



Extracted from the Data Protection Policy Agreed Hampstead Parochial CofE Primary School

### 9.1 Subject access requests

Individuals have a right to make a 'subject access request' to access personal information

That Hampstead Parochial CofE Primary School holds about them. This includes:

- 1) Confirmation that their personal data is being processed
- 2) Access to a copy of the data
- 3) The purposes of the data processing
- 4) The categories of personal data concerned
- 5) Who the data has been, or will be, shared with
- 6) How long the data will be stored for, or if this isn't possible, the criteria used to determine this period
- 7) The source of the data, if not the individual
- 8) Whether any automated decision-making is being applied to their data, and what the significance and consequences of this might be for the individual

While Hampstead Parochial CofE Primary School will comply with the GDPR Regulations in regard to dealing with all Subject access requests submitted in any written format, individuals are asked to preferably submit their request by letter, email or fax addressed or marked for the attention of the Data Protection Officer. They should include:

- Name of individual
- Correspondence address
- Contact number and email address
- Details of the information requested

If staff receive a subject access request they must immediately forward it to the DPO.

### 9.2 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 below the age of 12 are generally not 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 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.

### 9.3 Responding to subject access requests

When responding to requests, we:

- 1) May ask the individual to provide 2 forms of identification from the list below :
- passport

- driving licence
- utility bills with the current address
- Birth / Marriage certificate
- P45/P60
- credit card or mortgage statement

2) May contact the individual via phone to confirm the request was made

3) Will respond without delay and within 1 month (30 calendar days) of receipt of the request

4) Will provide the information free of charge

5) May tell the individual we will comply within 3 months of receipt of the request, where a request is complex or numerous. We will inform the individual of this as soon as possible, and explain why the extension is necessary

6) All subject access requests will recorded and logged by the school

We will not disclose information if it:

1) Might cause serious harm to the physical or mental health of the pupil or another individual; or

2) Would reveal that the child is at risk of abuse, where the disclosure of that information would not be in the child's best interests; or

3) Is contained in adoption or parental order records; or

4) Is given to a court in proceedings concerning the child

If the request is unfounded or excessive, we may refuse to act on it, or charge a reasonable fee which would only take into account 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.

#### 9.4 Other data protection rights of the individual

In addition to the right to make a subject access request and to receive information when we are collecting their data about how we use and process it, individuals also have the right to:

1) Withdraw their consent to processing at any time

2) Ask us to rectify, erase or restrict processing of their personal data, or object to the processing of it in certain circumstances

3) Prevent use of their personal data for direct marketing

4) Challenge processing which has been justified on the basis of public interest

5) Request a copy of agreements under which their personal data is transferred outside of the European Economic Area

6) Object to decisions based solely on automated decision making or profiling (decisions taken with no human involvement, that might negatively affect them)

7) Prevent processing that is likely to cause damage or distress

8) Be notified of a data breach in certain circumstances

9) Make a complaint to the ICO

10) Ask for their personal data to be transferred to a third party in a structured, commonly used and machine-readable format (in certain circumstances)

11) Individuals should submit any request to exercise these rights to the DPO. If staff receive such a request, they must immediately forward it to the DPO.

Last reviewed by Governing Body	Date / Term / Year <b>Summer 2018</b>
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