

INVICTUS

Education Trust

INVICTUS EDUCATION TRUST

GDPR - SUBJECT ACCESS REQUEST PROCEDURES

Approved by Board of Directors
2 July 2018

To be reviewed by Board of Directors
July 2020

CONTENT	PAGE
1. Introduction	3
2. What is Personal Information	4
3. Right of Access	4
4. Fees and Timeframe	5
5. Your other Rights	5
6. Exemptions and Refusals	5
7. Submission of SAR	6
8. Supervisory Authority	6
Appendices	
1. Subject Access Request Form (SAR)	7
2. School Contact Information	9
3. Template Letter – SAR Acknowledgment Letter	10
4. Template Letter – SAR Response Letter	11
5. Template Letter – SAR Delayed Response Letter	12
6. Template Letter – Denied SAR due to Exemption	13

1. Introduction

This procedure document supplements the Subject Access Request (SAR) provisions set out in the Trust's Data Protection Policy & Procedure and provides the process for individuals to use when making an access request, along with the protocols followed by the Trust when such a request is received.

The Trust needs to collect personal information effectively and compliantly, to carry out our everyday business functions and services and in some circumstances, to comply with the requirements of the law and/or regulations.

As the Trust processes personal information regarding individuals (*data subjects*), we are obligated under the General Data Protection Regulation (GDPR) to protect such information, and to obtain, use, process, store and destroy it, only in compliance with the GDPR and its principles.

1.1 The General Data Protection Regulation

The General Data Protection Regulation (GDPR) gives individuals the right to know what information is held about them, to access this information and to exercise other rights, including the rectification of inaccurate data. The GDPR is a standardised regulatory framework, which ensures that personal information is obtained, handled and disposed of properly.

The Trust is obligated under the GDPR and UK Data Protection Laws, to abide by the Regulations' principles, *which ensure that personal information shall be:*

- processed lawfully, fairly and in a transparent manner in relation to the data subject (*'lawfulness, fairness and transparency'*)
- collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes (*'purpose limitation'*)
- adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed (*'data minimisation'*)
- accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay (*'accuracy'*)
- kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed (*'storage limitation'*)
- processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures (*'integrity and confidentiality'*).

The Regulation also requires that *'the Controller shall be responsible for, and be able to demonstrate, compliance with the GDPR principles' ('accountability')*. The Trust has adequate and effective measures, controls and procedures in place, which protect and secure your personal information, and guarantee that it is only ever obtained, processed and disclosed in accordance with the relevant Data Protection Laws and Regulations.

2. What is Personal Information?

Information protected under the GDPR is known as “personal data” and is defined as:

“Any information relating to an identified or identifiable natural person; 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.”

Further information on what constitutes personal information and your rights under the Data Protection Regulation and Laws can be found on the Information Commissioners Office (ICO) website.

3. The Right of Access

Under Article 15 of the GDPR, an individual has the right to obtain from the Controller, confirmation as to whether or not personal data concerning them is being processed. We are committed to upholding the rights of individuals and have dedicated processes in place for providing access to personal information. ***Where requested, we will provide the following information:-***

- the purposes of the processing
- the categories of personal data concerned
- the recipient(s) or categories of recipient(s) to whom the personal data have been or will be disclosed
- If the data has been transferred to a third country or international organisation(s) (*and if applicable, the appropriate safeguards used*)
- the envisaged period for which the personal data will be stored (*or the criteria used to determine that period*)
- where the personal data was not collected directly from the individual, any available information as to its source

3.1 How To Make a Subject Access Request (SAR)?

A subject access request (SAR) is a request for access to the personal information that the Trust holds about you, which we are required to provide under the GDPR (*unless an exemption applies*). The information that we provide is covered in section 3 of this document.

You can make this request in writing using the Subject Access Request Form (Appendix 1). Where a request is received by electronic means, we will provide the requested information in a commonly used electronic form (*unless otherwise requested by the data subject*).

3.2 What we do when we receive a Subject Access Request Form

Identity Verification

Subject Access Requests (SAR) are passed to the **[Data Protection Officer/Compliance Officer]** as soon as received and a record of the request is noted. The person in charge will use all reasonable measures to verify the identity of the individual making the access request, especially where the request is made using online services.

We will utilise the request information to ensure that we can verify your identity and where we are unable to do so, we may contact you for further information, or ask you to provide evidence of your identity prior to actioning any request. This is to protect your information and rights.

If a third party, relative or representative is requesting the information on your behalf, we will verify their authority to act for you and again, may contact you to confirm their identity and gain your authorisation prior to actioning the any request.

Information Gathering

If you have provided enough information in your SAR to collate the personal information held about you, we will gather all forms (*hard copy, electronic etc.*) and ensure that the information required is provided in an acceptable format. If we do not have enough information to locate your records, we may contact you for further details. This will be done as soon as possible and within the timeframes set out below.

