



# The Federation of The Downs & Northbourne Church of England Primary Schools



## Procedure for Access to Personal Information

The Federation of The Downs and Northbourne CEP schools

### Rights of access to information

There are two distinct rights of access to information held by schools about pupils.

1. Under the Data Protection Act 1998 a pupil has a right to request access to their own personal information. In certain circumstances requests may be made by a parent on behalf of their child (see below).
2. The right of parents to have access to curricular and educational records relating to their child as defined within the Education (Pupil Information) (England) Regulations 2005.

These procedures relate to the above mentioned rights.

### Dealing with a request

1. Requests for personal information must be made in writing and addressed to the Head of School. (Subject Access request Form Appendix 1) If the initial request does not clearly identify the information required, then further enquiries will be made.
2. The identity of the requestor must be established before the disclosure of any personal information, and checks should also be carried out regarding proof of relationship to the child.

Evidence of identity can be established by requesting production of:

- passport
- driving licence
- utility bills with the current address
- Birth / Marriage certificate
- P45/P60
- Credit Card or Mortgage statement

*This list is not exhaustive.*

3. Any individual has the right of access to information held about them. However with children, this is dependent upon their capacity to understand. As a general rule, a child of 12 or older is expected to be mature enough to understand the request they are making. If the child cannot understand the nature of the request, someone with parental responsibility can ask for the information on the child's behalf.

The Head of School should discuss the request with the child and take their views into account when making a decision.

4. The school may make a charge for the provision of information, dependent upon the following:
  - Should the information requested contain the educational record then the amount charged will be dependant upon the number of pages provided. The fees work on a scale basis as below.

Number of pages	Maximum fee
1-19	£1
20-29	£2
30-39	£3
40-49	£4
50-59	£5
60-69	£6
70-79	£7
80-89	£8
90-99	£9
100-149	£10
150-199	£15
200-249	£20
250-299	£25
300-349	£30
350-399	£35
400-449	£40
450-499	£45
500+	£50

- Should the information requested be personal information that **does not** include any information contained within educational records schools can charge £10 to provide it.

5. The response time for subject access requests, once officially received, is **40 days (not working or school days but calendar days, irrespective of school holiday periods)**. However the 40 days does not begin until after the fee and any further information to assist you with the request (i.e. about identity) is received.

Requests for information from pupils or parents for access to information classed as being part of the education record must be responded to within **15 school days**.

6. There are some exemptions to the right to subject access that apply in certain circumstances or to certain types of personal information. **Therefore all information must be reviewed prior to disclosure.**
7. Responding to a request may involve providing information relating to another individual (a third party). Third party information is that which identifies another pupil/parent or has been provided by another agency, such as the Police, Local Authority, Health Care professional or another school.

Before disclosing third party information consent should normally be obtained. There is still a need to adhere to the 40 day statutory timescale.

8. Any information which may cause serious harm to the physical or mental health or emotional condition of the pupil or another individual involved should not be disclosed, nor should information that would reveal that the child is at risk of abuse, or information relating to court proceedings.
9. If there are concerns over the disclosure of information then additional advice should be sought from KCC Information Resilience & Transparency Team (see contact details below).
10. Where redaction (information edited/removed) has taken place then a full copy of the information provided should be retained in order to establish, if a complaint is made, what was redacted and why.

11. Information disclosed should be clear, thus any codes or technical terms will need to be clarified and explained. If information contained within the disclosure is difficult to read or illegible, then it should be retyped.

12. Information can be viewed at the school with a member of staff on hand to help and explain matters if requested, or provided at face to face handover.

The views of the applicant should be taken into account when considering the method of delivery. If the applicant has asked for the information to be posted then special next day delivery or recorded delivery postal service must be used.

### **Complaints**

Complaints about the above procedures should be made to the Chairperson of the Governing Body who will decide whether it is appropriate for the complaint to be dealt with in accordance with the school's complaint procedure.

Complaints which are not appropriate to be dealt with through the school's complaint procedure can be dealt with by the Information Commissioner. Contact details of both will be provided with the disclosure information.

### **Contacts**

If you have any queries or concerns regarding access to records or the Data Protection Act, then please contact:

Michelle Hunt  
The Information Resilience & Transparency Team  
Kent County Council  
Room 2.71, Sessions House,  
County Hall,  
Maidstone, Kent, ME14 1XQ  
Email: [michelle.hunt@kent.gov.uk](mailto:michelle.hunt@kent.gov.uk)  
Or [dataprotection@kent.gov.uk](mailto:dataprotection@kent.gov.uk)

Further advice and information can be obtained from the Information Commissioner's Office,  
[www.ico.gov.uk](http://www.ico.gov.uk)

## Appendix 1

### Subject Access request Form (SAR)

Please provide two appropriate identification types at the time of submitting this form, in person. No personal information will be recorded from your proof of identification. We will not release an individual's personal information until we are satisfied who is raising the request is the intended recipient or a member of a legitimate authorised organisation (Police, Social Services, Solicitor).

Accepted proofs of identification include:

- Current Passport
- Current Driving Licence
- Utility bill (less than 3 months old)

Please provide me with the information about my child that I am entitled to under the General Data Protection regulation. This is so I can be aware of the information you are processing about my child, and verify the lawfulness of the processing.

Here is the necessary information.

Name		Date requested	Date issued
Correspondence address			
Contact number			
Email address			
Details of the information requested	Please provide me with: Insert the details of the information you want below that will help us to locate the specific information. Please be as precise as possible, for example: <ul style="list-style-type: none"><li>• Your child's medical file</li><li>• Your child's behaviour record.</li><li>• School Information System</li></ul>		

Please note:

Parents/guardians or authorities requesting information relating to Children's personal data that we process and store on behalf of our clients will need to submit a Subject Access Request (SAR) form via the school office.

We will seek advice in every case, from the Information Commissioner Office (ICO) prior to releasing requested information relating to children.

Adults submitting a SAR may be required to provide more information relating to a request. In these circumstances, we will respond to you with 40 calendar days of submitting this SAR form.

However, if any of the information requested is in the educational record, then the school should respond in 15 school days.

Your request may be withheld due to lawful exemption or where the information might cause serious harm to the physical or mental health of the pupil or another individual. If this is the case please see our reasons below:

If you are unhappy with the result or information released from this SAR, please contact the Information Commissioners Office to whom we recommend you seek advice on 0303 123 1113

If you need any more information from me, please let me know as soon as possible.

Signed \_\_\_\_\_ Name \_\_\_\_\_