



SUBJECT ACCESS PROCEDURE

This is a Category 1 Policy (Full Delegation)

This policy is in force until further notice from:	November 2023
This policy must be reviewed by:	Autumn 2024
Policy Author(s):	Shamita Kumar
Date policy reviewed by Compliance & Governance Officer:	October 2023
Date compliance with GDPR assured:	October 2023
Location of publication of policy:	The Trust Website/ Governor Hub/ Internal Records & Intranet
Under the Trust's Scheme of Delegation this policy must be approved by PEOPLE, COMPLIANCE & GOVERNANCE COMMITTEE Such approval was given on:	Audit & Risk Committee on behalf of the Trust Board November 2023

SUBJECT ACCESS PROCEDURE

1. Policy Statement

This is the subject access procedure of Avanti Schools Trust (“the Trust”). We are committed to complying with requests for information, and respecting individual rights set under the UK General Data Protection Regulation (the retained EU law version of the General Data Protection Regulation (EU) 2016/679) (GDPR) and the Data Protection Act 2018 (DPA), and other laws and regulations which create important individual rights.

2. Application of this procedure

2.1. Parents, pupils, staff, employees and other individuals who we process personal data about are entitled to access, subject to certain exceptions, the personal data which we hold about them.

2.2. When the Trust and its School(s) receives a request for personal information, it is important that this procedure is followed.

3. Subject Access Procedure

3.1 Under the GDPR, individuals such as pupils, parents, employees and staff are entitled to access personal data which we hold about them. The GDPR also sets out when such requests may be refused.

3.2 A subject access request should be made in writing to the School Business Manager or to the Head of HR (for central staff members).

3.3 On receipt of a subject access request, we will send a letter or email to the requester acknowledging receipt.

3.4 We will take steps to verify the identity of the requester, and where a parent requests personal data relating to their child, proof of their relationship to the child. We may require the requester to provide proof of identity, such as a passport, driving licence and / or the child’s birth certificate. This is a security measure to ensure that we only disclose personal data to those who are entitled to receive it.

3.5 Where the request is received from a pupil or former pupil then, as a general rule, if they are aged 13 or older, we will deem them to be able to understand the request that they are making. However, If the child cannot understand the nature of the request, someone with parental responsibility may ask for the information on the child’s behalf. All requests will be dealt with on a case-by-case basis and the DPO should be consulted where appropriate.

SUBJECT ACCESS PROCEDURE

- 3.6 We will respond to subject access requests as soon as possible, but in any event no later than 1 month from the receipt of the request subject to paragraph 3.7.
- 3.7 If the nature of the request is complex, or there are other legitimate reasons for doing so, we may, if necessary, extend the period under paragraph 3.6 for up to 2 months. If we require an extension of time of over 1 month to deal with a subject access request, we will inform the requester as soon as possible, but in any event no later than 1 month from the date that the request was made.
- 3.8 Before providing the information requested, we will review it to identify whether it contains any information relating to other individuals. Where other individuals are named, such as pupils, then we will redact this data to ensure that they are not identifiable. Generally, references to teacher names will not be redacted.
- 3.9 Where the personal data has been provided by another agency, such as the Police, Local Authority, Health Care professionals or another school we will obtain their consent first before disclosure.
- 3.10 We will not charge a fee for responding to subject access requests unless the request, in the opinion of the School, is unfounded, excessive and/or repetitive.
- 3.11 There are some exemptions to the right of access that apply in certain circumstances or to certain types of personal data. Therefore, all information must be reviewed prior to disclosure. The exemptions include the following:
- 3.12 Personal data processed by a court and consisting of information supplied in a report or other evidence given to the court in the course of proceedings.
- 3.13 Personal data where the disclosure would be likely to cause serious harm to the physical or mental health or condition of the pupil or any other person.
- 3.14 Information as to whether the pupil is, or has been the subject of, or may be at risk of child abuse if disclosure would not be in their best interests. "Child abuse data" is personal data consisting of information as to whether the pupil is or has been the subject of, or may be at risk of, child abuse.
- 3.15 If there are concerns over the disclosure of information, then additional advice should be sought from the DPO.

SUBJECT ACCESS PROCEDURE

4. Additional Rights

4.1 Where an individual seeks to exercise additional rights such as the following:

- a. Right to rectification.
- b. Right of erasure.
- c. Right of objection.
- d. Right to restrict processing.
- e. Right to data portability.

The DPO should be consulted immediately (via the Trust Compliance Officer) who will advise on the correct procedure to be followed.

5. Complaints

5.1 Complaints about this procedure should be made to the Compliance Officer (dpo@avanti.org.uk) who will decide whether it is appropriate for the complaint to be dealt with in accordance with the Trust's complaint procedure.

5.2 Complaints which are not appropriate to be dealt with through the Trust's complaint procedure can be dealt with by the Information Commissioner's Office. Contact details of both will be provided with the disclosure information.