

# BRYANSTON

## SUBJECT ACCESS REQUEST POLICY

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### **1. Policy Statement**

Data protection legislation, including the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 give individuals greater rights in relation to their own personal data.

This policy sets out the process the School will follow in accordance with the relevant law in respect of those persons who wish to exercise one of those rights and access their own personal information held by the School, known as a Subject Access Request.

The School will deal with each subject access request it receives in accordance with the provisions of this Policy.

### **2. Definitions**

The '**School**' means Bryanston School Incorporated which is a registered company (Co. No. 00226143) and is a registered charity (Ch. No. 306210) Bryanston Conference centre Limited is a registered company (Co. No. 01111950).

'**Data**' means Personal Data and Special Category Personal Data;

'**Personal Data**' means data that relates to a living individual who can be identified from that data or from that data and other information which is in the possession of the School. This includes information such as names, addresses, telephone numbers, e-mail addresses, car registration etc

'**Special Category Data**' is personal data that reveals information such as the data subjects race and ethnic origin, health, religious or other such beliefs, trade union membership, Physical or mental health condition, sex life and information concerning criminal convictions or political opinions. This includes any genetic or biometric data.

'**Data Subject**' means a living person about whom the School holds data. All Data Subjects have legal rights in respect of their own data and the information the School holds about them. A representative may make a Subject Access Request on behalf of the Data Subject.

'**Subject Access Request**' is the name given to a request a Data Subject makes to the School for personal data held about themselves.

An individual is only entitled to personal data about himself or herself. The Data Subject has the right to obtain from the School 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 the personal data and certain information as follows:

- the purpose or purposes of the processing;
- categories of personal data concerned;
- the recipients or categories of recipients to whom the data has been or will be disclosed (particularly recipients in other countries or international organisations);
- the period for which the personal data will be stored;
- the existence of the right to request, from the School, rectification, erasure or restriction on processing of the data or to object to the processing;

- the right to lodge a complaint with the Information Commissioners Office;
- where the personal data has not been collected by the Data Subject, any available information as to the source of that data;
- the existence of automated decision making and information about that decision making.

### **3. Confirming the identity of the requester**

In order to minimise the risk of personal data being sent to a third party, the identity of the person making the request must be established before the disclosure of any information can take place. When requesting data on behalf of a pupil, checks will also be carried out regarding the proof of relationship between the requester and the child. (see further details below regarding a child's personal data). Evidence of identity will be established by requesting production of copies of two documents from the following list;

- Passport
- Driving licence
- Birth/marriage certificate
- Credit card
- Mortgage statement
- Utility bills with the current address
- P45/P60

### **4. Pupil Requests**

The rights under data protection law belong to the individual to whom the data relates. Pupils can make Subject Access Requests for their own personal data, provided that, in the reasonable opinion of the School, they have sufficient maturity to understand the request they are making. In order to satisfy the 'sufficient maturity' test the Data Protection Officer (who actions such requests) will need to discuss the pupils' maturity status with a member(s) of the academic staff who know the pupil personally and will be able to provide an opinion.

A parent/guardian with parental responsibility will generally be entitled to make a Subject Access Request on behalf of younger pupils (that is under the age of 13 years), however for pupils 13 years and over, the information is considered to belong to the child, not the parent or guardian. Pupils aged 13 years and above are generally assumed to have this level of maturity, although this will depend on the child and the personal data requested, including any relevant circumstances at home.

If a parent or guardian makes a Subject Access Request on behalf of their child who is 13 years or over, the School will require the written consent from the pupil whose personal details are being requested.

All information requests from, or on behalf of pupils, will therefore be considered on a case by case basis.

### **5. How to make a Subject Access Request**

The Data Subject has the right to request the information via electronic means such as email, telephone or via social media. It would be helpful for the Data Subject to provide as much detail as possible to assist in enabling the School to establish enough information about the request.

You may also make your request in writing to the School by writing to the Data Protection Officer using the address below.

All Subject Access Requests should be made to [dpo@bryanston.co.uk](mailto:dpo@bryanston.co.uk) or by post Data Protection Officer, Bryanston School, Blandford Dorset DT11 0PX or telephone + 44 (0)1258 452411.

## **6. Clarification of the Request**

Where it is unclear what data is being sought by the Data Subject, the School will contact you to provide further information.

In clarifying the request, the School will contact you by telephone, writing or e-mail (whichever is the individual's preferred method of contact) and ask for additional information to assist in determining whether any data is being held, and if so, locating where the data is being held.

Where the School is unable to clarify the request or there is no response to the request for further information, the School will provide such data as it is clear is being requested and set out the nature of any data, if any, that has been withheld as a result of the School being unable to clarify the request.

## **7. Fees**

In most cases, the information will be provided free of charge.

