

## Subject Access Requests Policy and Procedures 2021

The Link Academy Trust is a company limited by guarantee and an exempt charity, regulated by the Education & Skills Funding Agency (ESFA). All Members of the Board of Trustees of the exempt charity are also Directors of the company; the term 'Trustee' used in this Policy also means Director. This Policy applies to all academies within the Link Academy Trust

### Statement

Enabling individuals to find out what information the Link Academy Trust (the 'Trust') holds about them, why we hold it and who we disclose it to is fundamental to good information handling practice. The Data Protection Act 1998 gives individuals the right to request access to such information. The General Data Protection Regulations (GDPR), enforceable from 25th May 2018, strengthens individuals rights, including those covered under Subject Access Requests.

This policy is adopted using the changes coming into effect in May 2018.

The Trust is committed to protecting individuals through ensuring robust procedures are in place to ensure that the data of individuals is not compromised. Internal management and control procedures and policies are monitored by senior management.

This policy and procedures document outlines the rights of individuals<sup>1</sup> to request access to personal data that the Trust may hold about them.

### Personal Data

Personal data is defined within GDPR as 'any information relating to an identifiable person who can be directly or indirectly identified'. In other words any data we hold that could allow another individual to identify that person. This would include, but is not necessarily limited to:-

- Name
- Address
- Date of Birth
- Telephone Number
- Email Address
- Unique Pupil Number
- National Insurance Number
- Passport Number

The personal data that the Trust is set out within the Trust's Privacy Notices which are available from the schools.

### The Right of Access

Under GDPR individuals have the right to obtain:

- confirmation that their data is being processed;
- access to their personal data; and
- other supplementary information

Requests for such information (subject access requests) must be made following the procedure outlined in the Procedures section of this policy.

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<sup>1</sup> Individuals at the Trust include pupils, parents and staff

## **Subject Access Requests Procedures**

In the event that a parent, carer or staff member wishes to pursue their right to obtain information that the Trust holds about them, they are required to follow the procedures below. The Trust shall also adhere to the internal procedures detailed.

### **Making a Subject Access Request**

Any individual wishing to access information about the data we hold are required to make such request in writing. Where possible, we ask that the Subject Access Request form is completed and sent to the Trust by post, pupil post or email, for the attention of the Head of School. In the event that the individual is unable to access the form he or she may submit their request through standard post or email. The Trust shall not accept verbal requests.

### **Verifying Identity of Individual**

In order to continue its commitment to protecting individuals, staff at the Trust shall, on receipt of a request, contact the individual that has requested the information, by telephone in order to verify the identity and authenticity of the request. The staff member will ask two security questions.

### **Timescale**

Upon receipt of the subject access request the Trust shall contact the individual for verification purposes within 3 working days. The information shall be supplied to the individual within one month from the date of receipt of the request. The Trust reserves the right to extend this period by a further two months, upon consultation with the individual, where the request is complex or excessive.

### **Fees**

The GDPR states that organisations (including schools and Multi Academy Trusts) shall not charge a fee for provision of access unless the request is manifestly unfounded or excessive, particularly because they are repetitive. In accordance with this the Trust shall not charge a fee where the request is reasonable but reserves the right to charge a *reasonable fee*, calculated on the time required to fulfil the requirements of the request. In this event the individual will be informed within one month of the date that the request was received.

### **Refusal to respond**

The Trust has the right to refuse to respond to a request that is *manifestly unfounded or excessive*. In the event that the Trust refuses to respond it will inform the individual, without undue delay and within one month, of the reason for the refusal and their right to complain.

### **How the information is issued**

Information may be supplied electronically or in paper format. An analysis will be made to determine which of the formats is the most appropriate and the decision will be agreed between the person making the request and the school. In the event that the information is supplied electronically it will be provided in PDF format.

Whilst the GDPR recommends good practice to be access to a self-service portal this is not currently available at the Trust.

Subject Access Requests will, at all times, be managed by a member of the administrative team.

Reviewed by the Audit Committee: 20.01.21

Approved by the Board of Trustees: 08.02.21