



SUBJECT ACCESS REQUEST PROCEDURE

The Central Team and DPO will review this policy on a 2 yearly cycle

Policy Version:	V4
Colleagues affected by this Policy:	All stakeholders
Person responsible for the Policy:	Chief Operating Officer
Approved by/ date:	CEO/ Sept 2023
Next review:	Sept 2025

The Sea View Trust – Subject Access Request Procedure

1. Introduction

The UK General Data Protection Regulation (UK GDPR) places a requirement on the Sea View Trust (**the Trust**) to comply with the 'right of access' which applies to all personal data that it holds. A detailed definition of personal data is included in the GDPR Data Protection Policy.

This procedural guide describes what a subject access request is and the process which must be followed in the event of a request.

Responsibility for complying with a subject access request lies with the Trust as a data controller, therefore this guidance applies to its employees and processors. The Trust will ensure that they have contractual arrangements in place to guarantee that subject access requests are dealt with properly, irrespective of whether they are sent to the Trust or a processor. This guidance applies to all personal data, regardless of whether it is held in a paper or electronic format.

2. Definition

The right of access, commonly referred to as subject access, gives individuals the right to obtain a copy of their personal data as well as other supplementary information. It helps individuals to understand how and why you are using their data, and check the Trust are doing it lawfully.

Individuals have the right to obtain the following from the Trust:

- confirmation that the Trust is processing their personal data;
- a copy of their personal data; and
- other supplementary information – (please see below)
- the purposes of processing;
- the categories of personal data concerned;
- the recipients or categories of recipient the Sea View Trust disclose the personal data to;
- our retention period for storing the personal data
- the existence of their right to request rectification, erasure or restriction or to object to such processing;
- the right to lodge a complaint with the ICO;
- information about the source of the data, where it was not obtained directly from the individual;
- the existence of automated decision-making (including profiling); and
- the safeguards the Trust provide if we transfer personal data to a third country or international organisation.

The Sea View Trust provides much of this information already in its **Privacy Notices** and **Employee Privacy Notice**.

3. Process

The UK GDPR does not specify how to make a valid request and a request does not have to include the phrase 'subject access request' or Article 15 of the UK GDPR, as long as it is clear that the individual is asking for their own personal data. Therefore, an individual can make a subject access request verbally

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or in writing. It can also be made to any part of the organisation (including by social media) and does not have to be to a specific person or contact point.

However, a standard form can make it easier both for the school/academy to recognise a subject access request and for the individual to include all the details required to locate the information they want. A copy of our standard form is available in Appendix A and if willing, applicants should be directed to use this form in the first instance.

If an employee receives a subject access request, they must **immediately** direct it to the Business Lead

If the Business Lead is unavailable it should be brought to the attention of a member of SLT.

The Business Lead or member of SLT will immediately seek the advice of the DPO by emailing dataprotectionofficer@forbessolicitors.co.uk.

4. Timeframe

The Trust must act on the subject access request without undue delay and at the latest within one month of receipt. The Trust calculates the time limit from the day after they receive the request (whether the day after is a working day or not) until the corresponding calendar date in the next month. If this is not possible because the following month is shorter, the deadline date for a response will be the last day of the following month.

The Trust can extend the time to respond by a further two months if the request is complex or they have received a number of requests from the individual. The Trust will let the individual know within one month of receiving their request and explain why the extension is necessary.

5. Requests made on behalf of or by others

The UK GDPR does not prevent an individual making a subject access request via a third party. Often, this will be a solicitor acting on behalf of a client, but it could simply be that an individual feels comfortable allowing someone else to act for them (e.g. a parent). In these cases, the Trust will need to be satisfied that the third party making the request is entitled to act on behalf of the individual, but it is the third party's responsibility to provide evidence of this entitlement. This might be a written authority to make the request or it might be a more general power of attorney.

6. Exemptions

In some circumstances, the Data Protection Act 2018 (DPA 2018) provides an exemption from particular UK GDPR provisions. If an exemption applies, the Trust may not have to comply with all the usual rights and obligations. There are several different exemptions; these are detailed in Schedules 2-4 of the DPA 2018. They add to and complement a number of exceptions already built in to certain UK GDPR provisions.

