



DATA SUBJECT RIGHTS PROCEDURE

FULHAM SCHOOL UNITED KINGDOM

Version 2020

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A. INTRODUCTION

This Policy is drafted according to the General Data Protection Regulation (EU) 2016/679 (“GDPR”) on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, which stipulates in its Chapter 3 “Rights of the data subject”, from article 12 to 22 the right to know what information is held about them, to access this information and to exercise other rights, including the rectification of inaccurate data.

The Data Protection Act 2018 includes the regulation of the data protection rights in its CHAPTER 3 Rights of the data subject, from article 43 to 54, stipulating the exercise of rights through the Commissioner.

All personal data processed by FULHAM SCHOOL, which is the DATA CONTROLLER, also referred in this policy as “the School” or “data controller”, are considered within the scope of this procedure.

The School’s Data Protection Officer (also referred as “DPO” in this Policy) will attend these requests at privacy@fulham.school.

- Principles:

The Data Protection Act 2018 implements the GDPR’ principles included in its Article 5, regulating them in *CHAPTER 2 Principles*, including an overview and general duty of controller as the responsible for the data processing. The principles are settled as follows:

- The **first data protection principle**: processed lawfully, fairly and in a transparent manner in relation to the data subject (‘lawfulness, fairness and transparency’);
- The **second data protection principle**: collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes (‘purpose limitation’)
- The **third data protection principle**: personal data processed for any of the law enforcement purposes must be adequate, relevant and not excessive in relation to the purpose for which it is processed (‘data minimisation’)
- The **fourth data protection principle**: accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay (‘accuracy’)
- The **fifth data protection principle**: personal data processed for any of the law enforcement purposes must be kept for no longer than is necessary for the purpose for which it is processed. Appropriate time limits must be established for the periodic review of the need for the continued storage of personal data for any of the law enforcement purposes (‘storage limitation’)



- The **sixth data protection principle**: The sixth data protection principle is that personal data processed for any of the law enforcement purposes must be so processed in a manner that ensures appropriate security of the personal data, using appropriate technical or organisational measures (and, in this principle, “appropriate security” includes protection against unauthorised or unlawful processing and against accidental loss, destruction or damage).

- **CHILD CONSENT**: Linked to the lawfulness of processing is the concept of child’s consent in relation to information society services. The Data Protection Act 2018 determines that the reference to 16 years old stated in Article 8 GDPR is referred to **13 years old** in United Kingdom.

The Data Protection Act 2018 also refers to the safeguards that must be adopted for archiving and sensitive processing.

- **Rights:**

The Data Protection Act 2018 includes in CHAPTER 3 Rights of the data subject, from article 43 to 54. These rights are implemented from the CHAPTER III of the GDPR, in its articles 13 to 22, both regulations define the rights of the data subjects as follows:

- **The right to be informed**: The individuals have the right to be informed about the collection and use of their personal data. The school must provide information, at the time it collects information from them, about the purposes for processing their personal data, data retention periods and who it will be shared with. This is called ‘*privacy information*’.
- **The right of access**: Individuals have the right to access their personal data, this is commonly referred to as “*subject access request*”. It can be made verbally or in writing and it is free of charge.
- **The right to rectification**: individuals have the right to correct inaccurate personal data or to have it rectified or completed if it is incomplete.
- **The right to erasure (also known as the ‘right to be forgotten’)**: It is a right for individuals to have personal data erased.
- **The right to restrict processing**: Individuals have the right to request the restriction or suppression of their personal data. This is not an absolute right and only applies in certain circumstances. When processing is restricted, the school is permitted to store the personal data, but not use it.
- **The right to data portability**: This right allows individuals to obtain and reuse their personal data for their own purposes across different services. It also allows them to move, copy or transfer personal data easily from one IT environment to another in a safe and secure way, without affecting its usability. Doing this enables individuals to take advantage of applications and services that can



use this data to find them a better deal or help them understand their spending habits. This right only applies to information an individual has provided to a controller.

- **The right to object:** This right gives individuals the right to object to the processing of their personal data in certain circumstances. Individuals have an absolute right to stop their data being used for direct marketing. In other cases where the right to object is applicable, the school may be able to continue processing if there is a compelling reason for doing so.
- **Rights with respect to automated decision-making and profiling:** Profiling means the automated processing of personal data for evaluating the personal aspects of an individual. In particular, profiling refers to the analysis or prediction of aspects concerning the data subject's performance at work, economic situation, health, personal preferences or interests, reliability or behaviour, location or movements. Profiling is automated or partly automated, is performed on personal data and evaluates personal aspects. Automated decision-making and profiling can be based on the data subject's explicit consent.

B. THE PROCEDURE STATEMENT

Subject access request (also referred as “SAR procedure”) is most often used by individuals who want to see a copy of the information the school holds about them. However, subject access goes further than this and a data subject is entitled to obtain:

- Confirmation as to whether the School is processing any personal data about them;
- Access to their personal data;
- Having a copy of their personal data;
- Any related information if requested;
- The exercise of other rights as stated in the previous paragraph

C. PROCEDURE

1. Data Subject Rights request

This procedure outlines how a data subject can make a request for their personal information under the above referred Data Protection Act 2018 and GDPR and how it will be processed.

