



Subject Access Request Policy

PURPOSE

Ark and Ark Schools (Ark) is required to follow the Data Protection Act 2018 (the DPA) in the way that it collects and uses personal data. The DPA references and implements the UK General Data Protection Regulation (UK GDPR) with some specific amendments. This policy sets out how the trust will manage and monitor subject access requests.

Date of last review:	April 2024	Author:	Data Protection Officer
Date of next review:	April 2027	Owner:	Director of Risk and Corporate Governance
Type of policy:	<input checked="" type="checkbox"/> Network-wide <input type="checkbox"/> Tailored by school	Approval:	Management Team
School:	N/A	Key Contact Name:	Governance team
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POSITIONING WITHIN ARK OPERATIONAL MODEL

Component	Element
<input type="checkbox"/> Strategic Leadership & Planning <input checked="" type="checkbox"/> Monitoring, Reporting & Data <input checked="" type="checkbox"/> Governance & Accountabilities <input type="checkbox"/> Teaching & Learning <input type="checkbox"/> Curriculum & Assessment <input type="checkbox"/> Culture, Ethos & Wellbeing <input type="checkbox"/> Pathways & Enrichment <input type="checkbox"/> Parents & Community <input type="checkbox"/> Finance, IT & Estates <input type="checkbox"/> Our People	Data Protection

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Introduction

The UK GDPR describes the responsibilities that organisations have when dealing with personal data and at Ark we are committed to our obligations under the UK GDPR to maintain a robust and structured programme for compliance adherence and monitoring.

The GDPR provides data subjects with rights in respect to how their personal data is used by organisations and includes the:

- Right of access
- Right to rectification
- Right to erasure (or the 'right to be forgotten')
- Right to restrict to processing
- Right to data portability
- Right to object to processing
- Right not to be subject to automated decision making, including profiling

When a data subject (staff, student, governor, parent, or other stakeholder) exercises one of these rights it is called a data subject request, and the most common type of request is called a Subject Access Request or SAR. This policy applies to all data subjects, staff, governors, trustees, volunteers, and others who may request access to the personal data held about them by Ark.

As Ark deals with young people, there are circumstances where a parent or another legal representative may exercise these rights on behalf of the young person.

This policy will be reviewed every three years, or when the Information Commissioner's Office (ICO) issues revised guidance on this topic.

When referring to Ark or Ark Schools, this also includes all 39 schools across the UK.

SAR Procedure

Anybody who makes a request to access any personal information held about them by Ark is making a subject access request, and all information relating to the individual, including that held in electronic or manual files will be considered for disclosure.

The individual's full subject access right is to know:

- Whether personal data about them is being processed
- The purposes of the processing
- The categories of personal data held and used
- The recipients of whom their personal data has been or will be shared with
- How long the data will be stored
- The right to lodge a complaint with the ICO
- Where personal data has not been collected from the individual, information on who provided the data
- Details of the safeguards in place for any transfers of their data to countries outside the European Economic Area

Through the right of access an individual only has the automatic right to access information about themselves, and care will be taken when preparing request documents not to disclose the personal

data of third parties where consent has not been given, or where seeking consent would not be reasonable, and it would not be appropriate to ask, or release the information.

For schools requests are managed by the school's Data Protection Lead or and can be made in verbal or in writing to the school or using dataprotection@arkonline.org.

The school's Data Protection Lead must be satisfied that the individual has right to access to the information requested and may ask for a valid form of identification to evidence they have the right to make a request on behalf of another. This should include photo identification and proof of address. If suitable verification is not possible then the request will not progress further and will be withdrawn.

Valid forms of identification include (but are not limited to):

- current signed passport
- residence permit issued by Home Office
- current UK photocard driving licence
- birth certificate
- marriage certificate

Valid forms of proof of address include (but are not limited to):

- recent original utility bill, 3 months or less (note that mobile telephone bills should not be accepted as they can be sent to different addresses).
- Council tax bill (valid for current year)
- current UK photo card driving licence (if not used for above)
- bank, building society or credit union statement or passbook containing current address
- recent original mortgage statement or current local council rent card or tenancy agreement

Ark encourages using dataprotection@arkonline.org for making a subject access request, although it recognises the right of individuals to make requests through any available channel.

All requests received in any part of Ark (whether in schools or centrally) must be forwarded to the Data Protection Officer using dataprotection@arkonline.org within two working days of receiving the request, and the request must be dealt with in full without delay, at the latest within one month of receipt.

The SAR response will normally be sent to data subjects within the legal time limits, and all documents will be sent via email, unless the requestor has specified another method (for example, post or collecting in person). When information is posted, it will be sealed securely and sent by recorded delivery to the address provided by the requester.

If the request is complex the legislation allows for an extension of a further two months. The data subject will be advised within one month of receipt of their request or earlier, with an explanation as to why the extension is necessary. <https://ico.org.uk/your-data-matters/time-limits-for-responding-to-data-protection-rights-requests/>

Extensions will automatically be applied to requests where they have been received by Ark Schools during or within 2 weeks of closing for a half term or other school holiday. Any extensions will be communicated to the requester along with a new date when they can expect the completed request documents.

