



Subject Access Request Procedure

Reviewed by: Board of Trustees

Date Approved: 16 July 2024

Next review due: July 2026

1. Introduction

The General Data Protection Regulation 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).

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. However, the right of access goes further than this, and an individual who makes a written request is entitled to be:

- told whether any personal data is being processed;
- given a description of the personal data, the reasons it is being processed, and whether it will be given to any other organisations or people;
- given a copy of the information comprising the data; and given details of the source of the data (where this is available).

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

Under the data protection laws, organisations are required to respond to subject access requests within 1 month of receiving the request, or in any case within 1 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).

To assist the obligation to provide information within the time limits, the Epsilon Star Multi Academy Trust 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.

The Epsilon Star Multi Academy Trust will seek technical and legal advice on any complex requests as appropriate.

3. Aim

This Policy details how the Epsilon Star Multi Academy Trust will meet its legal obligations concerning individual's access to their information. The requirements within the Procedure are based upon the data protection laws.

This Policy has been written to ensure that all staff are aware of their responsibilities to provide information if requested.

4. Legislation

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

Any request for access to medical records will be processed in line with the Access to Health Records Act 1990.

Where individuals are applying for access to a deceased person's records the Access to Health Records Act 1990 will be followed.

Health records relating to a deceased person 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.

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

5. Related Guidance

The following are the main publications referring to security and or confidentiality of personal confidential data:

- Information Commissioner's Office: Subject Access Request Code of Practice

6. Roles and Responsibilities

6.1 Accountable Officer

The Epsilon Star Multi Academy Trust Data Protection Officer has overall responsibility for the Data Subject Access Policy.

6.2 Data Protection Officer

The designated Data Protection Officer is responsible for ensuring that SARs relating to staff and service users are effectively coordinated, managed and procedures are in place to support access to records.

The Data Protection Officer is responsible for the oversight of IG, this includes:

- Reviewing Subject Access Requests
- Ensuring that requests are actioned by 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 Data Protection Officer also has responsibility for ensuring IG issues are brought to the attention of the board.

6.3 All Staff

All staff should ensure that:

- They are aware of their responsibility to support subject access requests and where in the organisation such requests are ultimately handled;
- they comply with this SAR Policy and all related IG policies and procedures;
- personal confidential data and records (whether in electronic or manual) relating to service-users and staff are kept secure, accurate, relevant and up to date.

Members of staff who would like access to their personal confidential information must submit their requests in writing to the address to the following address:

***Data Protection Officer
The Epsilon Star Multi Academy Trust
210 Kents Hill Road
Benfleet
Essex
SS7 5PS***

7. Training

The Epsilon Star Multi Academy Trust will ensure all permanent/temporary/contract staff complete their online mandatory training modules within first week of employment, with further training required for staff who process SARs.

The training will cover:

- required format of a subject access request;
- correct identification of the requesting individual;
- location of personal information;

- timescales for compliance;
- provision of information in an intelligible format;
- action to be taken if the information includes third party data or if it has been determined that access will seriously harm an individual.

8. Dissemination and Implementation

This Policy will be publicised on the organisation's website. Managers are required to ensure that their staff understand its application. Awareness of any new content/change in process will be through staff bulletin in the first instance. Where a substantive revision is made, then a separate plan for communicating and implementing this change will be devised by the Trust Central Team.

9. Monitoring & Audit

This Policy will be monitored by the Trust Central Team to ensure any legislative changes that occur are incorporated in the document. The Policy will be reviewed biennially or when changes to legislation necessitate an earlier review.

Appendix 1: How the Epsilon Star Multi Academy Trust process SARs

When a subject access request is received it should immediately be reported to the Data Protection Officer, and they will coordinate a response. Teams may be required to provide information relating to this request.

It should be noted that:

- Individuals have a right under data protection laws to:
 - know whether their personal information is being processed (which includes being held or stored)
 - be given a description of the data held, the purpose for which it is processed and to whom the data may be disclosed.
 - be given a copy of the information held.
 - be given information as to the source of the data

Staff making SARs should complete a SAR request form and send to:

***Data Protection Officer
The Epsilon Star Multi Academy Trust
210 Kents Hill Road
Benfleet
Essex
SS7 5PS***

If a request has already been complied with and an identical or similar request is received from the same individual there is no obligation to comply with the second request unless a reasonable interval has elapsed.

Requests should include the full name and address of the person seeking access to their information. To comply with the Act, information relating to the individual must only be disclosed once identity has been confirmed.

The Epsilon Star Multi Academy Trust is required to record all incoming requests for information and track them through to completion. The Epsilon Star Multi Academy Trust will acknowledge all requests for information and record the key dates and information relating to the request in a central register.

Adequate steps will be taken to identify the requester. Examples of suitable documentation are:

- Valid Passport
- Driving Licence
- Birth Certificate along with some other proof of address e.g. a named utility bill (no longer than 3 months old) or a Medical Card.
- Information that is only known to the organisation and subject.

Methods of identity confirmation will not exceed the level of personal data held by the organisation.

Fees

There will be no charge for subject access requests unless they are unfounded or excessive and then the Epsilon Star Multi Academy Trust reserves the right to charge on a request by request basis but at a reasonable rate.

Subject access requests made by a representative or third party

Anyone with full mental capacity can authorise a representative/third party to help them make a subject access request, for example solicitors/advocates. Before disclosing any information, the Epsilon Star Multi Academy Trust must be satisfied that the solicitor/advocate has the authority to make the request on behalf of the requestor and that the appropriate authorisation to act on their behalf is included.

Subject access requests made on behalf of people who lack capacity

If an adult lacks capacity and a representative is making the request on their behalf, the person dealing with the request must satisfy themselves that the request is being made in the individual's best interest.

What information should be provided?

All information should be provided subject to any data protection exemptions that may apply, for example information provided by third parties or information that may cause harm or distress to the data subject or others.

Where the record contains the personal information on more than one person, consideration should be given to the interests of all the parties before deciding whether or not you may disclose the information.

Information must be supplied to the individual in permanent form, if requested, unless to do so would involve 'disproportionate' effort. For manual records this would involve photocopies. For computerised records these can be supplied in electronic format but must contain explanations of codes or abbreviations where appropriate. If the 'disproportionate' effort issue arises, the records can be shared with the individual on a face to face basis who can be asked to visit the premises to view their records.

Original records must not be released because of the potential detriment to the individual should the records be lost. Copies must always be provided.

Complaints

If an individual is dissatisfied with the way their subject access request has been managed, they should be advised to invoke the CCGs' complaint process. If they are still dissatisfied, they can complain to the Information Commissioner's Office. This can be done in writing to:

Information Commissioner's Office Wycliffe House

Water Lane Wilmslow Cheshire SK9 5A