



ROBERT CLACK SCHOOL

SUBJECT ACCESS REQUEST POLICY

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Controlled Document

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Version	Date	Author	Description of Change
1	16/08/2018	Data Protection Enterprise www.dataprotectionenterprise.co.uk	New Policy
2	01/08/2019	Data Protection Enterprise Ltd www.dataprotectionenterprise.co.uk	Annual Review Amendments to: S1b) Processed S1 Article 5(2) added
3	30/09/2020	Data Protection Enterprise Ltd www.dataprotectionenterprise.co.uk	Policy Review
4	23/08/2023	Data Protection Enterprise Ltd www.dataprotectionenterprise.co.uk	Policy Review. S5 amended to include verbal requests
5	August 2026	Data Protection Enterprise Ltd www.dataprotectionenterprise.co.uk	Policy Review. Updated for the Data (Use and Access) Act 2025, current ICO guidance

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1. INTRODUCTION

The UK General Data Protection Regulation (UK GDPR) and Data Protection Act 2018 give individuals the right to access personal data held about them by the School. Subject access is a fundamental right and an opportunity for the School to respond openly, efficiently and transparently. This Policy explains how the School will fulfil its obligations.

The UK GDPR sets out seven key principles. Personal data must be:

- a) processed lawfully, fairly and transparently;
- b) collected for specified, explicit and legitimate purposes and not further processed in a manner incompatible with those purposes;
- c) adequate, relevant and limited to what is necessary;
- d) accurate and, where necessary, kept up to date;
- e) kept in a form which permits identification of individuals for no longer than is necessary; and;
- f) processed securely, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

Article 5(2) requires the School, as Controller, to be responsible for and able to demonstrate compliance with these principles. This is the accountability principle.

Data protection legislation also gives individuals a number of rights in relation to their personal data, including:

- 1) The right to be informed
- 2) The right of access
- 3) The right to rectification
- 4) The right to erasure
- 5) The right to restrict processing
- 6) The right to data portability
- 7) The right to object
- 8) Rights relating to automated decision-making, including profiling

The Data (Use and Access) Act 2025 amended aspects of the UK data protection framework. It confirms that the School is required to undertake reasonable and proportionate searches when responding to a Subject Access Request and permits the response period to be paused in limited circumstances where clarification is genuinely required.

2. POLICY STATEMENT

The School regards data protection legislation as an important mechanism for maintaining an honest, safe and open relationship with pupils, parents, carers, employees and other individuals.

Subject access is most often used by individuals who want to see a copy of the personal data the School holds about them. The individual is entitled to:

- Be told whether the School is processing their personal data;

- Receive a copy of that personal data;
- Receive information about the purposes of processing, categories of personal data, recipients, retention, applicable rights, the right to complain, relevant international transfers and automated decision-making; and
- Receive available information about the source of the data, where it was not obtained directly from them.

Where applicable, the School will also provide meaningful information about the logic involved in relevant automated decision-making and the significance and envisaged consequences of that processing for the individual.

The aim of this Policy is to ensure that the School complies with its obligations under the UK GDPR, Data Protection Act 2018 and Data (Use and Access) Act 2025 and can demonstrate that it has done so. It also aims to ensure that the School:

- Has robust processes for recognising and dealing with Subject Access Requests (SARs);
- Builds trust and confidence by being open about the personal data it holds; and
- Improves the transparency and accountability of the School's activities.

This policy should be read in conjunction with the Subject Access Request Procedure.

3. SCOPE

This Policy explains how an individual may request access to their personal data and how the School will respond.

It provides a clear framework for meeting the School's obligations under the UK GDPR, Data Protection Act 2018 and Data (Use and Access) Act 2025. It does not limit or override an individual's statutory rights.

This Policy applies to personal data held in any format, including electronic systems, email, paper records, photographs, audio recordings and CCTV footage.

Data protection legislation applies only to living individuals. Requests concerning a deceased person will be considered under any other applicable legislation and duties of confidentiality. The School will not disclose information merely because the individual has died.

This Policy should be applied alongside the School's Subject Access Request Procedure and relevant retention, security and information-sharing arrangements.

4. WHAT IS THE SCHOOL'S GENERAL POLICY ON PROVIDING INFORMATION?

The School welcomes the rights of access provided by data protection legislation. It is committed to operating openly and to responding properly to requests, subject to any applicable restrictions or exemptions.

Every member of staff acting for or on behalf of the School is responsible for recognising and promptly forwarding a potential Subject Access Request. A request does not need to mention the UK GDPR, Article 15 or the term 'Subject Access Request' to be valid.

Any request for an individual's own personal data must be forwarded immediately to the School's Data Protection Officer (DPO). The statutory response period may begin as soon as any part of the School receives the request.

5. HOW CAN AN INDIVIDUAL MAKE A SUBJECT ACCESS REQUEST?

A Subject Access Request is a request made by or on behalf of an individual for access to personal data held about them by the School. The right is subject to restrictions and exemptions contained in data protection legislation.

