



# GREENWOOD ACADEMIES TRUST

## Data Subject Access Request

### GENERAL DATA PROTECTION REGULATION (GDPR) 2018

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## Introduction

This procedure seeks to ensure that the Greenwood Academies Trust receives and processes Data Subject Access Requests in accordance with the General Data Protection Regulation (GDPR) 2018.

The procedure outlines the steps to be followed, the records to be kept and the rules that must be applied. The attached appendices include draft letters to be used when responding to Data subject Access requests.

An application form for use across the Trust is also included in the attached appendices.

Although the GDPR provides for Data Subject Access Requests, it is not necessary to follow this procedure for every request for information. If a general enquiry is made regarding information held or used in a process, then it should be dealt with as part of normal working practices.

The GDPR only applies to personal information, ie, information about identifiable living individuals. In the majority of circumstances, the issue will be resolved without reference to the GDPR. If the Data Subject specifically makes the request under the GDPR, then the procedure must be followed.

## 1. Key Terms

Automated data	Data which is processed by means of equipment operating automatically (e.g. by computer) or which is recorded with the intention that it should be so processed.
Biometric data	Personal data resulting from specific technical processing relating to the physical, physiological or behavioural characteristics of a natural person, which allow or confirm the unique identification of that natural person, such as facial images or dactyloscopic data.
Consent	Any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her.
Data	Information which is processed automatically or recorded manually.
Data Controller	The natural or legal entity which determines the purposes and means of processing personal data. The Trust Data Controller is the Greenwood Academies Trust.
Data Subject Access Request	A request by a Data Subject for details of the personal data held about them.
Data Subject	A natural person whose personal data is processed by a controller or processor.
Data Protection Officer	A Data Protection Officer (DPO) is a leadership role required by the General Data Protection Regulation (GDPR) and is responsible for overseeing data protection strategy and implementation to ensure compliance with GDPR requirements, acting as an independent advocate. The Trust DPO is Alison Hope, Trust Governance Manager.
Data User	Someone who controls the collection, holding, processing or the use of data.
Explicit consent	Explicit consent is that which must be affirmed by the individual in an <u>informed, clear and specific statement</u> , preferably in writing, specifying the purposes for which the particular types of sensitive personal data may be used and/or the countries to which they may be disclosed.
Personal data	Any information relating to an identified or identifiable natural person ('data subject') that can be used to directly or indirectly identify that person.
Personal Data Breach	A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed.
Privacy Impact Assessment	A PIA is a process to help organisations identify, assess and mitigate or minimise privacy risks with data processing activities – for example, the launch of a new product or the adoption of a new practice or policy or system.
Privacy Notice	A statement made to a data subject that describes how the organisation collects, uses, retains and discloses personal information.
Process/processing	Any operation or set of operations performed upon personal data or sets of personal data, whether or not by automated means, including collection, recording, organisation, structuring, storage, erasure or destruction.
Sensitive personal data	Information concerning a data subject's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union activities, physical or mental health or condition, sexual life or orientation, genetic data or biometric data.

## **2. Rights of the Data Subject**

The Data Subject has the right to confirmation as to whether personal data concerning him or her is being processed and, where this is the case, access to the personal data and:

- a) The purposes of the processing.
- b) The categories of personal data concerned.
- c) The recipients to whom the personal data has been or will be disclosed.
- d) Where possible, the envisaged period for which their personal data will be stored.
- e) The existence of the right to request rectification or erasure of personal data or restriction of processing concerning the data subject or to object to such processing.
- f) The right to lodge a complaint with a supervisory authority.
- g) Where the personal data is not collected from the data subject, any available information as to their source.
- h) The existence of automated decision making, ie where their data is processed automatically and is likely to form the sole basis for any decision significantly affecting them.

## **3. Obligations**

### **3.1 The Data Subject should:-**

- a) Submit a written request for subject access.
- b) Provide satisfactory proof of identity and address e.g. driving licence, council tax or utility bill.
- c) Provide sufficient information to enable the data to be located e.g. name, address and relevant reference numbers.

### **3.2 The Data User should:-**

- a) Be satisfied as to the identity of the Data Subject.
- b) Obtain sufficient information to enable the data to be located.
- c) Inform the Data Subject whether data are held about them.
- d) Ensure the consent of any third party individual that can be identified from the personal data has been obtained before disclosing that part of the data or take steps to prevent the disclosure of that data to the Data Subject. Care should be taken to ensure that the identity of the third party source of the data is not revealed.
- e) Provide the Data Subject with a copy of the personal data which relates to the Data Subject together with an interpretation of any terms or codes used by the Trust or Academy relating to the data.
- f) Respond within fifteen (15) school days of completion of 3.1(a) - (c) and 3.2 (a) - (b) above in relation to requests for educational records and within one calendar month days for all other information requested.
- g) Provide an initial response to the requester within twenty-one (21) calendar days of receiving an access request, confirming the request is being complied with and indicating the intention to comply or giving reasons for not complying with the request.

