



# **GEMS Learning Trust Subject Access Request Policy**

## **Subject Access Requests for data**

Under the GDPR, individuals, referred to here as Data Subjects, are permitted to request personal information held by the Trust about them. These requests for information are referred to as subject access requests.

Subjects wishing to access their data must complete a Subject Access Request form available at the school. Requests may be made directly to each school office or head teacher. These can be made verbally or in writing. Schools must ensure they use the Subject Access Request form to capture the relevant information on each individual making the request. (See form below).

Subject Access Requests differ from freedom of information requests. In brief, article 15 of the GDPR gives a data subject the right to obtain:

- confirmation that their data is being processed;
- access to their personal data; and
- other supplementary information.

The supplementary information is the same as under section 7 of the DPA (for example, information about the source and recipients of the data) but now includes, among other things, details of international transfers, other data subject rights, the right to lodge a complaint with the Information Commissioner's Office (ICO) and the envisaged retention period for the data.

All SARS and reasons for refusal must be logged on GDPRIS

## **Fees for Subject Access Requests**

An appropriate fee will be charged for further copies of the same information requested by data subjects and when a request is manifestly unfounded or excessive, particularly if it is repetitive. The fee is based on the administrative cost of providing the information.

## **Time limit for Subject Access Requests**

Under GDPR the requested information from data subjects must be provided without delay and at the latest within one month of receipt. This can be extended by a further two months where the

request is complex or where there are numerous requests. If this is the case, the data subject will be contacted within one month of the receipt of the request to explain why the extension is necessary.

All refusals will be issued in writing, setting out the reasons and the right of the data subject to complain to the ICO and to seek a judicial remedy.

### **Format of responses**

Where the data subject makes a SAR by electronic means, and unless otherwise requested by the data subject, the information will be provided in a commonly used electronic format. Before providing the information, the data controller will verify the identity of the person making the request using 'reasonable means'.

### **Access and data portability**

Data subjects will receive their personal data in a structured, commonly used and machine-readable format. You are permitted to request it to be transmitted to another data controller.

Unlike the subject access right, the data portability right does not apply to all personal data held by the data controller concerning the data subject.

First, it has to be automated data. Paper files are not included.

Second, the personal data has to be knowingly and actively provided by the data subject.

Third, the personal data has to be processed by the data controller with the data subject's consent or pursuant to a contract with them.

In contrast, the subject access right applies to all personal data about a data subject processed by the data controller, regardless of the format it is held in, the justification for processing or its origin.

It is important to note that both rights do not require data controllers to keep personal data for longer than specified in their retention schedules or privacy policies. Nor is there a requirement to start storing data just to comply with a request if received.

### **Complaints**

If the applicant does not agree with the proposed fee, they can appeal through the GEMS Learning Trust's complaints procedure.

### **Monitoring and Review**

<b>This policy will be reviewed annually or as required by changes in legislation</b>		
January 2015 written	By: J. Croft	
Next Review: January 2016	By: J Croft	
Next Review: January 2017	By: J. Croft	

Next Review: January 2018	By: J. Croft	In response to changes in the GDPR and Subject Access Request
Next review: January 2020	By: B. Gorsuch	Updated details of DPO and contact information
April 2020	By: J Croft and B Gorsuch	Split from FOI charging policy Removed request to receive SARs in writing Added requirement to keep a log of SARS and reasons for refusing SARS on GDPRIS Merged SAR checklist form for staff with this policy

## Subject Access Request form

### 1. Data Subject details

Title (Mr, Mrs, Miss, etc)	
Surname	
First name	
Current address	
Telephone number	
Email address	
Date of birth	
2 x ID required to confirm name of data subject <ul style="list-style-type: none"><li>• Passport</li><li>• Driving License</li><li>• Birth certificate</li><li>• Utility bill (last 3 months)</li><li>• Vehicle Registration document</li><li>• Bank statement (last 3 months)</li><li>• Rent book</li></ul>	
Details of data requested	

#### 1.1 Acting on behalf of a Data Subject

Are you acting on behalf of the data subject with their written or other legal authority?	
If yes, please state your relationship with the data subject (parent, legal guardian or solicitor)	
Please enclose proof of written or legal status for acting on behalf of data subject.	
Title	
Surname	
First name	
Current address	
Telephone number	

Email address	
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**DECLARATION**

I, \_\_\_\_\_ the undersigned and the person identified in (1) above, request that the GEMS Learning Trust provide me with data about me.

Signature:

Date:

Name of employee completing this form:

Or

I, \_\_\_\_\_ the undersigned and the person identified in (1.1) above, request the GEMS Learning Trust provide me with date about the person identified in (1) above.

Signature:

Date: