



NPAT SUBJECT ACCESS REQUEST POLICY

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Northamptonshire Primary Academy Trust is proud to produce written materials that consider the British Dyslexia Association style guide principles.

Appendix 4 SAR Request template

Appendix 5 SAR Documentation checklist

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1. POLICY STATEMENT

1.1 All Data Subjects have rights of access to their personal data. This document sets out the procedure to be followed in relation to any requests made for the disclosure of personal data processed by Northampton Primary Academy Trust (NPAT).

1.2 Regulations for maintained schools do not apply to NPAT Schools as part of a Multi Academy Trust. Any request for educational records therefore will be processed following the Subject Access Procedure.

WHO DOES THIS POLICY APPLY TO

All data subjects of Northampton Primary Academy Trust this includes staff, volunteers, governors, parents/carers and pupils

POLICY REVIEW ARRANGEMENTS

This policy will be reviewed and updated as necessary if/when any changes are made to legislation that affect our Trust's practice. Otherwise, or from then on, this policy will be reviewed every 3 years and shared with the full Trust Board.

2. DEFINITION OF DATA PROTECTION TERMS

2.1 All defined terms in this policy are indicated in bold text, and a list of definitions is included in Appendix 1 to this policy.

3. RECOGNISING A SUBJECT ACCESS REQUEST

3.1. As NPAT processes personal data concerning data subjects, those data subjects have the right to access that personal data under UK Data Protection law. A request to access this personal data is known as a Subject Access Request or SAR.

3.2. A data subject is only entitled to access their own personal data, and not to information relating to other people. A parent/legal guardian can make a subject access request on behalf of their child as long as they hold parental responsibility.

3.3. Any request by a data subject for access to their personal data is a SAR. This includes requests received in writing, by email, verbally and via social media.

3.4. If any member of our Workforce receives a request for information they should inform the Data Protection Officer (“DPO”) as soon as possible in writing to discuss the next steps; DPO@npatschools.org

3.5. In order that the trust is properly able to understand the nature of any SAR and to verify the identity of the requester, any requester making a request verbally should be logged by the requester or a member of staff in writing (Appendix 4) and direct this to the DPO.

Schools will make the form (appendix 4) available for individuals to use if they wish to complete this, however it should be noted that it cannot be insisted that a requester use this form. Requests must still be accepted and progressed in other formats including when made verbally. Also, please note that a request may be received using the Information Commissioner Office’s (ICO) online tool: [Make a subject access request | ICO](#)

3.6. A SAR will be considered and responded to in accordance with the UK Data Protection Law.

3.7. Any SAR must be notified immediately to the DPO at the earliest opportunity before any response or confirmation to the requester.

4. VERIFYING THE IDENTITY OF A REQUESTER

4.1. The trust is entitled to request additional information from a requester in order to verify whether the requester is in fact who they say they are. Where requests are made from 3rd parties, such as a solicitor, signed authorisation will be required.

4.2. Where the trust has reasonable doubts as to the identity of the individual making the request, evidence of identity may be established by production of two or more of the following:

4.2.1. Current passport

4.2.2. Current driving licence

4.2.3. Recent utility bills with current address

4.2.4. Birth/marriage certificate

4.2.5. P45/P60

4.2.6. Recent credit card or mortgage statement

4.3. If the trust is not satisfied as to the identity of the requester, then the request will not be complied with, so as to avoid the potential for an inadvertent disclosure of personal data resulting to a data breach

5. FEE FOR RESPONDING TO REQUESTS

5.1. The trust will usually deal with a SAR free of charge.

5.2. Where a request is considered to be manifestly unfounded or excessive a fee may be requested. Alternatively, the trust may refuse to respond to the request. If a request is considered to be manifestly unfounded or unreasonable the trust will inform the requester why this is considered to be the case.

5.3. A fee may also be requested in relation to repeat requests for copies of the same information. In these circumstances a reasonable fee will be charged taking into account the administrative costs of providing the information.

6. TIME PERIOD FOR RESPONDING TO A SAR

6.1. The trust has one calendar month to respond to a SAR. This will run from the later of a. the date of the request, b. the date when any additional identification (or other) information requested is received and verified, c. clarification on the request or d. payment of any required fee. The timescale will be agreed with the DPO.

