

Subject Access Request Procedure

Version	1.0
Based on Model	DPO Consulting June 25
Review body	Headteacher
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Version	Date	Notes
1.0	June 2025	New Policy Adopted

Arlesdene Nursery School and Pre-school is committed to:

- Safeguarding and promoting the welfare of children and young people, and expects all staff and volunteers to share this commitment.
- Eliminating discrimination, advancing equality of opportunity and fostering good relations between different groups. These factors were considered in the formulation and review of this policy and will be adhered to in its implementation and application across the whole school community.
- Promoting the fundamental British values of democracy, the rule of law, individual liberty and mutual respect and tolerance of those with different faiths and beliefs: any school member or visitor expressing opinions contrary to fundamental British values, including extremist views, will be actively challenged.

Subject Access Request Procedure

(see below for FOI and Education Record)

Requests for data held on data subjects will be normally completed within 30 days, following the requirements of the GDPR.

The Privacy Notice clearly states that requests should be made through the school office or via the DPO@ email address.

On receipt of a request:

1. Person/s receiving the request will ask for a form to be completed (this is not legally required so cannot be enforced, only requested. If the form is not forthcoming, please record the details using the form – date of the request is essential). However, it is essential that the person's request is qualified as legitimate before actioning; this is evidenced through ID and/or name on the child's birth certificate, if parental responsibility is not on school records. The timing (below) for providing information starts only after ID is confirmed.
2. Person/s receiving the request should hand the form to the Deputy Data Protection Officer.
3. Office staff will be responsible for gathering attendance data.
4. Office staff will be responsible for gathering copies of reports and examination results (if applicable).
5. Office staff will be responsible for gathering HR data (if applicable).
6. Office staff will be responsible for providing data from Arbor and school systems.
7. A Designated Safeguarding Lead or Deputy will be responsible for providing Child Protection files.
8. Office staff will be responsible for extracting email communication.
9. The DDPO and/or Data Protection Officer (DPO) will ensure that the information is gathered within 30 days and provided to the recipient in an appropriate format, redacted where appropriate*
10. Notifiable Data Breaches will be reported by the DDPO or DPO to the Information Commissioner's Office
11. The SAR must be logged using the 'Subject Access Request (SAR) Log'.
12. Ensure that a quality review is carried out on the SAR before it is sent – this should be carried out by a senior member of staff to ensure that it follows SAR rules.

The school has the right to:

1. 30 days to comply for Subject Access Requests which ask for more than the 'Education Record' (points 3 & 4 in the first section of this form). Education Records should be provided within 14 days (see below).
2. A total of 90 days for complex or repeated requests. The extension must be communicated to the data subject within the original 30-day period, should the 60-day extension be deemed necessary.
3. refuse or charge for requests that are vexatious~, manifestly unfounded or excessive. If you refuse a request, you must tell the individual why and that they have the right to complain to the supervisory authority and to a judicial remedy. You must do this without undue delay and at the latest, within one month.

*Redaction is a process by which data is anonymised to ensure that data is not shared unlawfully. An example of this might be where a pupil's parents have requested a copy of the information held on their child, yet a fight recorded with the child of another parent will mean that the second child's name should be obscured or removed before the record is passed to the person making the information request. Redact (e.g. ink/marker over) printed information and then photocopy to obliterate effectively.

~Vexatious reasons for refusal (which are detailed in Section 14 of the FOI – see below – and do apply to GDPR) could include: abusive or aggressive language, burden on the authority, personal grudges, unreasonable persistence, unfounded accusations, frequent or overlapping requests, deliberate intention to cause annoyance, intransigence (rejecting assistance), scattergun approach, disproportionate effort, no

obvious intent to obtain information, futile requests, frivolous requests. Though more than one of these reasons may apply to a request, the circumstances of individual requests should be considered fairly before reaching a justified conclusion.

Freedom of Information (FOI) Act requests (rather than Subject Access Requests (SAR) under GDPR, are for information not relating to specific individuals. These requests should be dealt within a 20 working day window (for example Energy Company demands for information on suppliers) and refusal on vexatious grounds should be accompanied with a reference to section 14(1) FOI Act with details of how to complain to the ICO if that route is chosen. This working day window does not include school holidays, as it applies to school days.

FOI: See <https://ico.org.uk/for-organisations/guide-to-freedom-of-information/receiving-a-request/> for steps

Public Interest Test

Please note, not all information requested will automatically be provided, as we can apply the Public Interest Test. For further information, please see: [The public interest test | ICO](#)

Education Record has a wide meaning and includes most information about current and past pupils that is processed by or on behalf of a school. The definition applies to nearly all schools including maintained schools, independent schools and academies.

This information should be provided within 15 school days and is not classed as a SAR, if limited to the information described in the link below. If more information is requested, it can be classed as a SAR and lead times are then the 30 or 90 days as described above. Parents can be asked to clarify if they only want the Education Record information, or a full SAR, and the associated time limits should be communicated to help with this decision.

<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/right-of-access/education-data/#education1>

- personal data which consists of information that forms part of an educational record
- is not data concerning health

However, information a teacher keeps solely for their own use does not form part of the educational record. It is likely that most of the personal information a school holds about a particular pupil forms part of the pupil's educational record. It is possible that some of the information could fall outside the educational record, e.g. information a parent of another child provides about the pupil is not part of the educational record.