The school may however charge a reasonable fee when the request is, in the opinion of the School, manifestly unfounded or excessive, particularly if it is repetitive.

The school may also charge a reasonable fee to comply with requests for further copies of the same information (if supplied in paper format).

If a fee is requested, it will be based upon the administrative cost of providing the information.

The Data Protection Officer will inform the individual if a fee is payable if any of the above two criteria apply.

In exceptional circumstances the School can refuse to respond to a request. This includes where the request involves either disproportionate effort or repeated/vexatious requests;

- **Disproportionate Effort**

The School may decide not to provide data to the individual if, to do so, would involve a disproportionate effort on the part of the School.

In determining whether an individual's request will involve disproportionate effort, the School will consider the time, costs and any technical expertise required to respond.

Where responding to the request will involve disproportionate effort, the School will consider refusing to deal with the request unless the individual amends his/her request.

- **Repeated/Vexatious Requests**

The School will not limit the number of requests which can be made by an individual, however, where there has been no reasonable interval between a previous request and a new request of a similar nature the School may refuse to respond to the request.

In determining whether a request has been made at a reasonable interval, the school will consider the following:

- a) whether any new data about the data subject has been processed by the School since the initial request and how often any data being processed is altered;
- b) the nature of the data being requested, including the data's sensitivity;
- c) whether any processing is likely to cause harm to the requester in processing the data.

If the School does not intend to deal with the request on the grounds that a reasonable interval has not passed since the previous request, the Data Protection Officer will inform the Data Subject of this without undue delay and at the latest within one month of the latest request. The Data Protection Officer will explain the reason for doing so and provide details of the Data Subjects rights to complain to the Supervisory Authority (the Information Commissioners Office) and to judicial remedy.

## **8. Time Limits**

The School will respond within one month of receipt of the request. This means the information must be provided to the individual within one calendar month of the request.

The School has the right to be able to extend the period of compliance by up to a further two months where requests are complex or numerous. If this is the case, the Data Protection Officer will inform the individual within one month of receipt of the request and explain why the extension is necessary.

## **9. What personal data may not be supplied by the School**

- Third party information

Responding to a request for information may involve information which relates to someone else, i.e. a third-party. Information can qualify as third-party information even if the third-party can be identified as the source of the information. If this is the case, the material is not automatically excluded, however the School is required to contact the third person who will be asked for their consent or in some circumstances it may be reasonable to go ahead without their consent.

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

- any duty of confidentiality the School owes to the other person;
- what steps the School has taken to try and get their consent;
- whether they are able to give consent;
- whether they have refused consent.
  
- Professional Legal Privilege

Material that is subject to legal professional privilege may be held back – this is protected 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.

Where the School considers that some data cannot be provided to the Data Subject, the School will redact (i.e. black out/remove) that information before supplying the personal data to the individual making the request.

The School will keep a full copy of the information provided in order to establish, if a complaint is made, what was redacted and why.

Other exemptions consist of, but are not limited to:

- exam or test answers or exam results before the allotted publication time;
- management planning (e.g. redundancy planning);
- would prejudice the prevention and detection of crime if disclosed (e.g. in live investigations);
- might cause serious harm or distress in limited (social work) contexts,

## **10. How will the information be supplied?**

The Data Subject has the right to request the information to be supplied either by paper or in electronic format. Electronic format will usually consist of the information being scanned and sent to the email address of the Data Subject (which will involve an encrypted transfer). If postal systems are used, then registered/recorded mail will be used to send information or may involve a face to face handover at the School if requested.

It will be necessary for the Data Protection Officer to discuss with the Data Subject the most secure method of delivering the information and this will depend on the sensitivity, volume and nature of the data.

## **11. What if I do not understand some of the content?**

The School will make every effort to ensure that any codes or technical terms will be clarified and explained. If any information contained in the documents is difficult to read or is illegible, it will be addressed by the school. Please note that the school is not under a duty to have documents translated into another language. Therefore, any translation of documents will need to be arranged by the Data Subject.

## **12. Complaints**

If the Data Subject is unhappy with the way the School has handled their request, they should contact, in the first instance, the Data Protection Officer by e-mail: [dpo@bryanston.co.uk](mailto:dpo@bryanston.co.uk), by post: Data Protection Officer, Bryanston School, Blandford DT11 0PX or by phone: +44 (0) 1258 452411

If, after consulting with the Data Protection Officer, the Data Subject is still unhappy with the way their Subject Access Request has been dealt with, they can contact the Information Commissioners Office.

## **13. Monitoring and Review**

This Policy will be reviewed annually by the nominated person responsible for data protection, namely the Data Protection Officer, whose contact details are above.

Further advice and information is available from the Information Commissioners Office, [www.ico.gov.uk](http://www.ico.gov.uk) or telephone 0303 123 1113.

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