

Subject Access Requests

What is a subject access request?

'A subject should have the right of access to personal data which are collected concerning him or her, and to exercise that right easily and at reasonable intervals' – [GDPR Official Guidelines \(Article 63\)](#)

A subject access request is how an individual asserts their right of access. While subject access requests are available under current data protection law, updates to what is considered 'personal data' mean that we are potentially responsible for providing new information, such as medical records.

The procedure for making and responding to a subject access request remains similar to most data protection laws, however there are some key updates and changes which we need to be aware of.

What counts as a valid Subject Access Request?

The GDPR does not specify how to make a valid request. Therefore, an individual can make a subject access request to us verbally or in writing. It can also be made to any part of our organisation (including by social media) and does not have to be to a specific person or contact point.

Therefore, although we may invite individuals to use a form and we can point them to our SAR template on our website, we must make it clear that it is not compulsory and cannot use this as a way of extending the one month time limit for responding.

All subject access requests should be logged.

- Under the GDPR it is possible for an individual to make a subject access request on social channels, such as Twitter or Facebook or via email. We must treat these applications as valid and respond to the individual within the 30 day timescale.
- A request sent via fax is considered to be a valid hard copy.
- If a request fails to mention that it is a subject access request, but it is clear that the individual is asking for their own personal data, it is still valid and should be treated as such.
- Similarly, a Subject Access Request is considered valid, even when it has not been sent to the relevant person who processes the request.
- A verbal request is now considered valid

As with any request of this nature, there are always exemptions to what is considered valid. For example, if a disabled person is unable to make a subject request in writing, we must make adjustments for them under the Equality Act 2010 (Disability Discrimination Act 1995- Northern Ireland). We may also have to make a similar provision to the format: Braille, audio transcribed, large print etc. Failure to make provision may not put us at risk of GDPR non-compliance, but will certainly put us at risk of a claim under the Equality Act.

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What information should a subject access request contain?

At first glance, it may appear that we have to include everything we hold on an individual. And while, in many cases, this may be true, there are some important exceptions. Below is what should be included;

It is important that a subject access request details:

- How and to what purpose personal data is processed
- The period we intend to process it for
- Anyone who has access to the personal data
- The logic involved in any automatic personal data processing

However we have the right to withhold information that would compromise or reveal:

- The personal data of another individuals
- Intellectual property
- Trade secrets.

There may be times when responding to a Subject Access Request would mean we have to disclose the personal information of another person. In most cases, as mentioned above, we do not need to include this information except where:

- The other individual has consented to the disclosure or
- It is reasonable in all the circumstances to comply with the request without that individual's consent.

The GDPR regulations recognises that while Right of Access is fundamental, we should not be expected to provide information simply because an individual is interested in it. Unless they are acting on behalf of another person, an individual is only entitled to see their own personal data.

We must establish whether the information requested falls under the definition of 'personal data'. If it does not, we are not obligated to respond to the subject access request. We must also keep in mind that this does not exempt us from providing *any* information to the individual making a subject access request. We are obligated to provide as much information as possible when an individual makes a subject access request.

How long do I have to respond?

We have 30 days to respond. The time limit runs from the day after we receive the request (whether the day after is a working day or not) until the corresponding calendar date in the next month. If this is not possible because the following month is shorter (and there is no corresponding calendar date), the date for response is the last day of the following month. If the corresponding date falls on a weekend or a public holiday, we have until the next working day to respond.

This means that the exact number of days we have to comply with a request varies, depending on the month in which the request was made.

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It is technically possible to gain an extension to this timescale if the request is deemed complex, or numerous. However the official GDPR guidelines state that 'The controller should be prepared to make extensive efforts to find and retrieve requested information,' which means that we cannot refuse to grant access to personal information simply because it might be hard to find. To gain a time extension only applies when we process a large quantity of information on the individual.

What format do I need to respond in?

We will respond in the most appropriate format for the request. This may include an invitation to come into the organisation and view the files if appropriate.

Can we charge a fee?

We can also charge a reasonable fee if an individual requests further copies of their data following a request, or if the request is manifestly unfounded or excessive. The fee must be based on the administrative costs of providing further copies. If we decide to charge a fee we should contact the individual promptly and inform them. We do not need to comply with the request until we have received the fee.

Can we ask an individual for ID?

If we have doubts about the identity of the person making the request we can ask for more information. However, it is important that we only request information that is necessary to confirm who they are.

We need to let the individual know as soon as possible that we need more information from them to confirm their identity before responding to their request. The period for responding to the request begins when we receive the additional information.

What should we do if we refuse to comply with a request?

We must inform the individual without undue delay and within one month of receipt of the request.