Information Provision

Once we have collated all the personal information held about you, we would send this to you in writing (*or in a commonly used electronic form if requested*). The information will be in a concise, transparent, intelligible and easily accessible format, using clear and plain language.

4. Fees and Timeframes

SARs are always completed within 30-days and are provided free of charge. Where the request is made by electronic means, we provide the information in a commonly used electronic format, unless an alternative format is requested.

Whilst we provide the information requested without a fee, further copies requested by the individual may incur a charge to cover our administrative costs.

The Trust always aims to provide the requested information at the earliest convenience, but at a maximum, 30 days from the date the request is received. However, where the retrieval or provision of information is particularly complex or is subject to a valid delay, the period may be extended by two further months. If this is the case, we will write to you within 30 days, and keep you informed of the delay and provide the reasons.

5. Your Other Rights

Under the GDPR, you have the right to request rectification of any inaccurate data held by us. Where we are notified of inaccurate data, and agree that the data is incorrect, we will amend the details immediately as directed by you and make a note on the system (*or record*) of the change and reasons.

We will rectify the errors within 30-days, and inform you in writing of the correction and where applicable, provide the details of any third party, to whom the data has been disclosed.

If for any reason, we are unable to act in response to a request for rectification and/or data completion, we will always provide a written explanation to you and inform you of your right to complain to the Supervisory Authority.

In certain circumstances, you may also have the right to request from the Trust, the erasure of personal data or to restrict the processing of personal data where it concerns your personal information; as well as the right to object to such processing. You can use the contact details in section 7 to make such requests.

6. Exemptions and Refusals

The GDPR contains certain exemptions from the provision of personal information. If one or more of these exemptions applies to your subject access request or where the Trust does not act upon the request,

we shall inform you at the earliest convenience, or at the latest, within one month of receipt of the request.

Exemption/Restriction

- a. National Security
- b. Defence
- c. Public Security
- d. The prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security
- e. Other important objectives of the general public, interest of the Union or of the Member State in particular an important economic or financial interest, including monetary, budgetary and taxation matters, public health or social security
- f. The protection of judicial independence and judicial proceedings
- g. The prevention, investigation, detection and prosecution of breaches of ethics for regulated professionals
- h. A monitoring, inspection or regulatory function connected, even occasionally to the exercise of official authority in the cases referred to in point a to e and g
- i. The protection of the Data Subject or the rights and freedoms of others
- j. The enforcement of civil law claims

Where possible, we will provide you with the reasons for not acting and any possibility of lodging a complaint with the Supervisory Authority and your right to seek a judicial remedy. Details of how to contact the Supervisory Authority are laid out in section 7 of this document.

7. Submission of SAR

Please submit your SAR to the relevant school, see Appendix 6

8. Supervisory Authority

If you remain dissatisfied with our actions, you have the right to lodge a complaint with the Supervisory Authority. *The Information Commissioner's Office (ICO) can be contacted at:*

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Telephone: 0303 123 1113 (*local rate*) or 01625 545 745 (*national rate*)

Fax: 01625 524 510

Email: enquiries@ico.org.uk

INVICTUS

Education Trust

Subject Access Request (SAR) Form

<p>Under the General Data Protection Regulation, you are entitled as a Data Subject to obtain from the Trust, confirmation as to whether or not we are processing personal data concerning you, as well as to request details about the purposes, categories and disclosures of such data.</p> <p>You can use this form to request information about, and access to any personal data we hold about you. Please submit this form to the relevant school (see page 9).</p>	
1. Data Subject's Personal Details	
Data Subject's Name:	Date of Birth:
Home Telephone No:	Email:
Data Subject's Home Address:	
2. Specific Details of the Information Requested:	
<p>Please provide as much information as possible to assist us in responding to your request</p>	
3. Data Subject's Declaration – I declare that the information I have provided on this form is correct.	
Signature:	Date:

4. Representatives <i>(only complete this section, if you are acting as the parent/representative for a Child/Data Subject)</i> Please Note: We may still need to contact the Student/Data Subject where proof of authorisation or identity are required.			
Representative's Name:		Relationship to Data Subject:	
Telephone No:		Email:	
Representative's Address:			
I confirm that I am the authorised representative of the named Data Subject and that the information I have provided on this form is correct.			
Representative's Signature:		Date:	
5. Verification of identity is required of the person completing this form before the request can be processed. Please note you must provide a copy of photo ID and a document, which confirms your home address such as a utility bill.			
I enclose as verification of identity a photocopy of my (please tick)			
Passport <input type="checkbox"/>	Driving Licence <input type="checkbox"/>	Utility Bill <input type="checkbox"/>	Other <input type="checkbox"/>
6. Completed Forms. Please post or email your completed Subject Access Request Form and evidence of identity to the relevant school as detailed on page 9			
OFFICE USE ONLY			
School:		Date Received:	
Information Provided Please detail the information provided			
Actioned by:		Date Responded:	

This form must be retained on school's GDPR file.