6.2. In circumstances where the trust is in any reasonable doubt as to the identity of the requester, this period will not commence unless and until sufficient information has been provided by the requester as to their identity, and in the case of a third-party requester the written authorisation of the data subject has been received (see below in relation to sharing information with third parties).

6.3. The period for response may be extended by a further two calendar months in relation to complex requests. What constitutes a complex request will depend on the particular nature of the request. The DPO must always be consulted in determining whether a request is sufficiently complex as to extend the response period.

6.4. Where a request is considered to be sufficiently complex as to require an extension of the period for response, the trust will notify the requester within one

calendar month of receiving the request, together with reasons as to why this is considered necessary.

6.5. Requests received shortly prior to, or during a school holiday will be responded to within the standard response timescale of one calendar month in line with ICO guidance. Extension requests will not be routinely granted on the grounds of receipt over a school holiday period, however, extension may still be granted on the grounds of complexity as defined above. (6.3)

All requests during holiday periods should be directed to: DPO@npatschools.org

7. FORM OF RESPONSE

7.1. A requester can request a response in a particular form. In particular where a request is made by electronic means then, unless the requester has stated otherwise, the information should be provided in a commonly readable format and shared securely with the requester.

8. SHARING INFORMATION WITH THIRD PARTIES

8.1. Data subjects can ask that you share their personal data with another person such as an appointed representative (in such cases you should request written authorisation signed by the data subject confirming which of their personal data they would like you to share with the other person).

8.2. Equally if a request is made by a person seeking the personal data of a data subject, and which purports to be made on behalf of that data subject, then a response must not be provided unless and until written authorisation has been provided by the data subject. The Trust should not approach the data subject directly but should inform the requester that it cannot respond without the written authorisation of the data subject.

8.3. If the trust is in any doubt or has any concerns as to providing the personal data of the data subject to the third party, then it should provide the information requested directly to the data subject. It is then a matter for the data subject to decide whether to share this information with any third party.

8.4. Personal data belongs to the data subject, and in the case of the personal data of a child regardless of their age the rights in relation to that personal data are theirs and not those of their parents. Parents, in most cases, do not have automatic rights to the personal data of their child.

8.5. However, there are circumstances where a parent can request the personal data of their child without requiring the consent of the child. This will depend on the maturity of the child and whether the trust is confident that the child can understand their rights. Generally, where a child is under 12 years of age they are deemed not to be sufficiently mature as to understand their rights of access and a parent can request access to their personal data on their behalf.

8.6. In all cases the trust should consider the particular circumstances of the case, and the above are guidelines only.

9. WITHOLDING INFORMATION

9.1. There are circumstances where information can be withheld pursuant to a SAR. These are specific exemptions and requests should be considered on a case-by-case basis.

9.2. Where the information sought contains the personal data of third-party data subjects then the trust will:

9.2.1. Consider whether it is possible to redact information so that this does not identify those third parties, taking into account that it may be possible to identify third parties from remaining information;

9.2.2. If this is not possible, consider whether the consent of those third parties can be obtained; and

9.2.3. If consent has been refused, or it is not considered appropriate to seek that consent, then to consider whether it would be reasonable in the circumstances to disclose the information relating to those third parties. If it is not, then the information may be withheld.

9.3. So far as possible the trust will inform the requester of the reasons why any information has been withheld.

9.4. Where providing a copy of the information requested would involve disproportionate effort the trust will inform the requester, advising whether it would be possible for them to view the documents at the trust or seeking further detail from the requester as to what they are seeking, for example key word searches that could be conducted, to identify the information that is sought.

The trust will not provide information where there is evidence this has already been shared previously with the data subject. An additional copy can be obtained but will be charged for by the school.

9.5. In certain circumstances information can be withheld from the requester, including a data subject, on the basis that it would cause serious harm to the data subject or another individual. If there are any concerns in this regard, then this should be discussed and agreed with the DPO.

10. PROCESS FOR DEALING WITH A SUBJECT ACCESS REQUEST

10.1. When a subject access request is received, the trust or school will:

10.1.1. notify the DPO within 1 school day who will be responsible for co-ordinating the process and reviewing any information prior to disclosure.

