2.1 Parents, pupils, staff and other individuals who we process personal data about are entitled to access, subject to certain exceptions, the personal data which we hold about them.

2.2 This Policy contains two procedures. When the School receives a request for personal information, it is important that the correct procedure is followed. These procedures are as follows:-

(a) **Procedure 1 ('Request by Parent to Access Pupil Record')** – this procedure should be followed where a parent makes a request for their child's educational record.

(b) **Procedure 2 ('Subject Access Request under the GDPR')** – all other requests to access personal data should be dealt with under this procedure. Typically, these requests are likely be one of the following:-

i. Requests from parents to access personal data that we either process about them or personal data about their child other than their educational record;
ii. Requests from pupils to access their personal data; or
iii. Requests from staff members to access their personal data.

PROCEDURE 1
Request by Parent to Access Pupil Record

1. The Education (Pupil Information) (England) Regulations 2005 give parents of pupils at maintained schools the right to access their child's educational record. It also sets out when such requests may be refused.

2. A request for a copy of a pupil's educational record should be made in writing to the Headteacher.

3. On receipt of a request, we will send a letter to the requester acknowledging receipt.

4. Where necessary, we will take steps to verify the identity of the requester including proof of their relationship to the child. Proof of identity that we will accept includes passport, driving licence and / or the child's birth certificate. This is a security measure to ensure that we only disclose personal data to those who are entitled to receive it. We may also ask for clarification of the request if the school believes that it is required.

5. We will provide a copy of the educational record within 15 school days of receiving a written request.

6. We may charge for making copies of the educational record which will be as follows, which not exceed the cost of supply:

Number of pages	**Maximum fee**	**Number of pages**	**Maximum fee**
1-19	£1.20	100-149	£10
20-29	£2	150-199	£15
30-39	£3	200-249	£20
40-49	£4	250-299	£25
50-59	£5	300-349	£30
60-69	£6	350-399	£35
70-79	£7	400-449	£40
80-89	£8	450-499	£45
90-99	£9	500+	£50

7. Before providing the educational record, we will review it to identify whether it contains any information relating to other individuals. Where other individuals are named, such as pupils, then we will redact this data to ensure that they are not identifiable. Generally, references to teacher names will not be redacted.

8. Also, before providing the educational record, we will consider whether any information is exempt from disclosure. Where the School is considering applying an exemption, it will consult with the Data Protection Officer (DPO) in the first instance. The exemptions which may be applied include the following:-

   (a) Personal data processed by a court and consisting of information supplied in a report or other evidence given to the court in the course of proceedings.

   (b) Personal data where the disclosure would be likely to cause serious harm to the physical or mental health or condition of the pupil or any other person.

   (c) Information as to whether the pupil is, or has been the subject of, or may be at risk of child abuse if disclosure would not be in their best interests. "Child abuse data" is personal data consisting of information as to whether the pupil is, or has been the subject of, or may be at risk of, child abuse.

9. If there are concerns over the disclosure of information, then additional advice should be sought from the DPO.

PROCEDURE 2
Subject Access Request under the GDPR

1. Under the GDPR, individuals such as pupils, parents and staff are entitled to access personal data which we hold about them. The GDPR also sets out when such requests may be refused.

2. A subject access request should be made in writing to the Headteacher.

3. On receipt of a subject access request, we will send a letter or email to the requester acknowledging receipt.

4. Where necessary, we will take steps to verify the identity of the requester, and where a parent requests personal data relating to their child, proof of their relationship to the child. Proof of identity that we will accept includes a passport, driving licence and / or the child's birth certificate. This is a security measure to ensure that we only disclose personal data to those who are entitled to receive it. We may also ask for clarification of the request if the school believes that it is required.

5. Where the request is received from a pupil or former pupil then, as a general rule, if they are aged 13 or older we will deem them to be able to understand the request that they are making. However, If the child cannot understand the nature of the request, someone with parental responsibility may ask for the information on the child's behalf. All requests will be dealt with on a case by case basis and the DPO should be consulted where appropriate.

6. We will respond to subject access requests as soon as possible, but in any event no later than 1 month from the receipt of the request subject to paragraph 7.

7. If the nature of the request is complex, or there are other legitimate reasons for doing so, we may, if necessary, extend the period under paragraph 6 for up to 2 months. If we require an extension of time of over 1 month to deal with a subject access request, we will inform the requester as soon as possible, but in any event no later than 1 month from the date that the request was made.

8. Before providing the information requested, we will review it to identify whether it contains any information relating to other individuals. Where other individuals are named, such as pupils, then we will redact this data to ensure that they are not identifiable. Generally, references to teacher names will not be redacted.

9. We will not charge a fee for responding to subject access requests unless the request, in the opinion of the School, is unfounded, excessive and/or repetitive.

10. There are some exemptions to the right of access that apply in certain circumstances or to certain types of personal data. Therefore, all information must be reviewed prior to disclosure. The exemptions include the following:-

    (a) Personal data processed by a court and consisting of information supplied in a report or other evidence given to the court in the course of proceedings.

    (b) Personal data where the disclosure would be likely to cause serious harm to the physical or mental health or condition of the pupil or any other person.

    (c) Information as to whether the pupil is, or has been the subject of, or may be at risk of child abuse if disclosure would not be in their best interests. "Child abuse data" is personal data consisting of information as to whether the pupil is or has been the subject of, or may be at risk of, child abuse.

11. If there are concerns over the disclosure of information, then additional advice should be sought from the DPO.

Additional Rights

12. Where an individual seeks to exercise additional rights such as the following:-

    (a) Right to rectification.
    (b) Right of Erasure.
    (c) Right of objection.
    (d) Right to restrict processing.
    (e) Right to data portability.

13. The DPO should be consulted immediately who will advise on the correct procedure to be followed.

3. Complaints

3.1 Complaints about the above procedures should be made to the Headteacher / Chair of the Governing Body who will investigate the complaint outside the School's usual complaints procedure.

3.2 Complaints which are not satisfied at School level can be dealt with by the Information Commissioner. Contact details will be provided with the disclosure information.