- h) Retain a copy of the information supplied (for use in case of the information being challenged).
- i) Implement a method to log subject access requests, to enable the progress of such requests to be monitored and to produce statistics.

#### **4. Types of Request**

There are three types of request likely to be received by the Trust:

- a) Routine requests for information which can be satisfied without recourse to the GDPR, e.g. can I have a copy of the letter I sent you last week?
- b) Requests for information which the Data Subject has the right to see under laws and policies other than the GDPR.
- c) Formal requests for access to information under the GDPR. eg. Can I have the details you hold about me?

Requests received in the format of (a) and (b) above must be processed in accordance with this procedure on handling requests, although in some cases it may be prudent to treat these requests as subject access requests under the GDPR and apply the necessary controls

It is intended that the Data Subject should complete a standard application form (Appendix A) when requesting subject access. The standard form can be sent to the Data Subject using the letter drafted in Appendix B. An applicant's own written request is acceptable if it provides the information required to enable the data to be located. When the necessary information has been received from the Data Subject, the request **must** be processed as outlined in the following procedure.

The Standard Form should be either posted to the Trust Data Protection Officer, Greenwood House, Private Road Number 2, Colwick Quays Business Park, NG4 2JY or emailed to [dataprotection@greenwoodacademies.org](mailto:dataprotection@greenwoodacademies.org).

#### **5. Charges**

A fee may not usually be charged for dealing with a SAR. However, there are different fee structures for organisations that hold health or education records (where the maximum fee is £50, depending on the circumstances – see ICO Code of Practice). These fees are not subject to VAT. If a fee is charged, a request need not be complied with until the fee has been received

You need not comply with a request until a fee has been received but a request cannot simply be ignored because the individual has not sent a fee. If a fee is payable but has not been sent with the request, the individual should be contacted promptly and informed that they need to pay.

#### **6. Procedure for Data Subject Access Requests**

##### **6.1 Receive Request**

The request is received from the Data Subject at any office in either letter format or on a standard Data Subject request form (Appendix A). It must not be accepted as a verbal request.

The request should be forwarded by the Data User to the Trust Data Protection Officer (DPO) immediately.

## **6.2 Verify Request**

The request should be checked to verify that it has been completed correctly and that all information relevant for the request has been given i.e. payroll number, pass type and number.

If the application form/letter does not contain all the information necessary to carry out the request, a standard letter (Appendix C), requesting additional information, along with the original application must be sent to the applicant. Details of the request should still be recorded in the subject access log.

An applicant cannot request information on behalf of another individual unless written authorisation has been obtained from the Data Subject. This authorisation must be verified and, where necessary, identification of the applicant must be obtained. In all cases, however, the information must be sent to the Data Subject.

Where an individual has power of attorney, proof must be obtained, and in this case, the data must be sent to that individual.

## **6.3 Log Request**

If the request has been received before (i.e. returned to the applicant for more information) the subject access log should be updated to reflect this. Otherwise the details of the request should be recorded in the subject access log. When a valid request has been received, a letter of acknowledgement (see Appendix D) must be sent to the applicant and the Data Protection Coordinator informed.

## **6.4 Process Request**

The details of the Data Subject will be retrieved into a format suitable for presenting to the applicant. This should include definitions of any codes/references where the explanation is not apparent.

Any information sent to the Data Subject should not include any data about, or such that it would allow the Data Subject to identify any third party unless permission has been sought and received from that individual. Care must be taken to ensure that the identity of a third party is not disclosed by either blanking out their names/addresses/identification or providing the information in another format i.e. typed. The only exception to this rule is where other legislation forces you to release that information.

Information held for the prevention and detection of a crime e.g. fraud or information being used for a case currently under investigation does not need to be disclosed. However, once the investigation has been completed, then the information must be released if a Data Subject requests access to their data.

A copy of all the data retrieved must be taken for reference should the data be challenged by the Data Subject and shall become part of the subject access log.

## **6.5 Provide Data**

An appointment should be arranged with the Data Subject where it would be preferable or necessary to explain the information or when the Data Subject has requested a meeting to discuss the details of his/her request.

If an appointment is not necessary, the information along with a standard letter (Appendix E) and any other guidance should be sent to the Data Subject.

The information may be sent to the Data Subject as a computer print-out, in a letter or on a form. However, the data must be in a format that will be understood by the Data Subject with an explanation of any codes that have been used. The information must be provided to the applicant within one calendar month of receiving a valid request, ie, all the information necessary to process it and within fifteen (15) school days in the case of a valid request for educational records.

If data could not be found to satisfy the application, a letter (Appendix F) must still be sent to the Data Subject stating this.

## **6.6 Close Request**

When all details have been passed to the applicant, the subject access log must be updated accordingly.

## **6.7 Appeal Procedure**

If the Data Subject is not satisfied with the information provided and has notified the Trust to this effect, the Data Protection Officer will consider the request and deal with it accordingly.

## **7. Details to be Recorded**

The following details should be recorded in the subject access log. This will enable the progress of requests to be monitored and will allow statistics to be produced.

