



# The Fernwood School

*High Achievement with Care & Discipline for All"*

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## Data Subject Access Request (SAR) Procedure

This policy will be monitored regularly and evaluated so that it remains responsive to current issues. This will be co-ordinated by the Data Protection Officer.

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## The Right of Access

We have ensured that appropriate measures have been taken to provide information referred to in Articles 13 and 14 and any communication under Articles 15 to 22 and 34 (collectively, The Rights of Data Subjects), relating to processing to the data subject in a concise, transparent, intelligible and easily accessible form, using clear and plain language. Such information is provided free of charge and is in writing, or by other means where authorised by the data subject and with prior verification as to the subject's identity (i.e. verbally, electronic).

Information is provided to the data subject at the earliest convenience, but at a maximum of 30 days from the date the request was received (or receipt of the additional information needed to confirm identity or consent, where relevant). Where the retrieval or provision of information is particularly complex or is subject to a valid delay, the period may be extended by two further months where necessary. However, this is only done in exceptional circumstances and the data subject is kept informed in writing throughout the retrieval process of any delays or reasons for delay.

Where we do not comply with a request for data provision, the data subject is informed within 30 days of the reason(s) for the refusal and of their right to lodge a complaint with the Supervisory Authority.

## Subject Access Request

Where a data subject asks us to confirm whether we hold and process personal data concerning him or her and requests access to such data; we provide them with:

- The purposes of the processing;
- The categories of personal data concerned;
- The recipients or categories of recipient to whom the personal data have been or will be disclosed;
- If the data has or will be disclosed to a third countries or international organisations and the appropriate safeguards pursuant to the transfer;
- Where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period;
- The existence of the right to request rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing;
- The right to lodge a complaint with a Supervisory Authority;
- Where personal data has not been collected by The Fernwood Academy Trust from the data subject, any available information as to the source and provider;
- The existence of automated decision-making, including profiling and meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.

Subject Access Requests (SAR) are passed to the Data Protection Lead as soon as received and a record of the request is noted. Given that personal data is to be disclosed, a verification of identity (document with the data subject's name and address, email, etc.) should be completed. If the



requestor is entitled to the personal data, the request can be processed. The type of personal data held about the individual is checked against our Information Inventory to see what format it is held in, who else has it has been shared with and any specific timeframes for access.

SARs are always completed within 30-days and are provided free of charge. Where the individual makes the request by electronic means, we provide the information in a commonly used electronic format, unless an alternative format is requested.

## Children and Subject Access Requests

Personal data about a child belongs to that child, and not the child's parents or carers. For a parent or carer to make a subject access request with respect to their child, the child must either be unable to understand their rights and the implications of a subject access request, or have given their consent.

Children aged 13 and above are generally regarded to be mature enough to understand their rights and the implications of a subject access request. Therefore, most subject access requests from parents or carers of pupils at our school may not be granted without the express permission of the pupil. This is not a rule and a pupil's ability to understand their rights will always be judged on a case-by-case basis.

We will not disclose information if it:

- ✿ Might cause serious harm to the physical or mental health of the pupil or another individual
- ✿ Would reveal that the child is being or has been abused, or is at risk of abuse, where the disclosure of that information would not be in the child's best interests
- ✿ Would include another person's personal data that we can't reasonably anonymise, and we don't have the other person's consent and it would be unreasonable to proceed without it
- ✿ Is part of certain sensitive documents, such as those related to crime, immigration, legal proceedings or legal professional privilege, management forecasts, negotiations, confidential references, or exam scripts

If the request is unfounded or excessive, we may refuse to act on it, or charge a reasonable fee to cover administrative costs.

A request will be deemed to be unfounded or excessive if it is repetitive, or asks for further copies of the same information. When we refuse a request, we will tell the individual why, and tell them they have the right to complain to the ICO.



All access requests follow the same format in terms of process:

#### REQUEST RECEIPT

The request is received by The Fernwood Academy Trust either in writing or verbally. The thirty day countdown to completion of the access request starts after receipt of any additional information needed to confirm identity or consent from the subject (if a request has been made on their behalf).



