

Lower Halstow and Newington CEP Schools Federation



**‘Respect, Honesty,
Kindness, Perseverance’**

‘Welcoming, Forgiving, Generous, Flourishing’

Subject Access Request Policy

Approved	Team	Review
November 2020	SLT	November 2023
March 2023	SLT	March 2028

Or as required due to national legislation requirements

Rights of access to information

There are two distinct rights of access to information held by schools about pupils.

1. Under the General Data Protection Regulations Act 2018 a parent has a right to request access to the personal information of their child.
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 Executive Headteacher or Data Protection Officer. 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:

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

This list is not exhaustive.

3. Any individual has the right of access to information held about them.
4. The school will not charge for the provision of information.
5. The response time for subject access requests, once officially received, is **1-month (not working or school days but calendar days, irrespective of school holiday periods)**. However, the month does not begin until further information to assist you with the request (i.e. about identity) is received.
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 1-month statutory 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 KCC Information Resilience & Transparency Team (see contact details below).

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 Chairperson 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 General Data Protection Regulation Act, then please contact:

The Information Resilience & Transparency Team
Kent County Council
Room 2.71, Sessions House,
County Hall,
Maidstone, Kent, ME14 1XQ
Or dataprotection@kent.gov.uk

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