A copy of the information sent will be retained for one year by Ark as stated in our Retention and Disposal policy unless there is a legal basis to retain the information for longer.

Fulfilling The Request

Depending on the nature of the request this stage may vary. Where a request is, for example the correction of inaccurate personal data, this request should be met as soon as possible. However, a subject access request represents the greatest potential work and may involve individuals from a number of teams (for example, finance, IT, or HR) depending on the nature of the request and the information that has been requested.

The request will specify the data that is required to be collected. Where the dataset is very large or there is a lack of specificity by the requester, the requestor may be asked if they have any information that would enable the scope of the request to be reduced.

There are complex rules about the data that can be released and once the basic data has been collected these rules need to be considered. In addition, any references to third parties (i.e., teachers, other students, external professionals etc.) will be redacted from the collected data before it is released. Accidentally releasing information about third parties by failing to redact the response to a subject access request is considered a data breach; and should be reported to Ark's Data Protection Officer using dataprotection@arkonline.org without delay.

In some cases, where we are unable to redact the information of third parties (most often with CCTV footage), a decision may be made that the information cannot be released even though it represents personal data of that data subject.

In some cases, other policies will override the data protection policy in respect of releasing information, and this is especially the case with safeguarding information.

Where data is redacted or withheld, a description of why this information has not been disclosed will be provided to the requester.

Consent

Any individual, including a child or young person with ownership of their own information rights, may appoint another person to request access to their records. In these circumstances, Ark must have written evidence that the individual has authorised the person to make the request and the Data Protection Officer or a school's Data Protection Lead must be confident of the identity of the individual making the request and of the authorisation of the individual the request is about.

Any situations where there is a question over rights to access personal data or the exercising of any other data protection right, will be referred to Ark's Data Protection Officer.

For children over the age of 13, we require their consent in order to share their data if requested by their parent or other individual submitting a request on their behalf. Parents, and those other third parties are responsible for providing consent to Ark for access to their child's/ the student's personal data if they are over the age of 13.

We recognise that:

Where a student is of the age to provide their consent, we will always listen to the child's preferences over their parent's, except where a child does not have sufficient understanding to make their own request (usually those under the age of thirteen, or thirteen and over but with a special educational need which makes understanding their information rights more difficult).

However, the Data Protection Officer must be satisfied that:

- The child lacks sufficient understanding.
- The request made on behalf of the child is in their interests.

Where consent has been given, a record will be kept documenting how and when consent was provided. This will be managed by the data protection staff at Ark.

If there is a disagreement over consent, or if a parent, pupil, or third party does not respond to a consent request, it will be treated as if consent has not been provided and the subject access request will be withdrawn.

All parents, pupils, and staff are entitled to withdraw or change their consent at any time. If withdrawing your consent, you should do so in writing to the school or to Ark's Data Protection Officer (DPO) using, dataprotection@arkonline.org.

Retention of Documents

As per the UK GDPR and DPA, any data obtained by Ark will not be kept for longer than necessary and will only be used for the purpose they were originally collected for. Retention periods for the different types of personal data are outlined in Ark's Data Retention and Disposal policy.

A regular review of data, documents, images, and videos, at least annually, will be carried out to ensure that all unwanted and out of date material has been securely disposed of. Therefore, when submitting a SAR, please be aware that we can only provide you with copies of the documents and data that we are currently holding, in line with our retention schedule.

Exemptions to access by data subjects

The Data Protection Act includes a number of exemptions, which means that certain information may not be disclosed in response to a SAR.

The list below is not exhaustive, but includes those exemptions most relevant to the trust:

- information subject to Legal professional Privilege (unless the privilege is waived)
- information where there is a statutory or court restriction on disclosure
- employment or other confidential references provided by the Ark about the data subject
- personal data held from other agencies that may only be disclosable following discussion with that agency
- information about third parties (i.e., teachers, other students, external professionals)
- information relating to the deceased, as the Data Protection Act only applies to living individuals. A request should be made under Freedom of Information legislation instead
- information which if shared may place the individual at risk of significant harm (i.e., safeguarding records or concerns)

There are other exemptions from the right of access and when the trust applies an exemption, it will do so on a case-by-case basis and will advise the data subject of the reasons for our decision.

Related Policies and Procedures

This policy should be read in conjunction with the following policies:

- Data Protection policy
- Safeguarding and Child protection policy

- Complaints policy

Contact

Concerns, questions, or complaints in relation to this policy can be sent to the Ark's Data Protection Officer using dataprotection@arkonline.org.

You can also find more information about how the trust processes personal data by reading our Data Protection policy which can be found [here](#).

If you are not satisfied with our response to your concern or if we have not been able to resolve your complaint, you can also contact the Information Commissioner's Office, who will investigate the case at their discretion by visiting: www.ico.org.uk/foicomplaints

Post addressed to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5A,

Telephone: 0303 123 1113