CONTACT DETAILS FOR SUBJECT ACCESS REQUEST FORMS

School / Location	Officer Name	Email Address	School Address
Invictus Education Trust Headquarters	Julie Duern	jduern@ellowes.dudley.sch.uk	Ward House Himley Park Himley Road Dudley DY3 4DF
Crestwood High School	Kelly Chapman	kchapman@crestwood-s.dudley.sch.uk	Bromley Lane Kingswinford Dudley DY6 8QG
Ellowes Hall Sports College	Anthea Southall	asouthall@ellowes.dudley.sch.uk	Stickley Lane Lower Gornal Dudley DY3 2JH
Kinver High School	Kelly Jewkes	kjewkes@kinverhigh.co.uk	Enville Road Kinver South Staffs DY7 6AA
Leasowes High School	Harvey Smith	hsmith@leasowes.dudley.sch.uk	Kent Road Halesowen Birmingham B62 8PJ
Ounsdale High School	Debbie McDonald	dmcDonald@ounsdaled.staffs.sch.uk	Ounsdale Road Wolverhampton WV5 8BJ
Pedmore High School	Sarah Shakeshaft	sshakeshaft@pedmoretc.dudley.sch.uk	Grange Lane Stourbridge DY9 7HS

SUBJECT ACCESS REQUEST ACKNOWLEDGMENT LETTER

To be sent as soon as the SAR is received

Date

Name
Address

Dear [Name]

Thank you for your completed Subject Access Request Form received on [Date] requesting access to personal information regarding [subject].

We aim to process the request as soon as possible and by no later than [date] this is 30 days from date request was received by school.

If, for any reason we are unable to provide the requested information within this timeframe, we will inform you immediately, and provide an explanation for the delay.

Should you have any queries, please do not hesitate to contact me.

Yours sincerely

Signature
Name
Job Title
Tel No

SUBJECT ACCESS RESPONSE LETTER

Send within 30 days of the receipt of the SAR. Enclose copies of any information being processed and a copy of the SAR Procedures

Date

Name
Address

Dear [Name]

Further to your recent Subject Access Request Form, please find enclosed copies of all personal information relating to you currently being processed by [School Name].

In accordance with the General Data Protection Regulations/UK Data Protection Law, we have provided further information below regarding the processing of your personal information.

- Insert the purposes of the processing
- Insert the categories of personal data concerned
- Insert the recipient(s) to whom the personal data has/will be disclosed
- Insert retention period – see Document Retention Policy

As per the Data Protection Law, you have the right to request the rectification of any inaccurate or incomplete data held by the school/Trust.

For your information, I have also enclosed a copy of Invictus Education Trust Subject Access Request Procedures.

Yours sincerely

Signature
Name
Job Title
Tel No

DELAYED RESPONSE TO ACCESS REQUEST

Send within 30 days of the receipt of the SAR

Date

Name
Address

Dear [Name]

Thank you for Subject Access Request Form received on [Date] requesting access to personal information regarding [subject].

Due to the [complexity/volume] of the requested information, we will not be able to process your request within the originally stated 30 days.

The reason for the delay is [insert reason(s) for delay]. However, we aim to process the request as soon as possible and by no later than [date] at the latest. *(This date must be no later than 90 days from the date the SAR was first received)*

Please accept my apologies for this delay, should you have any questions please do not hesitate to contact me.

Yours sincerely

Signature
Name
Job Title
Tel No

DENIED ACCESS REQUEST DUE TO EXEMPTION

Send within 30 days of the receipt of the SAR

Date

Name

Address

Dear [Name]

Thank you for Subject Access Request Form received on [Date] requesting access to personal information regarding [subject]

Unfortunately, I cannot provide the information requested due to Article 23 of General Data Protection Regulations see below:

Please specify which exemption/restriction and provide reasons

Exemption/Restriction

a. National Security

b. Defence

c. Public Security

d. The prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security

e. Other important objectives of the general public, interest of the Union or of the Member State in particular an important economic or financial interest, including monetary, budgetary and taxation matters, public health or social security

f. The protection of judicial independence and judicial proceedings

g. The prevention, investigation, detection and prosecution of breaches of ethics for regulated professionals

h. A monitoring, inspection or regulatory function connected, even occasionally to the exercise of official authority in the cases referred to in point a to e and g

i. The protection of the Data Subject or the rights and freedoms of others

j. The enforcement of civil law claims

Under the General Data Protection Regulations/UK Data Protection Law, you have the right to lodge a complaint with the Supervisory Authority and to seek a judicial remedy. See below:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Telephone: 0303 123 1113
Email: enquires@ico.org.uk

Should you wish to discuss this matter in more detail with me, please do not hesitate to contact me.

Yours sincerely

Signature
Name
Job Title
Tel No