



Joseph Leckie Academy

Subject Access Request Policy

Approved by JLA Trust Board: 09/2021

Last reviewed on: 10/2022

Next review due by: 10/2023

1. Introduction

1.1 All individuals whose data is held by us, have a legal right to request access to such data or information about what is held. However, with children, this is dependent upon their capacity to understand and the nature of the request. The Principal should discuss the request with the child and take their views into account when making a decision. A child with competency to understand can refuse to consent to the request for their records.

1.2 Where the child is not deemed to be competent, an individual with parental responsibility or legal guardian shall make the decision on behalf of the child. The Academy is aware that in some cases it might not be appropriate to release the child's information to the parents/carers. The safety and wellbeing of the child will be the key determining factor in whether or not information can be disclosed.

1.3 The Data Protection Act (DPA) 2018 and the General Data Protection Regulation (GDPR) 2016 allows exemptions as to the provision of some information, therefore all information will be reviewed prior to disclosure.

1.4 Your request will normally be complied with free of charge. However, if the request is unfounded or excessive, we may refuse to act on it, or charge a reasonable fee which takes into account administrative costs. In addition, we may charge a reasonable fee if you request further copies of the same information. The fee charged will be based on the administrative cost of providing the information requested.

2. Making a request

2.1 To support subject access requests under the Data Protection Act 2018 and the General Data Protection Regulation (GDPR 2016), requests:

- Should be in writing.
- Must be specific with regards to records or data being requested in order to avoid excessive requests
- Must follow the process of confirming identification
- Must be made by the data subject or someone authorised to act on their behalf and
- Can be sent to/received by any part of the Academy

2.2 To be valid under the Data Protection Act 2018 and the General Data Protection Regulation (GDPR 2016), requests **do not**:

- Have to be submitted on a specific form
- Need to mention the GDPR of the term 'subject access'

2.3 Although we accept requests can be given verbally or via other mediums, we will request that you please use and complete our form www.josephleckieacademy.co.uk/dataprotection to support the process and comply with the need to identify the requester and the data being requested.

2.4 Subject access requests can be sent via post to the Data Protection Lead (DPL):

Miss Cassandra Stroud
Joseph Leckie Academy
Walstead Road West

Walsall, WS5 4PG.

Or via email to JLAGDPR@josephleckieacademy.co.uk

3. Confirming Identity

3.1 The Academy will take reasonable steps to confirm the identity of the requester. However, the Academy will not make this identification process unnecessarily onerous and in cases where the requester is already known to the Academy (e.g. an existing employee, a known parent/carer) formal identification will not be sought.

4. Timing of Requests

4.1 All requests will be responded to as promptly as possible, and in any event a response must be provided by no later than 28 days from the day of receipt, however the 28 days' time limit will not commence until clarification of information and or identification is sought. Where the case is considered to be complex, the deadline can be extended to 60 days. The requestor should be kept informed of any delays. If a request is received 24hrs before the Academy is due to close for school holidays, the request will not be actioned until the Academy re-opens.

5. Access to Personal Data by an Authorised/Legal Agent

5.1 When an agent makes a request on behalf of a Data Subject, signed authorisation from the Data Subject will be required. The Academy may still check directly with the Data Subject whether he or she is happy with the agent receiving the personal data and should highlight the implications of the request.

5.2 Any request received from an agent must be accompanied by signed Form of Authority [permission] from the Data Subject. No proof of identity for a Data Subject is required when the application comes from a professionally recognised agent such as Solicitor.

6. Information Containing Third Party Data

6.1 The Academy may refuse a subject access request where releasing that information would also involve disclosing information about another individual, except in cases where:

- That individual has consented to disclosure; or
- It is reasonable in the circumstances to comply with the request without that individual's consent.

6.2 The Academy will seek to balance the rights of the requestor with the rights of the third party and only release information if, in all circumstances, it is reasonable to do so.

7. Refusing a Subject Access Request

7.1 Joseph Leckie Academy uses the presumption of release as the starting point for all valid subject access requests. Where there is a legitimate reason why information should not be disclosed (e.g. the prevention or detection of crime) the applicant will be informed of the reasons why (except in circumstances where disclosure may prejudice the purpose of the exemption applied) and of their right to appeal.

8. Amendments to Inaccurate Records

8.1 The Academy acknowledges individual's right to challenge the accuracy of the personal data held about them where they believe it to be inaccurate or misleading. Where information is found

to be factually inaccurate it will be updated immediately, where there is dispute between the Academy and the data subject as to the accuracy of information, a note will be made on the record to that effect and both sets of information will be kept on the file.

9. Objections to Processing

9.1 Individuals have the right to request that the processing of information about them be restricted or ceased if they believe the information to be inaccurate or being held unnecessarily. The Academy must investigate any such request and rectify if necessary. The Data Subject should be informed before any restriction is lifted.

10. Releasing personal information to prevent or detect crime

10.1 It is Academy policy to cooperate wherever possible with requests for personal information for the prevention or detection of crime or identification or apprehension of suspects, but only after satisfactory checks have been completed to protect the rights of Data Subjects. Information will only be released where disclosure meets the criteria outlined in the Data Protection Act 2018 and the General Data Protection Regulation (GDPR) 2016.

10.2 Requests will only be considered from an agency with a crime or law enforcement function, including the Police, HMRC, The UK Border Agency, or the Benefit Fraud sections of Department for Work and Pensions or other Local Authorities.

10.3 Requests must be in writing and be clear on what is being asked for and why the release of the information is critical to the investigation.

10.4 Only information directly relevant to the purpose stated will be released, and only the minimal possible to enable the law enforcement agency to do their job. The transfer of information will be via a secure channel (e.g. secure email or special delivery post).

11. Complaints

11.1 We take any complaints about our collection and use of personal information very seriously. If you think that our collection or use of personal information is unfair, misleading or inappropriate, or have any other concern about our data processing, please raise this with us in the first instance.

11.2 To make a complaint, please contact our DPO or DPL.

Data Protection Officer (DPO): Paul Withers

Telephone: 01922 650970

Email: informationmgmt@walsall.gov.uk

Data Protection Lead (DPL): Cassandra Stroud

Telephone: 01922 721 071 ext. 241

Email: JLAGDPR@josephleckieacademy.co.uk

11.3 Alternatively, you can make a complaint to the Information Commissioner's Office:

Report a concern online: <https://ico.org.uk/concerns/>

Telephone: 0303 123 1113

Write to: ICO, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

12. Further Information and Linked Policies

12.1 For further information about Information Governance please visit the ICO website www.ico.org.uk

12.2 This policy should be read alongside:

- Information Governance Strategy
- Information Risk and Security Policy
- CCTV Policy
- Data Protection Policy
- Confidentiality Policy
- Freedom of Information Policy
- Information Rights Policy
- Records Management Policy and Schedule
- Incident Management Policy
- Consent to Use Personal Data Guidance
- Impact Levels and Protective Marking Guidance