#### VERIFICATION OF IDENTITY

Where the request is a subject access request, a data portability request or a right to erasure request, the identity of the requestor must be verified (document with the data subject's name and address, company email, etc.). It is recommended that the requestor put this request in writing.

Where the request is a rectification request or a restriction of processing request, there is no verification of identity required.

If the request has been made on behalf of the subject then they will be contacted for consent.



#### ACTIONING THE REQUEST

With the identity of the requestor established and consent confirmed (if applicable), the request can now be actioned. The Data Protection Lead should send a request to any personnel who may also hold personal data impacted relevant to this request and collate the responses.

This may include searching emails, programmes (e.g. CRM or accounting software, etc.) as well as folders and documents on computers and the server to ensure all records are reviewed, as well as third party providers who have been provided the personal data. The Information Inventory should provide a list of relevant records to review.

Where necessary, follow up reminders should be sent by the Data Protection Lead to ensure accurate and timely completion of the request.



#### COMPLETING THE REQUEST

A response should be provided clarifying any deletion, amendment or disclosure to the requestor upon completion, also detailing any exemptions that may have occurred. Records are updated accordingly.

## Data Portability

The Fernwood Academy Trust provides all personal information pertaining to the data subject on request and in a format that is easy to disclose and read. We ensure that we comply with the data portability rights of individuals by ensuring that all personal data is readily available and is in a structured, commonly used and machine-readable format, enabling data subjects to obtain and reuse their personal data for their own purposes across different services.



Where requested by a data subject for whom we hold consent to process and share their personal information and when processing is carried out by automated means, we will transmit the personal data directly from ourselves to a designated controller, where technically feasible. To ensure that we can comply with Article 20 of the GDPR concerning data portability, we keep a machine-readable version of all personal information and utilise the below formats for compliance:

- .DOC(x);
- .XLS(x);
- PDF;
- JPG/image;
- Unicode (outlook email).

All requests for information to be provided to the data subject or a designated controller are done so free of charge and within 30 days of the request being received. If for any reason, we do not act in responding to a request, we provide a full, written explanation within 30 days to the data subject or the reasons for refusal and of their right to complain to the supervisory authority and to a judicial remedy.

## Rectification and Erasure

### Correcting Inaccurate or Incomplete Data

Pursuant to Article 5(d), all data held and processed by The Fernwood Academy Trust is reviewed and verified as being accurate wherever possible and is always kept up to date. Where inconsistencies are identified and/or where the data subject or controller inform us that the data we hold is inaccurate, we take every reasonable step to ensure that such inaccuracies are corrected with immediate effect.

Where notified of inaccurate data by the data subject, we will rectify the error within 30 days and inform any third party of the rectification if we have disclosed the personal data in question to them. The data subject is informed in writing of the correction and where applicable, is provided with the details of any third-party to whom the data has been disclosed.

