Edinburgh Primary School

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Signed:	E Green

SUBJECT ACCESS REQUEST PROCEDURE

School Subject Access Request Procedure

– Access to information

Current and former pupils can request access to the information/data held on them by making a **subject access request.** On occasions a parent or carer of a pupil may also make a subject access request that seeks access to personal data held that relates to either themselves and/or the pupil they are concerned with.

All subject access requests for data held by our school procedures should be sent to Annette House, Head of Business via school@edinburgh.waltham.sch.uk. All requests will be dealt with within 30 calendar days.
NB: This procedure does not apply when a parent is exercising their rights under The Education (Pupil Information) (England) Regulations 2005 (SI 2005/1437) (Pupil Information Regulations), which grants parents of pupils at maintained schools the right to access their children's educational records and set out when such requests may be refused.

The **Data Use and Access Act 2025 (DUAA)**, together with the **UK GDPR** and **Data Protection Act 2018**, introduces changes to the processing of subject access requests, as outlined in the details below.

Actioning a Subject Access Request

1. Requests for information must be made in writing, which includes email, and be addressed to the Headteacher. If the initial request does not clearly identify the information required, then further enquiries will be made.

Under the **DUAA**, schools may pause the statutory deadline while seeking clarification where a subject access request is unclear, overly broad or insufficiently specific.
The response clock will not resume until the school receives the requested clarification.

2. The identity of the requestor must be reasonably established before the disclosure of any information, and checks should also be carried out regarding proof of relationship to the child. Examples of 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.
However with children, this is dependent upon their capacity to understand (normally age 12 or above) and the nature of the request. The Headteacher should discuss the request with the child and take their views into account when making a decision. A child with competency to understand can refuse to consent to the request for their records. Where the child is not deemed to be competent, an individual with parental responsibility or guardian shall make the decision on behalf of the child. It is important to recognise that children are entitled to privacy and that there may be

a duty of confidentiality owed to them which must be adhered to. Before discussing with a parent that a child has made a subject access request the school will ask the child whether they object to their parents becoming aware of this request and will abide by the child's wishes unless there is an overriding public interest reason why that should not be the case. Before proceeding with informing a parent in these circumstances advice of the Data Protection Officer should be sought.
In addition, the **DUAA** now places in statute that schools are only required to conduct **reasonable and proportionate** searches to respond to subject access requests.
In doing so, the school will consider:

- All systems and repositories most likely to hold the data sets requested
- The nature and context of the request
- The resources reasonably available
- whether the data subject already holds the information requested (in which case re-disclosure will not be required.)

The school will maintain a search log to serve as evidence of compliance.
4. The school does not charge for the provision of information, dependent upon the following:

- If the request is unfounded or excessive, we may refuse to act on it, or charge a reasonable fee which takes into account administrative costs.
- A request will be deemed to be unfounded or excessive if it is repetitive, or asks for further copies of the same information.
- When we refuse a request, we will tell the individual why, and tell them they have the right to complain to the ICO.

5. The school will respond **promptly** to a subject access request. The response time for Subject Access Requests, once officially received, is 30 calendar days. However the 30 calendar days will not commence until after receipt of fees or clarification of information sought.
Under the **DUAA** if clarification is required, the **one-month period pauses** until clarification is received. An extension of up to two further months may be applied for complex or high-volume requests, with written notice given within the first month.

6. The **UK General Data Protection Regulation (UK GDPR)** allows exemptions as to the provision of some information; therefore all information will be reviewed prior to disclosure.
The **DUAA** clarifies in law that information protected by **legal professional privilege (LPP)** must not be disclosed in response to a subject access request.
This means that legal advice obtained by the school, litigation communications, and privileged investigations are out scope of subject access requests.

7. Third party information is that which has been provided by another person, this may be another pupil, parent, member of the family. The school must consider whether the information held was given in circumstances where an expectation of confidentiality has arisen. The school must also consider whether or not the information is already known to the pupil or parent concerned. If information is in the public domain, and/or the school is satisfied that the information is already known then it may be disclosed. Information provided by the Police, Local Authority, Health Care professional or another school may also have been provided to the school in the expectation that it will be held confidentially. Where the information is a health record made by a health care professional the consent of that professional must be sought before it may be released.
8. Any information which, it is believed may cause serious harm to the physical or mental health or emotional condition of the pupil or another 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. There is no right to access for information kept individually by teachers or other staff in notebooks or teacher mark books. These include such records generated and held electronically.
10. If there are concerns over the disclosure of information then additional advice should be sought from the schools' Data Protection Officer.
11. Where redaction (information blacked out/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.
12. 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.
13. Information can be provided 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 postal systems have to be used, then registered/recorded mail must be used.

Complaints

The **DUAA** introduces a requirement for schools to have a complaint-handling process.

1. Complaints about the handling of a subject access request should be made directly to the Education data protection officer (EDPO) who is responsible for overseeing the implementation of this policy and monitoring our school's compliance with data protection law.

The EDPO is also the first point of contact for individuals whose data the school processes, and for the ICO. Our EDPO is Maryline Alvis and is contactable via edposervice@walthamforest.gov.uk.

2. Complaints about the above procedures should be made to the Chairperson of the Governing Body who will both monitor and decide whether it is appropriate for the complaint to be dealt with in accordance with the school's Complaints Policy. For information regarding subject access requests https://ico.org.uk/for-the-public/personal-information/

Complaints which are not appropriate to be dealt with through the school's Complaints Policy can be dealt with by the Information Commissioner. Contact details of both will be provided with the disclosure information.