



Maritime  
Academy  
Trust

# Subject Access Request Procedure

Date of Trust Board Approval	n/a
Date of Consultation	n/a
Date of Issue	01.05.2025
Date of Next Review	22.05.2027

## **1. Introduction**

1.1 The General Data Protection Regulations (GDPR) set out a statutory framework for the management and protection of personal data. The regulations require organisations to have a lawful basis for the collection and retention of personal data and set out the rights of individual 'data subjects', including the right of access to data held.

## **2. Subject Access Request**

2.1 A Subject Access Request (**SAR**) is the right of an individual to obtain the following:

- (a) confirmation that their data is being processed;
- (b) access to their personal data; and
- (c) other supplementary information.

2.2 The purpose of a SAR is intended to allow an individual to be aware of the personal data that an organisation holds and to verify the lawfulness of its processing in line with the requirements of GDPR.

2.3 Requests may be received from members of staff, parents or carers or any other individual who has personal data held by the Trust. This will include information held both electronically and manually and may also be in the form of photographs and CCTV images.

## **3. Personal Data**

3.1 Personal data means any information relating to an identified or identifiable natural person ('data subject'). An identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

## **4. Children's Data**

4.1 Children have a right of access to the information held about them, however, in the case of young children these rights are usually to be exercised by those with parental responsibility for them.

- 4.2 Before responding to a SAR for information held about a child, consideration should be given as to whether the child is mature enough to understand their rights.
- 4.3 The Information Commissioner has indicated that in most cases it would be reasonable to assume that any child that is aged 12 years or more would have the capacity to make a SAR and should therefore be consulted in respect of requests made on their behalf.

## **5. Access to Educational Records**

- 5.1 The Education (Pupil Information) (England) Regulations 2005 do not apply to independent schools and therefore requests for these types of records will be managed as a subject access request.

## **6. Third Party Data**

- 6.1 Third party information is information that has been provided by another person such as the Local Authority, the police, a health care professional or another school or employer. The Trust will normally seek the consent of the third party before disclosing information. Even if the third party does not consent, or consent is explicitly not given, the data will be disclosed.

## **7. Identifying a Request**

- 7.1 A SAR does not have to be in any particular form, therefore a request may be received by letter, fax, email or social media or verbally. However, where possible requestors should be asked to confirm their request in writing for clarification,
- 7.2 A request does not have to include the words 'subject access' or make any reference to the General Data Protection Regulation (GDPR). A request may be a valid even if it refers to other legislation, such as the Freedom of Information Act 2000 (FOIA) and should therefore be responded to as a SAR. The applicant must be informed of which legislation applies.
- 7.3 If the request relates to, or includes information that should not be requested by means of a SAR (e.g. it includes a request for non-personal information) then, the request must be treated accordingly, e.g. as a FOI request where purely non-personal data is being sought or as two requests: one for the requester's personal data made under the GDPR; and another for the remaining, non-personal information made under FOIA.
- 7.4 Any requests made for non-personal information must be forwarded to the Trust Data Protection Officer (**DPO**).

## **8. Identifying the Data Subject**

- 8.1 The GDPR requires organisations to take 'reasonable measures' to verify the identity of the data subject before providing any data requested by means of an SAR. When the request concerns data about a pupil, checks will also be carried out regarding proof of relationship to the child. Evidence of identity will be established by requesting one of the following:
- (a) passport;
  - (b) driving licence;
  - (c) utility bills with the current address;
  - (d) birth/marriage certificate;
  - (e) P45/P60;
  - (f) credit card or mortgage statement.

## **9. Responding to Requests**

- 9.1 Requests may be made directly to the Trust or individual academies. When requests are submitted to an academy they should be notified to the Headteacher or School Business Manager in the first instance who will then forward the request to the DPO at [dataprotection@maritimeacademytrust.org](mailto:dataprotection@maritimeacademytrust.org)
- 9.2 The DPO will acknowledge receipt of the request in the first instance. The data subject will be asked to provide proof of identification and if necessary will be asked to clarify or provide further information regarding the data they have requested.
- 9.3 The DPO will retain a register of all SARs.
- 9.4 It is essential that requests are responded to as quickly as possible in order to ensure that the statutory timescales in respect of subject access requests are met.

- 9.5 The DPO will provide advice in respect of requests received by academies. However, the recipient academy will retain the responsibility for collating responses.
- 9.6 Final responses will be fully redacted to remove any references to third party data subjects or details of data subject to an exemption.
- 9.7 Final responses to SARs will be reviewed by the DPO and an electronic copy of the response retained centrally.

## **10. Exemptions**

- 10.1 Safeguarding information may be exempt from the disclosure provisions of the Subject Access Regulations and the General Data Protection Regulations meaning that neither children nor their parents have an automatic right of access.
- 10.2 The main exemptions in respect of when information may be withheld relate to:
- (a) information that might cause serious harm to the physical or mental health of the child or others;
  - (b) cases where the disclosure would reveal a child is at risk of abuse;
  - (c) information contained in adoption and parental order records;
  - (d) information given to court in proceedings.
- 10.3 In addition where information about third parties is included in a child's safeguarding record, the access request should be considered carefully. There is a duty to consider the rights of the individual making the request and the privacy of any other individuals who may be identified. Generally any information that relates to a third party should be removed, unless consent is given to share this.
- 10.4 Requests will be considered on a case by case basis to determine if they meet the exemption threshold.

## **11. Timescales**

- 11.1 Requested information will be provided without delay and by the latest, one month after receipt of the original request.

11.2 Requests for partial / specific data. Where an individual only wishes to receive specific data eg a copy of a report or a particular communication, if this is clearly stated in the request, the Trust will endeavour to provide this sooner.

11.3 In the event that the request is complex or numerous the deadline for a response may be extended by up to two months. When this is the case the requestor will be provided with a written explanation of the reason for the delay within one month of the original request.

## **12. Charges**

12.1 In the first instance information requested will be provided without charge. However, in the event that a request is manifestly unfounded, excessive or repetitive, the Trust reserve the right to apply a 'reasonable fee'. The fee charged will be based on the administrative cost of providing the information.

## **13. Complaints**

13.1 Complaints will be dealt with in accordance with the Trust's complaints procedure, which is available on-line or from each academy office. Should the complainant wish to take the matter further, it may be referred to the Information Commissioner <https://ico.org.uk>.

## Subject Access Request Process Flowchart