We should inform the individual about:

- the reasons we are not taking action;
- their right to make a complaint to the ICO or another supervisory authority; and
- their ability to seek to enforce this right through a judicial remedy

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Subject Access Request (SAR) Procedure

1. The data subject requests on their SAR a specific set of data held by/from *PLT. The data subject can request all data held on them. Requests may come in a variety of formats.
2. Once received, the SAR application is immediately forwarded to the DPO (Corinne Walker dataprotection@pinnaclelearningtrust.org.uk), who will ensure that the requested data is collected within the specified time frame in point 7 below.
3. DPO must verify the identity of the person making the request, using 'reasonable means'.
4. DPO records the date that the identification checks were conducted and the specification of the data sought.
5. DPO responds immediately with 1st letter, confirming receipt of SAR and that the request is being dealt with.
6. If collating the information is taking longer than expected, DPO to follow up with interim 2nd letter confirming that work is ongoing to meet the request, within the specified time frame.
7. DPO provides the requested information without delay and at the latest within one month of receipt, along with 3rd letter. (We can extend the period of compliance by a further two months where requests are complex or numerous. If this is the case, DPO must inform the individual within one month of the receipt of the request and explain why the extension is necessary.)
8. The DPO will respond in the most appropriate format for the request. This may include an invitation to come into the organisation and view the files if appropriate.

Collection entails

- Collecting the data specified by the data subject or
 - Searching all databases and all relevant filing systems (manual files) in *PLT, including all back up and archived fields (computerised & manual) and all email folders and archives. The DPO (Corinne Walker, dataprotection@pinnaclelearningtrust.org.uk) maintains a data map that identifies where all data in *PLT is stored.
9. The DPO maintains a record of requests for data and of its receipt, including dates and which site requested from.
 10. SAR requests for Hathershaw (parent, staff, child etc.) will be forwarded to Mark Giles, Vice Principal, and will be dealt with along with the DPO.
 11. SAR requests for Werneth (parent, staff, child etc.) will be forwarded to Conrad North, Principal, and will be dealt with along with the DPO.
 12. The DPO reviews SAR requests from a child and forwards to relevant person for further information. Before responding to a SAR of the child data subject, the DPO considers their ability to making the request by (adequately explaining any implications of sharing their personal data etc.)
 13. The DPO reviews all documents that have been provided, to identify whether any third parties are present in it, and either removes the identifying information from the documentation, or obtains written consent from the third party for their identity to be revealed.

*PLT = OSFC, Hathershaw, Werneth & Pinnacle Learning Trust

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SAR Request

The General Data Protection Regulations (GDPR) 2018 provides you, the data subject, with a right to receive a copy of the data/information we hold about you or to authorise someone to act on your behalf. Please complete this form if you wish to see your data. You will also need to provide proof of your identity. Your request will be processed within 30 calendar days upon receipt of a request and proof of identity.

The information you supply in this form will only be used for the purposes of identifying the personal data you are requesting and responding to your request. You are not obliged to complete this form to make a request, but doing so will make it easier for us to process your request quickly.

*We do not charge a fee for access to this data, however we **may** charge a fee for unfounded, excessive or repetitive requests for providing further copies of information already made available.*

Section 1: Details of the person requesting information

Title: Mr Mrs Ms Miss Other	
Surname/Family name:	
First name (s)/Forenames:	
Date of Birth	
Address	
Postcode	
Previous address	
Postcode	
If (former) student – T number (if known)	
Day Time Telephone Number (s)	

To ensure we are releasing data to the right person we require you to provide us with proof of your identity and of your address. Please supply us with a photocopy or scanned image (do not send the originals) of one of both of the following:

1) Proof of Identity

Passport, photo driving licence, national identity card, birth certificate.

2) Proof of Address

Utility bill, bank statement, credit card statement (no more than 3 months old); current driving licence; current TV licence; local authority tax bill, HMRC tax document (no more than 1 year old).

If we are not satisfied you are who you claim to be, we reserve the right to refuse to grant your request.

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Section 2: Are you the data subject?

Please tick the appropriate box and read the instructions which follow it.

- YES: I am the data subject. I enclose proof of my identity (see above).

(please go to section 4)

- NO: I am acting on behalf of the data subject. I have enclosed the data subject's written authority and proof of the data subject's identity and my own identity (see above).

(please go to section 3)