10.1.2. [subject to s8 above,] acknowledge receipt of the request and provide an indication of the likely timescale for a response within 5 working days (see template at Appendix 2);

10.1.3. take all reasonable and proportionate steps to identify and disclose the data relating to the request using the SAR paperwork checklist (Appendix 5)

10.1.4. never delete information relating to a subject access request, unless it would have been deleted in the ordinary course of events – it is an offence to amend or delete data following receipt of a SAR that would not have otherwise been so amended or deleted;

10.1.5. consider whether to seek consent from any third parties which might be identifiable from the data being disclosed;

10.1.6. seek legal advice, where necessary, to determine whether the Trust is required to comply with the request or supply the information sought;

10.1.7. Ensure the DPO has reviewed the information before disclosure can take place

10.1.8. provide a written response, including an explanation of the types of data provided and whether and as far as possible for what reasons any data has been withheld (see template at Appendix 3); and

10.1.9. ensure that information disclosed is clear and technical terms are clarified and explained. This will also include references to the relevant privacy notice to cover the supplementary information requirement.

10. PARENTS RIGHT TO ACCESS THEIR CHILDS 'EDUCATIONAL RECORD'

In maintained schools, a parent/carer can make a request to access the data held in their child's educational record without the child's authorisation, so long as the child is under 18.

This right is entirely **separate** to the UK GDPR and subject access requests (SARs)

The parents right of access to their child's 'educational record' in England and Wales applies to maintained schools only.

This right of access is not regulated by the ICO and the relevant legislation on this right is found in The Education (pupil information) (England) Regulations 2005. As a Multi Academy Trust, NPAT will process all requests for educational records under the Subject Access Request Procedure.

Appendix 1 Definitions

Term	Definition
Data Subjects	for the purpose of this policy include all living individuals about whom we hold personal data. This includes pupils, parents, our workforce, staff, volunteers, and other individuals. A data subject need not be a UK national or resident. All data subjects have legal rights in relation to their personal information
Personal Data	means any information relating to an identified or identifiable natural person (a data subject); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person
Data controllers	are the people who or organisations which determine the purposes for which, and the manner in which, any personal data is processed. They are responsible for establishing practices and policies in line with UK Data Protection Law. We are the data controller of all personal data used in our business for our own commercial purposes
Processing	is any activity that involves use of the data. It includes obtaining, recording or holding the data, or carrying out any operation or set of operations on the data such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction. Processing also includes transferring personal data to third parties
Workforce	Includes, any individual employed by NPAT such as staff and those who volunteer in any capacity including Governors and/or Trustees / Members/ parent helpers

Appendix 2 SAR acknowledgement

Dear [DATA SUBJECT],

[DATE]

Re: your subject access request

I can confirm that [school name] received your request on [date] to see the following data that we hold about you:

- [Summarise the data requested]

If you expect to respond within 1 month, insert:

We will respond to your request within 1 month, as required under the UK General Data Protection Regulation (UK GDPR).

We don't think we will need to extend the response time, which we're able to do when requests are complex. However, if it becomes clear that we do need to extend the response period by up to 2 months, we will let you know by [date – this will be 1 month from when you received the request].

If you think the request is too complex to respond within 1 month, insert:

In most cases, we respond to subject access requests within 1 month, as required under the UK General Data Protection Regulation (UK GDPR). However, we are able to extend this period by up to 2 months for complex requests.

We anticipate that your request will be too complex for us to fulfil within 1 month during the summer holidays, due to the nature of your request and the lack of available staff in school at this time.

In particular, [insert more details to explain why you have judged that this request is too complex, e.g. there is data stored on teachers' laptops that you cannot access centrally, or that data will need to be extracted from a part of the IT system that will need input from members of the IT team who do not work over summer].

We will respond to your request by [date – which will be 3 months from the date the request was received] at the latest.

For further information, please contact our Data Protection Officer, [include name and contact details of your DPO, or alternative staff member to contact over the summer holidays].

If you disagree with this decision, you can contact the Information Commissioner's Office by calling 0303 123 1113, or going to the following webpage:

<https://ico.org.uk/global/contact-us/>

We are sorry for any inconvenience this may cause you,

Yours sincerely,

[NAME OF SENDER]

Appendix 3 SAR response template

Dear [DATA SUBJECT],

[DATE]

Response to your data subject access request dated [DATE OF REQUEST]

We write further to your request for details of personal data which we hold [and our acknowledgment of [DATE WHEN REQUEST FIRST ACKNOWLEDGED BY LETTER]].