To help maintain an accurate audit trail, individuals are encouraged to submit requests by email to info@dpenterprise.co.uk or by post to the Data Protection Officer at the School address. However, a request does not have to be made in writing or sent to a particular person or address to be valid.

A Subject Access Request may be made verbally or through any of the School's official communication channels. Individuals should not include sensitive personal information in a public social-media post. Any member of staff who receives a request must promptly forward it to the DPO.

Where a request is made verbally, the School may record its understanding of the request and ask the individual to confirm that understanding, but written confirmation is not compulsory.

The School may invite an individual to complete a request form where this would help clarify the information requested. Completion of the form is not mandatory, and the School will not delay recognising a valid request merely because a form has not been completed.

6. WHAT DO THE SCHOOL DO WHEN THE SCHOOL RECEIVE A SUBJECT ACCESS REQUEST?

Checking identity and authority

- 6.1 The School may request information necessary to confirm the requester's identity where it has reasonable doubts about their identity. It will not request more information than is reasonably necessary and will ask for any identification promptly.
- 6.2 Where a request is made by a representative, the School will require appropriate evidence that the representative is authorised to act for the individual. This may include written authority, evidence of a relevant legal appointment or other evidence appropriate to the circumstances.

Personal data belongs to the pupil, regardless of age. The School will assess whether a pupil has sufficient maturity and understanding to exercise their own right of access. There is no fixed age at which a child is automatically considered competent for this purpose.

When assessing whether a pupil can exercise their own rights, or whether a parent or representative may act on the pupil's behalf, the School will consider:

- The pupil's maturity and ability to understand the request and the information they will receive;

- The nature and sensitivity of the personal data;
- Any court order, parental responsibility issue or restriction relevant to access;
- Any duty of confidence owed to the pupil or another person;
- The possible consequences of granting access, including any safeguarding risk, allegation of abuse or risk of pressure being placed on the pupil;
- Any detriment that may arise if access is not provided; and
- The pupil's views and whether disclosure would be in their best interests.

6.3 A parent or person with parental responsibility also has a separate statutory right to request access to their child's educational record under the Education (Pupil Information) (England) Regulations 2005. This is distinct from making a SAR on behalf of the pupil.

Collation of information

6.4 The School will undertake reasonable and proportionate searches for personal data within the scope of the request. Where it processes a large amount of information about the individual and clarification is genuinely required, the School may ask the individual to clarify the information or processing activities concerned. The School will provide reasonable assistance and will not require an individual to narrow a clear request.

6.5 Personal data may relate to both the requester and another identifiable individual. The School does not have to disclose information to the extent that doing so would reveal information about another individual, unless:

- The other individual has consented to the disclosure; or
- It is reasonable in all the circumstances to disclose the information without their consent.

The School will make this decision case by case, balancing the requester's right of access against the rights of the other individual. Relevant factors include:

- Any duty of confidentiality owed to the other individual;
- Any steps taken to seek their consent, where appropriate;
- Whether they are capable of giving consent;
- Any express refusal of consent; and the nature and sensitivity of the information.

6.6 The School may redact or anonymise information relating to other identifiable individuals where appropriate. In some circumstances, it may provide the requester's personal data in an extracted or summarised form, provided this gives the individual all personal data and supplementary information to which they are entitled.

Issuing the School's response

6.7 The School will provide a copy of the personal data in a commonly used and accessible format. Where a request is made electronically, the response will normally be provided electronically unless the individual requests otherwise. Information will be transferred securely. The School may invite an individual to view information where this is agreed and appropriate.

- 6.8 The School will explain any complex terms, codes or abbreviations where necessary to make the information understandable.

7. WILL THE SCHOOL CHARGE A FEE?

The School will normally respond to a Subject Access Request free of charge. Where a request is manifestly unfounded or manifestly excessive, taking account in particular of whether it is repetitive, the School may charge a reasonable fee based on the administrative cost of compliance or refuse to act. The School may also charge a reasonable fee where an individual requests further copies of information already provided.

The School will explain the basis and calculation of any fee. If it refuses to act, it will explain its reasons and inform the individual of their right to complain to the School and the Information Commissioner and to seek a judicial remedy.

Unstructured manual personal data

Where a request relates to unstructured manual personal data held by the School, the School is not obliged to comply if the request does not adequately describe the information sought or if the estimated cost of compliance would exceed £450. When estimating the cost, the School will apply the relevant statutory criteria. This provision does not apply to electronic information or manual records held within a structured filing system.

8. HOW LONG DOES THE SCHOOL HAVE TO RESPOND TO A SUBJECT ACCESS REQUEST?

The School will respond without undue delay and normally within one calendar month of receiving the request. Where it reasonably requires evidence of identity, the period begins when the necessary information is received. If clarification is genuinely required in accordance with data protection legislation, the period pauses when clarification is requested and resumes when it is received.

Where a request is complex, or the individual has submitted a number of requests, the School may extend the response period by up to a further two months. It will notify the individual within the initial one-month period and explain the reason for the extension. School holidays and periods of closure do not extend or suspend the statutory SAR deadline.