Common examples of exemptions fall in the following categories:

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- Identifies third parties
- Legal professional privilege
- Crime, law and public protection
- Regulation, parliament and the judiciary
- Health, social work, education and child abuse
- Finance, management and negotiations

The DPO will advise on the application of any exemptions with redactions being kept to a minimum and the context of information retained where possible. The exemptions applied will also clearly be outlined in the response letter issued in response to any request.

7. Disclosures

In most cases the Trust cannot charge a fee to comply with a subject access request. However, where the request is manifestly unfounded or excessive the Trust may charge a “reasonable fee” for the administrative costs of complying with the request. The Trust can also charge a reasonable fee if an individual requests further copies of their data following a request.

If the Trust has doubts about the identity of the person making the request they will ask for more information. If this is the case the Trust will let the individual know as soon as possible that the Trust need more information from them to confirm their identity before responding to their request.

The Trust will include an individual’s right to appeal decision in all response letters, in the first instance this will be an internal review of any decision and then if the applicant is still dissatisfied they can appeal directly to the ICO.

8. Requests for CCTV

Individuals (including staff and/or pupils and parents) may make a request for disclosure of CCTV images. Any request for CCTV footage by individuals will be treated by the Trust as a subject access request under the UK GDPR.

Individuals wishing to request CCTV footage should make a subject access request in accordance with this procedure by contacting the DPO. In order for the relevant footage to be located, any requests for copies of recorded CCTV images must include the date and time of the recording, the location where the footage was captured and, if necessary, information identifying the individual.

The Trust reserves the right to obscure images of third parties when disclosing CCTV data as part of a subject access request, or withhold the footage in its entirety if this is not possible, where we consider it necessary to do so.

Procedure review

This procedure is reviewed every two years by the Data Protection Officer.

The next scheduled review date for this procedure is September 2025.

Appendix 1

Subject Access Request Form

Your Subject Access Rights

Subject to certain exceptions, you have a right to access to any personal information that we hold about you (your 'personal information').

If you wish to make a Subject Access Request, please complete this form carefully and follow the details of how to return the form to us.

The purpose of this form is to ensure that all necessary information to complete your Subject Access Request is provided to us. You are not obliged to use this form, but if you do not, please ensure that all necessary information on this form is provided to us.

Section 1 – Your details

Title (please tick one)	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms Other <input type="checkbox"/> (please state)
First Name	
Surname	
Date of Birth	
Current Address	
Telephone Number	
E-mail Address	

Are you making the request on behalf of someone else?

<input type="checkbox"/> Yes If yes, please go to Section 2	<input type="checkbox"/> No If you are acting on behalf of somebody else, please go to Section 3
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Section 2 – Details of the person you are acting on behalf of (only complete this section if you are acting on behalf of someone else – if you are making the request yourself please go to Section 3)

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Title (please tick one)	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms Other <input type="checkbox"/> (please state)
First Name	
Surname	
Date of Birth	
Current Address	
Telephone Number	
E-mail Address	

Section 3 – Details of the personal information required

Please provide as much detail as you can about the personal information you are requesting to help us locate it quickly (continuing on a separate sheet if necessary):
Are there any specific dates you require this information to relate to? If so, please state below:

Section 4 – Voluntary Information

It would assist our search if you let us know the reasons for your request. Please detail the reason for your request below (please note this is only voluntary and you are not obliged to provide us with a reason):

Section 5 – Declaration

The information provided in this Subject Access Form is correct, and I am the person to whom it relates or a representative acting on their behalf. I understand that you may need to obtain further information from me or my representative in order to comply with this request.

Signature:.....

Date:.....

Returning the Subject Access Request Form

Please return the completed form to dataprotectionofficer@forbessolicitors.co.uk

Next Steps

Once we have received your completed Subject Access Request Form we will be required to verify your identity before we can provide you with the information you have requested. We will normally require one form of photo ID along with a proof of address. We will contact you to arrange an appointment for you to provide us with your proof of identity.

If you are acting on behalf of someone else we need to be satisfied that you are entitled to act on behalf of that individual. This could be by a signed written authority from the individual you are acting on behalf of or a power of attorney.

Should you have any questions about completing the Subject Access Request Form please contact dataprotectionofficer@forbessolicitors.co.uk