



Subject Access Request Procedure

River Bank Primary School

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Introduction and purpose

The UK GDPR and the Data Protection Act 2018 gives individuals rights of access to their personal records held by schools.

This guidance aims to help employees deal with Subject Access Requests (SARs) in compliance with school policy.

This document should be read in conjunction with the Subject Access Request Policy

How long do I have to complete a SAR

The school has a maximum of a month starting from the date the request is received, or when sufficient information is obtained to confirm identity and clarify the scope of the request, where required. As there is no definition of a month, the school is adopting 20 working days, to ensure consistency.

Where a request is unclear or overly broad, the school may seek clarification from the requester. The statutory timeframe will be paused until sufficient clarification is received to enable the school to respond.

You will be able to extend the period by a further two months where requests are complex or numerous. You should contact the SAR owner as soon as possible if an extension is required.

In any event the request should be responded to as quickly as possible. The deadline is a maximum and any deliberate or unjustified delay to hold back a response until nearer the deadline expiry is not acceptable.

Who can submit a SAR

An application for a Subject Access Request must be made by either of the following:

The Data Subject

A data subject is entitled to make a request verbally or in writing to see any personal data held about them. The school must ensure they only provide records to the data subject, or a person authorised to act on their behalf, so may require proof of identity and current residence. This must be in the form of photographic ID, such as drivers license or passport and a recent utility bill or bank statement as proof of address.

Identity should be verified using appropriate documentation. This may be done in person or through secure electronic means where appropriate.

On Behalf of the Data Subject

Before responding to a subject access request relating to a child, consideration should be given to whether the child is sufficiently mature to understand their rights. Where the child is

considered capable, the response should usually be provided directly to them. However, a parent may be permitted to exercise the child's rights on their behalf where appropriate.

The school requires both the data subject and the person making the request to bring in photographic ID and proof of address. Only in exceptional circumstances can this requirement be waived. Contact your Data Protection Officer if ID cannot be provided face to face.

A Person with Parental Responsibility

An individual only has a right to access the records of a minor if they have either parental responsibility or legal guardianship of the child. Parental responsibility is defined in the Children Act 1989 and updated by the Adoption & Children Act 2002. A person with parental responsibility is:

- The natural mother;
- The natural father, if married to the mother either before or after the birth, even if divorced or separated;
- The natural father, if unmarried, and he registered the birth along with the mother after December 2003;
- The natural father, if unmarried, by agreement with the mother (evidenced by a form provided by a solicitor, signed by both parents and witnessed by an Officer of the Court) or by a court order (parental responsibility order);
- The natural father, if unmarried, and appointed as the child's guardian on the death of the natural mother;
- An individual (generally a family member) with a residence order for the child (if the order is for a period of time, then parental responsibility is removed at the end of the period);
- An individual who has legally adopted the child;
- A local authority under a care order - individual acting as a Children's
- Guardian: If the application for access to a child's record is made by someone having parental responsibility access shall only be given where:
 - The child is capable of understanding what the application is about and has consented to it.
 - The child is not capable of understanding the nature of the application and giving access would be in his/her best interests. The relevant professionals will decide on the child's capacity to understand the application.

If an individual is claiming parental responsibility, then they must provide a copy of the necessary evidence such as a parental responsibility order or the long version of the birth certificate of the child.

A Person Appointed by the Courts

Where the data subject is incapable of managing their affairs, someone appointed to act on their behalf by a court of law may submit a subject access request. Proof of the court order must be given.

Solicitors acting on behalf of a client or Insurance Companies

Where a solicitor or other legal professional requests access on behalf of a client they are representing, the appropriate form of authority containing the signed consent of their client must be obtained and evidenced. The request must be dealt with in the same way as if it had come direct from the Data Subject.

The Police

The police may from time to time submit requests for information relating to a specific individual, these requests are made to prevent or detect crime or for taxation purposes. In these circumstances the school will not be required to obtain the consent of the data subject. Requests should be made using s29 form and authorised by a senior officer.

Other Government Agencies

In some circumstances the school may be asked to provide information to other Government Agencies. Government Departments require a range of information to carry out their functions. Unless there is a legal requirement to disclose, for example for the prevention or detection of crime or for safeguarding reasons, the Data Subject will be informed, and their consent obtained in writing.

What should I do when the school receives a SAR?

If you receive a SAR direct from a member of the public, you should determine whether you can deal with the request immediately or whether the request is complex and needs further consideration.

Simple requests:

1. Decide if it is something that you can quickly provide yourself. For example, copies of a consent form, exam result, their own letter of complaint.
2. If you can provide it quickly do so.
3. Put a note on file of what is provided, to whom it went and when the request was completed.

Complex requests:

1. Make sure what information being requested is clear and send it to your DPO
2. Most SAR requests are made by parents.
3. Alternatively, you can ask the requestor to email your DPO

What process should be followed?

