



Subject Access Requests (SAR)

Full details regarding Subject Access Requests can be found in the [‘Subject Access Code of Conduct’](#) produced by the Information Commissioner’s Office, which we abide by.

We have answered the key questions below but much more detail can be found in the ICO’s Code of Conduct which can be downloaded by clicking on the link above.

1. What are your individual rights?

- You have the right to see a copy of the information we hold on you, or on another person (e.g. a pupil) if you are acting on their behalf. Furthermore, where you make a request you are also 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 organisations or people
 - given a copy of the information and data held and where that data came from
- A subject access request gives you the right to see the information contained in the personal data we hold **rather than** the right to see the documents that contain that information.
- The information that you receive as a result of your request will be provided in a clear format which can be easily understood.

2. What is a valid subject access request?

- An SAR can be made in writing or verbally, however if the request is made verbally we may seek to clarify the scope and breadth of the request with you.
- Where the individual requesting the data is disabled and as a result finds it extremely difficult to make the request in writing, we are happy to make an adjustment for them in line with our obligations under the 2010 Equality Act. We will also take into account their specific disability in the way in which we respond.

3. What about when the SAR is made on behalf of another individual?

- The law does not prevent you from making a subject access request via a third party. This might be a solicitor acting on your behalf or simply a friend or relative, if this makes you feel more comfortable. However, you must provide written authority and the school reserves the right to contact you should we have any concerns about the request and/or supplying the data to your representative.

4. What if I want to request information about my child who is a pupil at the school?

- Where you are making a SAR on behalf of a pupil (in your care) the legal position is that the data (whatever their age) is still their personal data and does not belong, for example, to a parent or guardian. It is the child therefore who has the right of access, even though in the case of young children these rights are likely to be exercised by those with parental responsibility.
- Before we respond to a SAR for information held about a child, we are entitled to consider whether or not the child is mature enough to understand their rights and, if we are confident that this is the case, we are legally required to respond to the child. In England there is no legal age limit at which it is presumed that a child is mature enough (although the age in Scotland is set at 12, which may be a reasonable indication of appropriate age).

- When considering borderline cases, we are required to take other factors into consideration, namely:
 - the child's level of maturity and their ability to make decisions like this
 - the nature of the personal data
 - any court orders relating to parental access or responsibility that may apply
 - any duty of confidence owed to the child or young person
 - any consequences of allowing those with parental responsibility access to the child's or young person's information: this is particularly important if there have been any allegations of abuse or ill treatment
 - any detriment to the child or young person if individuals with parental responsibility cannot access the information, and
 - any view's the child or young person has on whether their parents should have access to information about them.
- Again, further information on this can be found in the above mentioned Code of Practice.

5. What happens if the data I am asking for also includes information about other people?

- If, by disclosing the information you request would also mean disclosing information about another individual who can then be identified, we do not have to comply with your request except where the other individual has consented to us supplying the information or we believe that it is reasonable, taking into consideration all the circumstances, to comply without the other individual's consent.

6. Can I be asked for more information when I make a SAR?

- We are allowed to confirm two things with you when you make a SAR:
- If we are in any doubt about the identity of someone requesting information on personal data, we are allowed to request more details from you to ensure that we are not giving personal data out to the wrong person. However such requests in our case are likely to be rare.
- We may also need further information from you to ensure that we find the data that you have requested and it where this is the case, the time limit of 30 days will start from the date on which we receive the additional information.

7. Will I have to pay a fee and if so, how much?

- We may charge a 'reasonable fee' for the administrative costs of complying with a request if it is manifestly unfounded or excessive, or if an individual requests further copies of their data.
- If the SAR is made for information containing, in whole or in part, a pupil's 'educational record', we must provide a response within 15 school days and the maximum we can charge you depends on the number of pages of information and will range from between £1 and £50 (where 500+ pages of information are supplied).
- If it does not relate to any information that forms part of the educational record, then we have the usual one month time limit for responding (within the guidance as set out in our policy) and the maximum fee we can charge for dealing with the request is £10.
- Special rules apply in relation to information on examinations and further detail can be found in the ICO's page regarding exam results.

What about repeated or unreasonable requests?

- Whilst the Data Protection Act does not limit the number of SAR you can make, it does allow some discretion when dealing with requests that we believe to be made at unreasonable intervals.

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- We are not obliged to comply with identical or similar request to one you have already made unless a reasonable amount of time has passed between the first request and any subsequent requests.
- When deciding on whether or not requests are made at reasonable intervals, we can take the following factors into consideration:
 - the type of data and whether or not it is particularly sensitive
 - the purpose of us processing the data and whether or not it is likely to be detrimental to you as an individual, and
 - how often the data is altered as if it changes frequently, it would not be unreasonable for requests to be closer together in terms of when they are made.
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If you have any questions about subject access requests, please contact our **data protection officer via e-mail on dpo@stonehenge.wilts.sch.uk**.