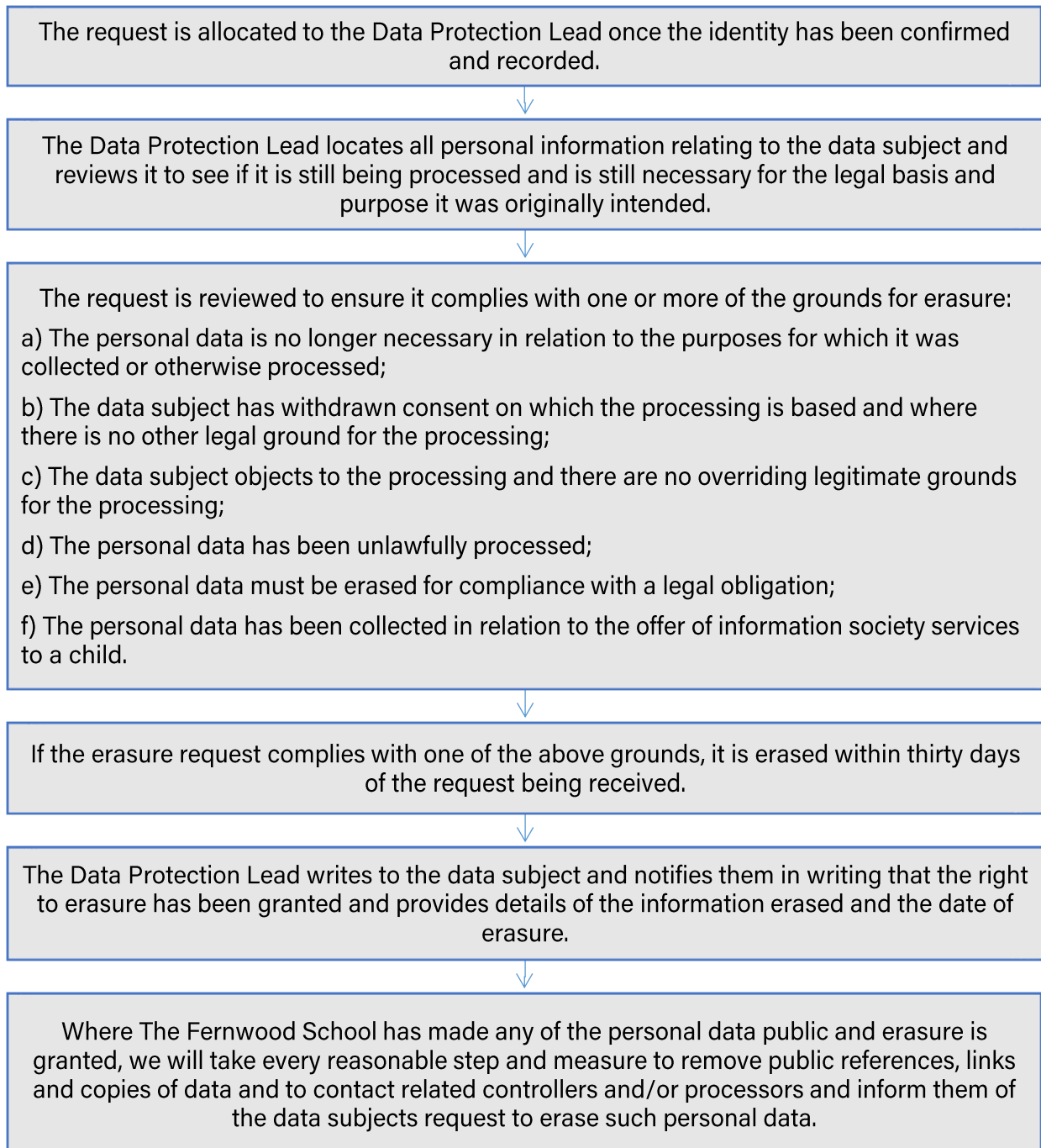
Where we are notified of incomplete data, we complete the information as directed by the data subject, including adding an addendum or supplementary statement where applicable. If for any reason, we are unable to act in response to a request for rectification and/or completion, we always provide a written explanation to the individual and inform them of their right to complain to the Supervisory Authority and to a judicial remedy.

### The Right to Erasure

Also, known as 'The Right to be Forgotten', The Fernwood Academy Trust complies fully with Article 5(e) and ensures that personal data which identifies a data subject, is not kept longer than is necessary for the purposes for which the personal data is processed. All personal data obtained and processed by The Fernwood Academy Trust is categorised when assessed by the information audit and is either given an erasure date or is monitored so that it can be destroyed when no longer necessary.