A written request by a parent or person with parental responsibility to access a pupil's educational record under the Education (Pupil Information) (England) Regulations 2005 must be dealt with within 15 school days. Inspection is free of charge; a fee not exceeding the cost of supply may be charged for a copy.

The School will determine whether a request engages the pupil's right of access under data protection legislation, the separate parental right to the educational record, or both, and will apply the relevant requirements and timescales.

9. ARE THERE ANY GROUNDS THE SCHOOL CAN RELY ON FOR NOT COMPLYING WITH A SUBJECT ACCESS REQUEST?

Data protection legislation contains restrictions and exemptions from the right of access. They will be considered case by case, documented and applied only to the extent necessary. The School will disclose the remainder of the information wherever possible.

Information requiring particularly careful consideration, redaction or the application of a relevant statutory exemption may include:

- Safeguarding information involving the pupil, siblings, family members or other children;
- Information protected by legal professional privilege;
- Education, health or social-work information where disclosure would be likely to cause serious harm, and child-abuse information where disclosure would not be in the child's best interests;
- Information identifying managers, colleagues, witnesses or other individuals; and information received from professionals such as doctors, police officers or probation services.

The presence of this information does not make an entire document automatically exempt. The School will consider whether information can be redacted or otherwise provided safely.

Other Types of Exempt Personal Data

Other exemptions or restrictions that may be relevant include:

- Confidential references given by the School for education, training, employment, appointment or the provision of services, where they were given in confidence;
- Examination scripts, to the extent that the information consists of the candidate's own answers. Special response periods may apply to exam marks and markers' comments;
- Personal data processed for management forecasting or planning, where disclosure would be likely to prejudice the conduct of the relevant business or activity; and

Records of the School's intentions in negotiations with the individual, where disclosure would be likely to prejudice those negotiations.

The School may also refuse to act on a request that is manifestly unfounded or manifestly excessive. The School bears the responsibility for demonstrating that this threshold has been met.

A request will not be refused merely because it is wide-ranging, inconvenient, connected with a complaint or dispute, or involves a large volume of information.

Previous or repeated requests

A repeated request will not automatically be refused. Its repetitive nature may be considered when deciding whether it is manifestly excessive. The School will take account of the information previously provided, the time elapsed, whether the information has changed, the purpose and circumstances of the request and the administrative burden of responding.

10. WHAT IF YOU IDENTIFY AN ERROR IN THE SCHOOL RECORDS?

If the School agrees that personal data is inaccurate or incomplete, it will correct, complete or annotate the information as appropriate. Where required, it will notify relevant recipients unless this would be impossible or involve disproportionate effort.

If the School does not agree that information is inaccurate, or the disputed material is a professional opinion rather than a statement of fact, it will record the challenge and its decision where appropriate. Statutory retention, safeguarding and evidential requirements will be considered before any record is erased.

11. THE SCHOOL COMPLAINTS PROCEDURE

If an individual is dissatisfied with the way the School has handled a request, they should first contact the School's Data Protection Officer.

The School will provide an accessible means of making a data protection complaint. It will consider complaints about the handling of a request, the searches undertaken, information disclosed or withheld, delay, security and any other relevant data protection concern.

The Data Protection Officer can be contacted by email: info@dpenterprise.co.uk

The School will offer an internal review where an individual disputes the handling or outcome of a Subject Access Request. The review should, wherever practicable, be conducted by a person who was not responsible for the original decision.

The School will acknowledge a data protection complaint within 30 days, take appropriate steps to investigate it without undue delay, keep the complainant informed and notify them of the outcome.

The School aims to conclude an internal review within 20 working days. If more time is reasonably required, the School will explain the reason and provide an updated timescale.

If the review is upheld, any further information due will be provided as soon as possible. If it is not upheld, the School will explain its findings and tell the individual how to take the matter further.

12. COMPLAINING TO THE INFORMATION COMMISSIONER

If you remain dissatisfied with the outcomes of the School's decisions, you have the right to refer the matter to the Information Commissioner. The Information Commissioner will make an initial assessment of the case before carrying out an investigation. The Information Commissioner has written guidance notes for applicants on how to complain and published it on their website, www.ico.org.uk

13. POLICY REVIEW

The DPO is responsible for monitoring and reviewing this Policy. Although it is ordinarily reviewed every three years, changes to legislation, national guidance, codes of practice, ICO guidance or School practice may trigger an earlier review.

The DPO will monitor relevant developments under the UK GDPR, Data Protection Act 2018 and Data (Use and Access) Act 2025 and recommend any necessary amendments.

14. LINKS WITH OTHER POLICIES

This Subject Access Request policy is linked to the School:

- Data Protection Policy
- Freedom of Information Policy
- Security Incident and Data Breach Policy
- Records Retention and Deletion Policy
- Information Sharing Policy
- Information Security Policy

The Information Commissioner provides a free helpline and a wide range of guidance and resources relating to information rights and data protection. Further information is available at [Information Commissioner Office \(ICO\)](#)