

# The GORSE Academies Trust

## Subject Access Request Policy

Designated Person: Strategic Lead Officer

Reviewed by: Policy Committee

Date: 29/06/2022

Version: 1.0

## **Subject Access Request Policy**

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

- TGAT Policy on Information available under The Freedom of Information Act 2000
- TGAT Data-Protection Policy
- TGAT Data-Breach Management Policy

### **1. Introduction**

- 1.1. The GORSE Academies Trust (TGAT) holds personal data (or information) about e.g., job applicants, employees, clients, customers, suppliers, business contacts and other individuals for a variety of business purposes.
- 1.2. The General Data Protection Regulation (UK GDPR) and Data Protection Act 2018 (hereinafter called the data protection laws) detail rights of access to both manual data (which is recorded in a relevant filing system) and computer data for the data subject. This is known as a Data Subject Access Request (SAR).
- 1.3. This right, commonly referred to as subject access, is created by Article 15 of the GDPR. It is most often used by individuals who want to see a copy of the information an organisation holds about them. The purpose of the right is to enable the individual to be aware of, and verify, the lawfulness of the processing of personal data that TGAT are undertaking.
- 1.4. Under the data protection laws, organisations are required to have policies/procedures in place to ensure that individuals' rights of access are met within a timely and appropriate manner and seek to enable all who wish to do so to have access to the records that are held about them.

### **2. Compliance with GDPR and Data Protection Act 2018**

- 2.1. Under the data protection laws, organisations are required to respond to subject access requests within one month of receiving the request, or in any case within one month of receipt of any further information required to identify the correct individual. Failure to do so is a breach of the Act and could lead to a complaint being made to the Information Commissioner's Office (ICO).
- 2.2. To assist the obligation to provide information within the time limits, The Gorse Academies Trust (TGAT) will ensure that all employees are aware of how a subject access request should be made and of the requirement to respond to requests quickly.
- 2.3. TGAT will seek technical and legal advice on any complex requests as appropriate.

### 3. Aim

- 3.1. This policy details how TGAT will meet its legal obligations concerning individual's access to their information. The requirements within the procedure are based upon the data protection laws.
- 3.2. This policy has been written to ensure that all staff are aware of their responsibilities to provide information if requested. It is not a privacy policy or statement and is not to be made routinely available to third parties.

### 4. Legislation

- 4.1. For the purpose of this policy, other relevant legislation and appropriate guidance may be referenced. The legislations listed below also refer to issues of security of personal confidential data:
  - Freedom of Information Act 2000
  - Regulation of Investigatory Powers Act 2000
  - Crime and Disorder Act 1998
  - Computer Misuse Act 1990
  - Criminal Justice and Immigration Act 2008
  - Health and Social Care Act 2012
- 4.2. Any request for access to medical records will be processed in line with the Access to Health Records Act 1990.
- 4.3. Where individuals are applying for access to a deceased person's records, the Access to Health Records Act 1990 will be followed.
- 4.4. Health records relating to deceased persons will be treated with the same level of confidentiality as those relating to living people. Under the Access to Health Records Act 1990, a request to see a deceased person's health record or to have a copy thereof can be made by the personal representative or any person who may have a claim arising out of the person's death.
- 4.5. The personal representative (executor or next of kin – who may be a relative, friend or solicitor) or anyone having a claim resulting from the death has the right to apply for access to the relevant part(s) of the deceased's health record under the 'Access to Health Records Act 1990'. Where the requestor is not acting in a legal capacity, they should detail why they need access in pursuing a claim. Where they are the executor or administrator, they must provide proof of appointment under the Will/Grant of probate.

- 4.6. Any SAR submitted by a parent/carer for a child (the data subject) under the age of twelve years would ordinarily be considered and processed in the usual manner. However, requests for information relating to a child (the data subject) who is at or above the age of twelve, the Trust will ordinarily seek consent to share the information from the individual themselves, except in exceptional circumstances.
- 4.7. In the unfortunate circumstances that a data-subject is deceased, then the GDPR does not apply, as this legislation is limited to only be applicable to living individuals. However, as far as possible, TGAT will process any reasonable request. If the information requested was subject to a duty of confidentiality prior to death, then TGAT will continue to adhere to this unless there is a legal mechanism in place to the contrary.

## **5. Related guidance**

- 5.1. Information Commissioners Office: Subject Access Request Code of Practice.

## **6. Roles and Responsibilities**

### **6.1. Accountable Officer**

The TGAT Accountable Officers have overall responsibility for the Data Subject Access Policy. The Accountable Officer has delegated SAR operational responsibilities to the Strategic Lead Officer and the Information Governance Team.

### **6.2. Information Governance Team**

The designated Information Governance Team is responsible for ensuring that SARs relating to staff and students are effectively coordinated, managed and procedures are in place to support access to records.

The Information Governance Team is responsible for the oversight of Information Governance (IG) this includes:

- Logging and reviewing Subject Access Requests
- Ensuring that requests are actioned by CPO's and fully trained and resourced staff
- All staff members are aware of the need to support subject access requests, and where in the organisation such requests should be directed

The IG Team also has responsibility for ensuring IG issues are brought to the attention of the Board of Trustees.

Document control:

Reason for version change:	External DPO review	Version number:	1.0
Date of Approval:	29/06/22	Approved by:	Policy Committee
Target Audience:	External websites CPO Group	Date issued:	July 2022