These measures enable us to comply with a data subject's right to erasure, whereby an individual can request the deletion or removal of personal data where there is no compelling reason for its continued processing. Whilst our standard procedures already remove data that is no longer necessary, we still follow a dedicated process for erasure requests to ensure that all rights are complied with and that no data has been retained for longer than is needed. Where we receive a request to erase and/or remove personal information from a data subject, the below process is followed:





If for any reason, we are unable to act in response to a request for erasure, we always provide a written explanation to the individual and inform them of their right to complain to the Supervisory Authority and to a judicial remedy. Such refusals to erase data include:

- ✿ Exercising the right of freedom of expression and information;
- ✿ Compliance with a legal obligation for the performance of a task carried out in the public interest
- ✿ For reasons of public interest in the area of public health;
- ✿ For archiving purposes in the public interest, scientific or historical research purposes or statistical purposes, in so far as the right to erasure is likely to render impossible or seriously impair the achievement of the objectives of that processing;
- ✿ For the establishment, exercise or defence of legal claims.

## The Right to Restrict Processing

There are certain circumstances where The Fernwood Academy Trust restricts the processing of personal information, to validate, verify or comply with a legal requirement of a data subject's request. Restricted data is removed from the normal flow of information and is recorded as being restricted on the information audit. Any account and/or system related to the data subject of restricted data is updated to notify users of the restriction category and reason. When data is restricted it is only stored and not processed in any way.

The Fernwood Academy Trust will apply restrictions to data processing in the following circumstances:

- ✿ Where an individual contests the accuracy of the personal data and we are in the process verifying the accuracy of the personal data and/or making corrections;
- ✿ Where an individual has objected to the processing (where it was necessary for the performance of a public interest task or purpose of legitimate interests), and we are considering whether we have legitimate grounds to override those of the individual;
- ✿ When processing is deemed to have been unlawful, but the data subject requests restriction as oppose to erasure;
- ✿ Where we no longer need the personal data, but the data subject requires the data to establish, exercise or defend a legal claim.

The Data Protection Lead reviews and authorises all restriction requests and actions and retains copies of notifications from and to data subjects and relevant third-parties. Where data is restricted, and we have disclosed such data to a third-party, we will inform the third-party of the restriction in place and the reason and re-inform them if any such restriction is lifted.

Data subjects who have requested restriction of data are informed within 30 days of the restriction application and are also advised of any third-party to whom the data has been disclosed. We also provide in writing to the data subject, any decision to lift a restriction on processing. If for any reason, we are unable to act in response to a request for restriction, we always provide a written explanation to the individual and inform them of their right to complain to the Supervisory Authority and to a judicial remedy.



## Objections and Automated Decision Making

Data subjects are informed of their right to object to processing in our Privacy Notices and at the point of first communication, in a clear and legible form and separate from other information. Individuals have the right to object to:

- ✿ Processing of their personal information based on legitimate interests or the performance of a task in the public interest/exercise of official authority (including profiling);
- ✿ Direct marketing (including profiling)
- ✿ Processing for purposes of scientific/historical research and statistics.

Where The Fernwood Academy Trust processes personal data for the performance of a legal task, in relation to our legitimate interests or for research purposes, a data subjects' objection will only be considered where it is on 'grounds relating to their particular situation'. We reserve the right to continue processing such personal data where:

- ✿ We can demonstrate compelling legitimate grounds for the processing, which override the interests, rights and freedoms of the individual;
- ✿ The processing is for the establishment, exercise or defence of legal claims.

Where we are processing personal information for direct marketing purposes under a previously obtained consent, we will stop processing such personal data immediately where an objection is received from the data subject. This measure is absolute, free of charge and is always adhered to.

Where a data subject objects to data processing on valid grounds, The Fernwood Academy Trust will cease the processing for that purpose and advise the data subject of cessation in writing within 30 days of the objection being received.

We have carried out a system audit to identify automated decision-making processes that do not involve human intervention. We also assess new systems and technologies for this same component prior to implementation. The Fernwood Academy Trust understands that decisions absent of human interactions can be biased towards individuals and pursuant to Articles 9 and 22 of the GDPR, we aim to put measures into place to safeguard individuals where appropriate. Via our Privacy Notices, in our first communications with an individual and on our website, we advise individuals of their rights not to be subject to a decision when:

- ✿ It is based on automated processing;
- ✿ It produces a legal effect or a similarly significant effect on the individual.