Searches for information should be reasonable and proportionate to the nature and scope of the request.

- Think about where the information requested will be kept
- What types of records you are looking for?
- Do you need to do a search of emails?
- Are there any duplicate records?
- Allocate sufficient time to process the request

How do I find the information requested?

Requests for information are not limited to “live” files. SARs cover all information held by the school regardless of where it is stored, closed, archived.

You should first consider which system the information requested will be stored on. For example, information about pupils will be kept on MIS system. Information about safeguarding will be kept on CPOMS or paper files.

In some cases, multiple systems will need to be checked in order that all relevant data is located.

Where a request is unclear or broad in scope, you should seek clarification from the requester before proceeding. Processing should not begin until the scope of the request is understood. For example, a requestor might ask for everything the school holds about them, but they may only want to see information relating to a specific issue such as a disciplinary matter.

Often limiting the search to a specific timeframe also helps reduce the search.

Are there any duplicate records?

Once you are satisfied that you have access to all the relevant documents related to the SAR request you should take time to remove all duplicates.

Email trails forwarded numerous times can result in several duplicates. You should spend time to find the latest email and remove any others that contain the same information.

A document may have been attached to several emails and printed out numerous times you only need to print a document once. In addition, numerous drafts of the same document do not need to be provided. The school is only required to provide the final draft of documents.

The school is not required to provide information that the requester already holds or can reasonably access themselves. Where this applies, a proportionate and reasonable approach should be taken, and a record kept of the decision.

What information is exempt from disclosure and needs to be removed?

Third party information

A data subject is not entitled to see what we hold on any third party, including a partner or relative, unless that third party has consented. You can contact the third party and ask for their consent and should keep a record of their response.

We cannot refuse to provide access to personal data about an individual simply because it was obtained from a third party. The rules about third-party information apply only to personal data that relates to persons not included in the access request.

Exemptions

For other personal data, there are exemptions provided by the Act (set out below) and you should familiarise yourself with these exemptions before you start to redact.

Not all the exemptions apply in the same way, and you should look at each exemption carefully to see how it applies in a particular SAR.

Confidentiality and references

We do not need to disclose information which was provided to us in confidence. The information needs to be confidential in nature and provided in circumstances which create an expectation of confidentiality. Something simply being marked "Confidential" does not make it confidential if the information is not actually confidential in nature.

References given "in confidence" are exempt from subject access regardless of whether the reference is in the hands of the person who has written the reference or in the hands of the receiver. If a question of confidentiality arises and the exemption is disputed, you could contact the author to find out whether they object to the reference being disclosed.

Publicly available information

If the law says we must make information available to the public, any personal data included in it is exempt from the right of subject access.

The exemption only applies to the information that we are required to publish. If it holds additional personal data about an individual, the additional data is not exempt from the right of subject access.

How do I complete redactions?

Much of the data we hold, and which needs to be provided in response to an SAR, may contain information which is not the personal data of the data subject. This information will need to be blocked out (redacting).

When you redact a document or remove exempt information you should make notes providing a description of the document and the reason for the redaction/removal. Redaction can be completed using the following methods:

- Cover large blocks of text with plain paper - If there are large blocks of information to be redacted you can cover these with plain paper before photocopying.
- Manual redaction – This is useful where there are only small pieces of text that need to be removed. Manual redaction can be done using an indelible black marker to cover the relevant text. **NOTE:** be careful that you have covered the text completely by holding the document to the light. Often a document redacted manually needs to be re-copied to ensure that the marked text cannot be read. Also note that manual redaction can only be done on single-sided copies.
- Redaction using Adobe Pro – this type of redaction is useful when you need to redact large pieces of text on a large SAR.

What is a double check?

Once you are satisfied that the documents are ready double check of the SAR must be completed before being released.

This is done to ensure that all third party or other exempt data has been removed appropriately and that any documents have been redacted correctly.

You should keep a copy of both the redacted and unredacted file (electronic copies are more secure).

How do I respond to a SAR?

Once all the information has been collated and the double check has been carried out, the SAR is ready for despatch.

The school is required to provide copies in a format requested by the data subject, this can be via the following methods:

| Requested by: | Method: |
|-------------------------|--|
| Hard copy | Documents should ideally be collected in person by the requester - check ID (if required) before handing over the documents. If it not possible for the data subject to collect the documents themselves use the special delivery postal service . |
| Encrypted device | Where the data is especially large or sensitive you may want to consider saving the documents on an encrypted memory device You can send the password to the data subject once they have received the device. |

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| Email | If the school has a secure email system this is the school's preferred method. Send the file by secure data transfer (currently Egress). Ask the data subject to confirm receipt of the documents as soon as possible |
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Complaints

For information on how data subjects can complain about a SAR refer to the SAR Policy.