- Reference number (given by the DPO)
- Name and address of Data Subject
- Name and address of applicant (if not the same as the Data Subject)
- Date the request was received
- Date the valid request was received (may be the same as above)
- Date the request was returned to applicant for further details
- Date the request must be completed by (ie, one calendar month after valid request received) or fifteen (15) school days in respect of Educational records
- Department/Academy dealing with request
- Name of person dealing with request
- Date the letter of acknowledgement was sent
- Date request completed and information passed to applicant
- Comments
- Details of proof of identity
- Type of information requested i.e. payroll, personnel details, etc.
- Copy of the information provided to applicant



**Appendix A**

**The Greenwood Academies Trust  
GDPR 2018  
APPLICATION FOR SUBJECT ACCESS**

Data Subject's Name: .....

Address: .....

..... Postcode: .....

Previous address if you have moved since your details were given to the Greenwood Academies Trust:

.....

..... Postcode: .....

Your name if you are not the Data Subject: .....

Your Address: .....

..... Postcode: .....

**NB** - You will need written authorisation from the Data Subject before this application can be processed.

Please state what information you require and the reasons why the Greenwood Academies Trust would have personal information about the Data Subject in its files. Details of any reference number e.g. payroll, pass type and number and any specific information which will assist us to process your application:

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Signature: ..... Date: .....

Signature: ..... Date: .....

Please return this form to the Trust Data Protection Officer.



## Guidance for Applicant

To enable your request for access to be processed promptly, please complete the form overleaf, providing as much information as you can.

You will be asked to provide satisfactory proof of identity and address e.g. driving licence, passport, recent correspondence addressed to you.

If you are requesting access on behalf of another individual, you will be required to provide written authorisation from the Data Subject. Any data found will be sent to the Data Subject.

### For office use only

#### **To be completed by the person receiving this application**

Date form received on: ..... at ..... (location)

By: ..... Dept: .....

Identification submitted by applicant: ..... (type of identification)

Reference number of identification: .....

Form referred to: ..... Dept: .....

Date: .....

Data Protection Officer Informed Date: .....

#### Request type:

1. Public.
2. Employees/Ex-Employees.
3. Suppliers/ and Communications contractors/operators.
4. Pupils.

**For all the above requests, please send to the Trust Data Protection Officer in the first instance as all requests need to be centrally logged.**

**Appendix B**

Dear Sir/Madam

**GDPR 2018**

**Subject Access Provisions - Reference Number: .....**

I refer to your recent request for personal information under the GDPR 2018. In order to process your application please complete the attached form and return to the above address quoting the reference provided.

If you have any queries regarding this matter, please contact *[name of Coordinator]* who is the designated person dealing with this enquiry on *[Tel No]*.

Please quote the reference number provided above in all your correspondence.

Yours faithfully

## **Appendix C**

Dear Sir/Madam

### **GDPR 2018**

**Subject Access Provisions - Reference Number:** .....

I acknowledge receipt of your application to access your data under the GDPR 2018. Unfortunately I am unable to process your request as I do not have enough information to enable your data to be located.

I should be obliged if you would provide me with further information [*e.g. reference numbers given to you by the Greenwood Academies Trust payroll, XXXXXX.*] in order that your data can be located.

I enclose a copy of your original request for information and should be obliged if you would provide further details.

If you have any queries regarding this matter, please contact [*name of Coordinator*] who is the designated person dealing with this enquiry on [*Tel no*]. Please quote the reference number provided above in all your correspondence.

Yours faithfully

**Appendix D**

Dear Sir/Madam

**GDPR 2018**

**Subject Access Provisions - Reference Number: .....**

I acknowledge receipt of your application to access data in respect of the following:

*[details of request, e.g. Pass type and number, employee information]*

This matter is being dealt with by *[name of Co-ordinator]* *[Tel no]* who is the designated person dealing with this enquiry. Please quote the reference number provided above in all your correspondence.

The Greenwood Academies Trust has a statutory duty to provide the information requested by *[date]*.

Yours faithfully

## **Appendix E**

Dear Sir/Madam

**GDPR 2018**

**Subject Access Provisions, Reference Number: .....**

In reply to your application to access data in respect of the following:-

*[details of request, e.g. pass type and number, employee information]*

I attach a copy of all the data which satisfies your request.

If you have any queries regarding this matter please contact *[Co-ordinator's name]* who is the designated person dealing with this enquiry. Please quote the reference number provided above in all your correspondence. *[Tel no]*

Yours faithfully

## **Appendix F**

Dear Sir/Madam

### **GDPR 2018**

**Subject Access Provisions, Reference Number: .....**

In reply to your application for access to your data in respect of the following:-

*[details of request, e.g. pass type and number, employee information]*

I am required to inform you that I have been unable to locate any data relating to yourself in respect of the above.

If you wish to discuss this matter further, please contact *[name of Coordinator]*, on *(Tel no)* who is the designated person dealing with this enquiry.

Yours faithfully