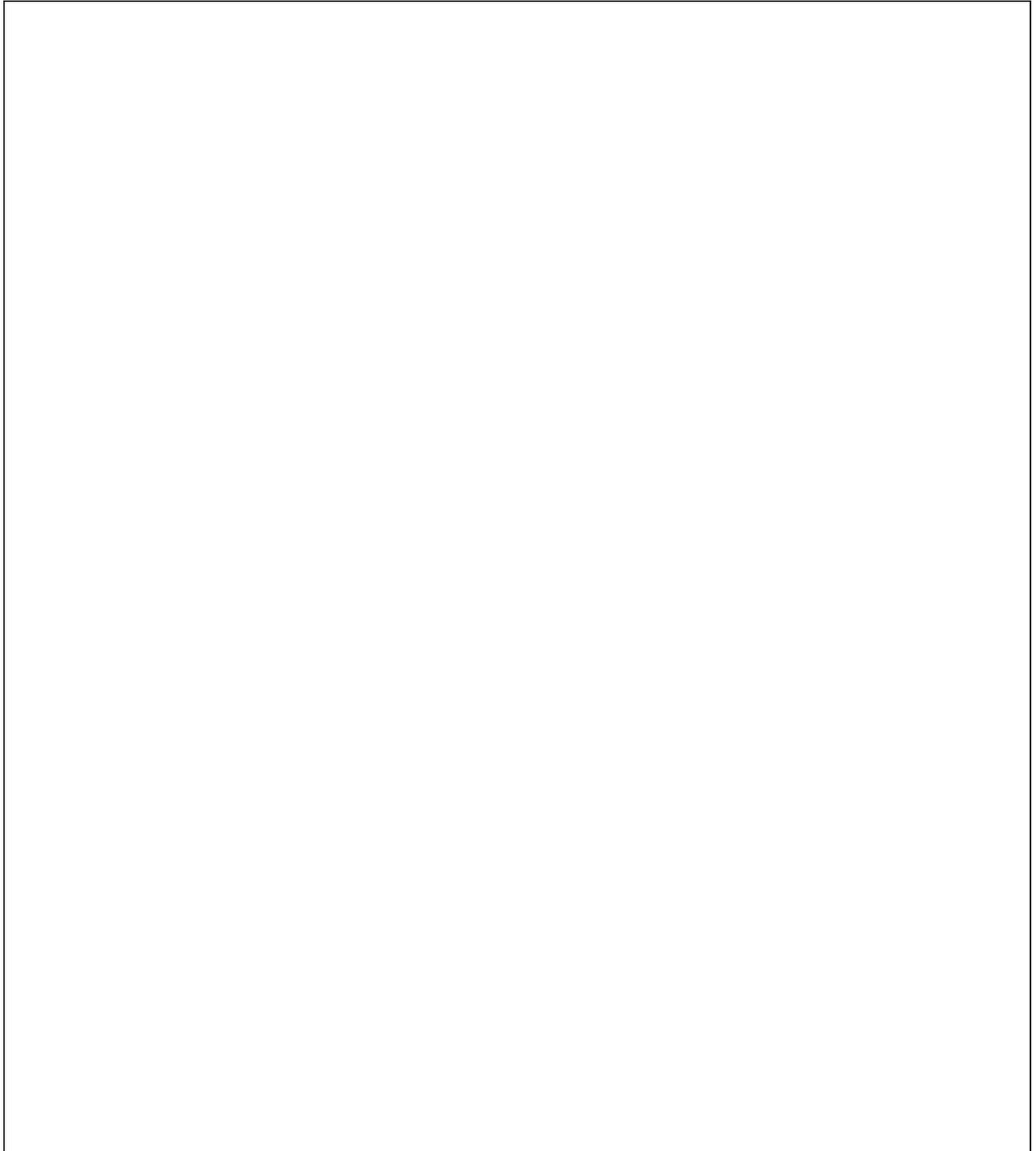
Section 3

Details of the data subject *(if different from section 1)*

Title: Mr Mrs Ms Miss Other	
Surname/Family name:	
First name (s)/Forenames:	
Date of Birth	
Address	
Postcode	
Previous address	
Postcode	
If (former) student – T number (if known)	
Day Time Telephone Number (s)	

Section 4: What information are you seeking?

Please describe the information you are seeking. Provide any relevant details you think will help us to identify the information you require, together with any names or dates you may have. If you do not know exact dates, please give the year(s) that you think may be relevant. If you are now, or have been employed by The Pinnacle Learning Trust and are seeking personal information in relation to your employment, please provide details of your Staff number/ Dates of employment



Please note that if the information you request reveals details directly or indirectly about another person we will have to seek the consent of that person before we can let you see that information. In certain circumstances, where disclosure would adversely affect the rights and freedoms of others, we may not be able to disclose the information to you, in which case you will be informed promptly and given full reasons for that decision.

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Section 7: Declaration

Please note that any attempt to mislead may result in prosecution.

I confirm that I have read and understood the terms of this subject access form and certify that the information given in this application to The Pinnacle Learning Trust is true. I understand that it is necessary for The Pinnacle Learning Trust to confirm my / the data subject's identity and it may be necessary to obtain more detailed information in order to locate the correct personal data.

Signed..... Date

Documents which must accompany this application:

Evidence of your identity (see section 2)

Evidence of the data subject's identity (if different from above)

Authorisation from the data subject to act on their behalf (if applicable)

Correcting Information

If after you have received the information you have requested you believe that:

- the information is inaccurate or out of date; or
- we should no longer be holding that information; or
- we are using your information for a purpose of which you were unaware;
- we may have passed inaccurate information about you to someone else; then you should notify our Data Protection Officer at once.

Please send your completed form and proof of identity to:

Data Protection Officer

The Pinnacle Learning Trust, c/o Oldham Sixth Form College

Union Street West

Oldham, OL8 1XU

dataprotection@pinnaclelearningtrust.org.uk