



BHA Data Subject Access Request

Sep 2020
v3.0

1. Purpose

1.1 This document sets out Barnet Hill Academy BHA's policy (data controller) for responding to "subject access requests" under the General Data Protection Regulations 2016 (GDPR). The General Data Protection Regulations were implemented on 25 May 2018.

1.2 GDPR provides every living person (or their authorised representative) with a number of rights in respect to their personal information (commonly known as personal data) being held about them, and provides a framework to ensure that personal data is processed lawfully, fairly, adequately, accurately and securely.

2. What are a data subjects rights under GDPR?

2.1 GDPR states an individual (Data Subject) has the right to obtain from the Data Controller confirmation as to whether or not personal data concerning him or her is being processed. Where that is the case, the Data Subject is entitled to access to that personal data and certain information as follows:-

- the purposes of the processing
- categories of personal data concerned
- the recipients or categories of recipients to whom the personal data have been or will be disclosed (particularly recipients in other countries or international organisations)
- where possible the period for which the personal data may be stored or, if that is not possible, the criteria used to decide that period
- the existence of the right to request, from the Data Controller, rectification of the data or erasure of the data or restriction on processing of the data or to object to the processing
- the right to lodge a complaint with the ICO
- where the personal data has not been collected from the Data Subject, any available information as to the source of that data
- the existence of any automated decision making and information about that decision making

2.2 If personal data is transferred to a third country or to an international organisation the Data Subject is entitled to be informed about the appropriate safeguards which have been made relating to the transfer.

2.3 BHA has to provide a copy of the personal data which it is processing (i.e. a copy of all of the personal data about the Data Subject which it holds).

3. What is the BHA's general policy on providing information?

3.1 BHA welcomes the expanded rights of individual's access to information that are set out in the General Data Protection Regulations. We are committed to operating openly and to meeting all reasonable requests for information that are not subject to specific exemption in the regulations.

4. How do you make a subject access request?

4.1 Under GDPR, a subject access request is a written request for personal data held about you by BHA. Generally, you have the right to see what personal data we hold about you, you are entitled to be given a description of the information, what we use it for, who we might pass it onto, and any information we might have about the source of the information. Please follow this link to download / print off the Subject Access Request form:

<https://www.barnethillacademy.org.uk/parents/complaints>

4.2 Personal data is information which is biographical or which has the individual as its focus. It can include details such as name, address, telephone number, date of birth and will include information held both electronically and manually and will therefore include personal information recorded within electronic systems, spread sheets, databases or word documents

4.3 Anyone making such a request is entitled to be given a description of the information held, what it is used for, who might use it, who it may be passed on to, where the information was gathered from. Under GDPR, individuals must also be provided with information on the expected retention periods of the information held.

5. Checking of identity

5.1 We will first check that we have enough information to be sure of your identity. Often we will have no reason to doubt a person's identity, for example, if we have regularly corresponded with them. However, if we are not certain of your identity, to avoid sharing another person's data inappropriately, we can ask you to provide any evidence we reasonably need to confirm your identity.

5.2 If you are the parent/guardian of a child under 16, we will need to consider whether the child can provide their consent to you acting on their behalf. The personal data of the child belongs to the child, not to their parent or guardian. What matters is that the child is able to understand, in broad terms, whether it needs to make a Subject Access Request and how to interpret the information they receive as a result of doing so.

5.3 If the person requesting the information is a relative/representative of the individual concerned, then the relative/representative is entitled to personal data about themselves but must supply the individual's consent for the release of their personal data. If you have been appointed to act for someone under the Mental Capacity Act 2005, you must confirm your capacity to act their behalf and explain how you are entitled to access their information.

5.4 Should you make a data subject access request but you are not the data subject, you must stipulate the basis under the General Data Protection Regulation that you consider makes you entitled to the information.

6. Validation and collation of information

6.1 An individual is only entitled to personal data about himself or herself. Therefore, if the personal data include information about someone else, BHA will need to redact that information before supplying the personal data to the individual making the subject access request or may be able to decline to provide that data.

6.2 If responding to a Subject Access Request may involve providing information which relates to the individual making the request and someone else i.e. a third party then BHA does not have to comply with the request if to do so would mean disclosing information about the other individual who can be identified from the information. Material qualifies as third party information either if the other person can be identified as the source of the information, or if they are just included in it e.g. as a witness; and if we have any reason to believe that the Data Subject could identify the other person. However, third party material is not automatically excluded. We do have to provide the information about the other person if:

- that person has given their consent; or
- it is reasonable to go ahead without their consent.

In deciding whether it is reasonable to go ahead without consent, we will take account of:

- any duty of confidentiality you owe to the other person;
- anything you have done to try and get their consent;
- whether they are able to give consent;
- whether they have refused consent.

6.3 Before sharing any information that relates to third parties, we will where possible anonymise information that identifies third parties not already known to the individual (e.g. BHA employees), and redact information that might affect another party's privacy. We may also summarise information rather than provide a copy of the whole document. GDPR requires us to provide personal information not documents.

6.4 Material that is subject to legal professional privilege may be held back – this protects communications between lawyers and their clients for the purposes of giving or obtaining legal advice and communications between lawyers, clients and third parties made for the purposes of litigation, either actual or contemplated.

7. Issuing our response

7.1 Once any queries around the information requested have been resolved, and where the Data Subject makes the Subject Access Request by electronic means (and unless the Data Subject requests otherwise) the information is to be provided in a commonly used electronic form.

7.2 Where you agree, where it is impossible, or where it would involve undue effort, to complete a data request, in these cases, an alternative would be to allow you to view the information on screen at BHA.

7.2 We will explain any complex terms or abbreviations contained within the information when it is shared with you. Unless specified otherwise, we will also provide a copy of any information that you have seen before.

8. Will we charge a fee?

8.1 Under GDPR we are not allowed to charge a fee for the provision of information in response to a Subject Access Request. If the Data Subject requires further copies of the personal

data then BHA can charge a reasonable fee based on the administrative costs of providing the further copies. If we do intend to charge a fee we will inform you promptly of this intention.

8.2 Where requests from a Data Subject are manifestly unfounded or excessive (especially if they are repetitive) then BHA can either charge a reasonable fee for the administrative costs and providing the information or refuse to act on the request. However, it is for BHA to prove that the request was manifestly unfounded or excessive.

9. What is the timeframe for responding to subject access requests?

9.1 Once we have received all the information necessary to identify you, to identify the information requested, or to complete the request, we have 30 calendar days to provide you with the information, complete the request or to provide an explanation about why we are unable to provide the information. In many cases, it will be possible to respond in advance of the 30 calendar day target and we will aim to do so where possible. In some cases, BHA may be required to extend the period. If we do, we will inform you promptly of this

10. Our complaints procedure

10.1 If you are not satisfied by our actions, you can seek recourse through our complaints procedure, the Information Commissioner or the courts. Before doing so, you may wish to review the ICO's guide to responding to Subject Access Requests;

<https://ico.org.uk/for-organisations/guide-to-data-protection/principle-6-rights/subject-access-request/>

Our complaints procedure can be found here:

<https://www.barnethillacademy.org.uk/parents/complaints>

10.2 The Data Protection Officer will deal with any written complaint about the way a request has been handled and about what information has been disclosed. The Data Protection Officer can be contacted at: DPO@BarnetHillAcademy.org.uk

10.3 If you remain dissatisfied, you have the right to refer the matter to the Information Commissioner. The Information Commissioner can be contacted at:

Information Commissioner's Office,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire,
SK9 5AF.
Tel: 01625 545745
Fax: 01625 524510
Email: enquiries@ico.gsi.gov.uk