



# Mighty Oaks Academy Trust

## Procedure for Dealing with Subject Access Requests



## **PURPOSE**

The General Data Protection Regulations (GDPR) entitles individuals to request access to any personal data that Mighty Oaks Academy Trust is holding about them. This is known as a Data Subject Access Request (DSAR). This document outlines the procedures surrounding making and responding to a DSAR.

A DSAR is where an individual, using their rights under GDPR, makes a request for a copy of the personal data an organisation holds on them, or details of what data is held and its source. A DSAR does not have to reference GDPR, the term "Data Subject Access Request" or any legislative rights.

## **PROCEDURE**

Subject access requests must be in writing to the Trust's Data Protection Officer, Miss J Hart, [Joanne.Hart@taw.org.uk](mailto:Joanne.Hart@taw.org.uk) or Priorslee Academy, Priorslee Avenue, Priorslee, TF2 9RS.

If you make a verbal request, you will be asked to put this in writing to allow the Trust to understand the nature of the requester.

Where a request is received elsewhere in the Academy, the Data Protection Officer should be immediately informed so they are able to deal with the request with no undue delay. Once the request is received the Data Protection Officer will confirm the identity of the requester and assess the scope of the request.

## **CONFIRMING THE IDENTITY OF THE REQUESTOR**

Additional information may be requested to evidence the identity of the requester. This can be established with two or more of the following:

- Current Passport
- Current Driving Licence
- Recent Utility Bill with current address
- Birth/Marriage Certificate
- P45/P60
- Recent Bank Statement

If the Trust is not satisfied as to the identity of the requester, then the request will not be complied with, so to avoid the potential for an inadvertent data breach.

If a request is made by a person seeking the personal data of a data subject, and which purports to be made on behalf of that data subject, then a response must not be provided unless and until written authorisation has been provided by the data subject. The Academy should not approach the data subject directly, but should inform the requester that it cannot respond without the written authorisation of the data subject. Where consent cannot be obtained, or is denied, the DPO will share the reasons and The Trust's duty of care to both parties to decide whether to disclose the information.

If the parent of a student makes a request, then consideration must be given as to whether the student is mature enough to understand their rights. If it is deemed that the student can understand their rights, then the response should be directly to the student rather than the parent.

### **FEE FOR RESPONDING TO REQUESTS**

The Trust will usually deal with a DSAR free of charge, however, a fee may be charged in the following circumstances;

- Where a request is considered to be manifestly unfounded or excessive, the Trust may refuse to respond to the request. The Trust will respond in writing stating their reasons for refusing to respond.
- Where a repeat request for the same information is made.

### **PROCESS FOR DEALING WITH A DSAR**

Once the identity of the data subject (or the right/authority to request the data where the data subject is not the requester) the Data Protection Officer will begin the process of contacting the appropriate departments to collect and collate the information.

The DPO will take all reasonable and proportionate steps to identify and disclosure all data relating to the request.

In order to locate the correct information within the Academy, the DPO may ask the requester to confirm exactly what information they are requesting, or where they believe the information may be stored.

Where the information contains reference to third parties the DPO will redact (blank out) the third parties. Where this is impossible and consent from the third party has not been received the information will not be disclosed.

The information provided in reply to a request must be that which the Academy holds (subject to any exemptions) at the time the request is received. However, the GDPR allows routine updating and maintenance of the data to continue between the date on which the request is received and the date when the reply is dispatched. This means that the information provided to the individual may differ from that which was held at the time when your request was received, but only as a result of normal processing. Data cannot be deleted.

The DPO will ensure that the information disclosed is clear and technical terms are clarified and explained.

The response should be provided in a written format, via email or letter, including an explanation of the types of data provided and whether, and as far as possible for what reasons, any data has been withheld.

### **TIME PERIOD FOR RESPONDING TO A DSAR**

The Trust has one month to respond to a DSAR. This will run from the latter of;

- The date of the request;
- The date when any additional identification, or other information requested, is received; or
- Payment of any required fee.

The period of response may be extended by a further two calendar months in relation to complex requests. If it is decided that the request is sufficient complex as to require an extension of the period for response, the DPO will notify the requester within one calendar month of receiving the request, together with the reasons as to why this is considered necessary.

If a request is received during extended school holiday periods it may not be able to be responded to within the one-month response period. If receipt is taken during this period, the Academy will send out an initial acknowledgement of the request, followed by a further acknowledgement as soon as possible following the start of the next term setting out details of when a full response will be provided (not greater than one month into the new term).

### **CONTACTS & COMPLAINTS**

Any enquiries regarding this procedure or the Trusts Data Protection Policies should be directed to The Trust's DPO using the contact details listed on page 1.