We enclose all of the data to which you are entitled under the UK General Data Protection Regulation (GDPR), in the following format:

Your name	[Insert requester's name]
Your relationship with the school	[Pupil / parent / employee / governor / volunteer / other (specify)]
Details of the information you requested/enclosed	[Insert details of the specific information requested, such as: Your personnel file Your child's medical records Your child's behaviour record, held by [insert class teacher] Emails between 'A' and 'B' between [date]]
Date we supplied the information	[This must be within one month of the above date, except in the case of an extension or delay, e.g. in receiving ID]
Format we supplied the information	

You will note that some of the information has been redacted. The reason for this is that the redacted information relates to [a] third part[y/ies] who have not consented to the sharing of their information with you].

[Some information has not been provided as it is covered by the following exemptions:

LIST EXEMPTIONS APPLIED]

For the following information, please refer to the relevant pupil privacy notice on the Trust website:

- purposes for processing;
- categories of personal data processed;
- recipients or categories of recipient the Trust has or will be disclosing the personal data to;
- the retention period for storing the personal data or, where this is not possible, the criteria for determining how long it is stored;
- an individual's right to request rectification, erasure or restriction or to object to processing;
- information about the source of the data;
- the safeguards the Trust has provided where personal data has or will be transferred to a third country or international organisation.

If you are unhappy with this response, and believe trust has not complied with legislation, please ask for a review by [following our complaints process; details can be found on our website at [LINK] OR by contacting [INDIVIDUAL (COULD BE DPO OR OTHER APPROPRIATE POSITION)]]].

If you still remain dissatisfied following an internal review, you can appeal to the Information Commissioner, who oversees compliance with data protection law. You should write to: Customer Contact, Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely,

[NAME]

For and on behalf of NPAT

Appendix 4 SAR request template

Re: subject access request

Fao: NPAT Data Protection Officer

Please provide me with the information about me that I am entitled to under the UK General Data Protection Regulation (UK GDPR). This is so I can be aware of the information you are processing about me and verify the lawfulness of the processing.

Here is the necessary information:

Name:	
Relationship with the school	Please select: Pupil / parent / carer/ employee / governor / volunteer Other (please specify):
Correspondence address	
Contact number	
Email address	
Details of the information requested	Please provide me with: Insert details of the information you want that will help us to locate the specific information. Please be as precise as possible, for example: <ul style="list-style-type: none"> ➤ My personnel file ➤ My child's medical records ➤ My child's behaviour record, held by [insert class teacher]

	➤ Emails between 'person A' and 'person B' between [dates]

Appendix 5 SAR Paperwork checklist

Only use the relevant sections in the table below which are relevant to the SAR request.

Where information has been previously shared, this does not need to be included but must ensure this is clearly referenced in the table below.

Redaction relates to third party data such as another student or where one parent's contact information is not known by the other.

Any other information which may require redaction to safeguard someone, needs to be discussed and agreed with the DPO.

Name:

Relationship with academy:

SAR request:

<p>Please insert details here:</p>

Area	Already previously disclosed to parent , if so when and how?	Gathered and redact if required
Hard copy pupil record		
School reports		
MyConcern records		
First aid and medical records		
Meeting notes		

Area	Already previously disclosed to parent , if so when and how?	Gathered and redact if required
Arbor pupil record:		
Pupil profile		
Progress		
SEND		
Behaviour record		
Attendance for each academic year pupil has been at the school		
Any comms on Arbor which are specific to the child (not general school communication)		
SEND records:		
Request for support applications, e.g. EHAs, EHCPs, Higher Needs, ASD/ADHD, etc.		
Intervention and support records at the school		
Referrals and reports from them, e.g. Educational Psychologist, Maplefields, etc.		
Letters and emails relating to external support		
Behaviour plans or IEPs		
Risk assessments		
Physical restraint records		
TAF meeting notes and any other relevant ones		
Emails		
Emails received and sent to individual making the request	No requirement to reshare as already have them	
Emails between staff regarding individual		
External emails regarding individual		

Area	Already previously disclosed to parent , if so when and how?	Gathered and redact if required
School communication site used, only share specific communication relating to the child not general school communication that		
Other records asked for in the SAR request, please include		

Appendix 6 Process