The Request must be made in writing and sent to The School's Data Protection Officer (or also referred as “DPO”) at: privacy@fulham.school who will provide a template named **DATA SUBJECT RIGHTS REQUEST FORM (appendix 1)** which must be completed by the requester.

If an individual is unable to provide a request in writing and justifiable assistance is required, it must be provided, and the request can be made on behalf of other individuals.



The School does not need to respond to a request made orally but, depending on the circumstances, it might be reasonable to do so (as long as the School is satisfied about the person's identity). It is good practice at least to explain to the individual how to make a valid request, rather than ignoring them.

If a request does not mention the data protection legislation specifically or even say that it is a subject access request, it is nevertheless valid and should be managed and attended as such if it is clear that the individual is asking for their own or child's personal data, this is in case of request of specific document and information only. In all other cases the Subject Access Request should be done by the designed form and upon the ID check.

Requesters do not have to tell their reason for making the request or what they intend to do with the information requested, although it may help to find the relevant information if they do explain and concrete the purpose of the request.

A request is valid even if the individual has not sent it directly to the DPO. It is important to ensure that all staff members recognise a subject access request (SAR) and forward it to the DPO.

Any school employee who receives a request must forward it immediately to the DPO, no matter what form it is received in.

The DPO will log and acknowledge the request and should send without delay the Subject Access Request Form to the requestor for ID check and having more information for collecting the requested personal data.

2. ID check by the data protection officer

The data subject will provide the school with evidence of their identity and the signature on the identity must be cross-checked by the DPO.

List of acceptable identity includes:

- Passport
- Driving licence
- Birth certificate
- Utility bill (from last 3 months)
- Current vehicle registration document
- Bank statement (from last 3 months)
- Rent book (from last 3 months)
- Council tax

The data subject may specify to the school a specific set of data held by the School on their request. The data subject can request all data held on them.

A child may exercise the Request on their own behalf as long as they are of legal age (**13 years old**). If the child is not competent, the request must be submitted by parents or someone who holds legal representation.

The DPO should contact the requestor once the Form is received.



The DPO will answer to the requester will provide the requester with the **APPENDIX 1. SUBJECT ACCESS REQUEST FORM** and once the DPO receives the form duly completed, it will be sent to the requester the corresponding ACKNOWLEDGEMENT LETTER.

If the requester didn't complete correctly the form, the DPO will provide a term of **5 days** to the data subject to complete or correct the request appropriately.

3. Right of access. Restrictions.

- Right of access:

Section 45 regulates the right of access by the data subject. A data subject is entitled to obtain from the controller—

- (a) Confirmation as to whether or not personal data concerning him or her is being processed, and
- (b) Where that is the case, access to the personal data and information requested.

The information requested can contain:

- (a) The purposes of and legal basis for the processing;
- (b) The categories of personal data concerned;
- (c) The recipients or categories of recipients to whom the personal data has been disclosed (including recipients or categories of recipients in third countries or international organisations);
- (d) The period for which it is envisaged that the personal data will be stored or, where that is not possible, the criteria used to determine that period;

It also includes the existence of the data subject's rights to request from the controller, such as:

- (i) Rectification of personal data
- (ii) Erasure of personal data or the restriction of its processing
- (f) Right to lodge a complaint with the Commissioner and the contact details of the Commissioner;
- (g) Communication of the personal data undergoing processing and of any available information as to its origin.

The School will attend the request in writing **within term of 1 month**.

- Restrictions:

The controller may restrict, wholly or partly, the rights conferred to the extent that and for so long as the restriction is, having regard to the fundamental rights and legitimate interests of the data subject, a necessary and proportionate measure to:

- (a) Avoid obstructing an official or legal inquiry, investigation or procedure;
- (b) Avoid prejudicing the prevention, detection, investigation or prosecution of criminal offences or the execution of criminal penalties;
- (c) Protect public security;
- (d) Protect national security;
- (e) Protect the rights and freedoms of others.



Where the rights of a data subject are restricted, wholly or partly, the controller must inform the data subject in writing without undue delay:

- (a) That the rights of the data subject have been restricted,
- (b) Of the reasons for the restriction,
- (c) Of the data subject's right to make a request to the Commissioner,
- (d) Of the data subject's right to lodge a complaint with the Commissioner, and
- (e) Of the data subject's right to apply to a court.

In this case, the DPO will answer the request with a letter explaining the legal reasons of restrictions.

4. Collection of information

The Data Protection Officer will contact and ask the relevant department(s) for the required information as requested in the Data Subject Access Request. This may also involve an initial meeting with the relevant department to go through the request if required. The department which holds the information must return the required information by the deadline imposed by the Data Protection Officer and/or a further meeting is arranged with the department to review the information. Each department and each staff member should identify and collect the requested data in an encrypted removable storage and consign it to the local Data Protection Officer before the deadline imposed by the Data Protection Officer.

Each department and each staff member involved by the Subject Access Request should methodically examine the extraction of the Data Subject Access data. Each department may need to search central filing systems - electronic and manual, personnel records, shared drives, the Intranet and/or private filing systems of particular individuals. If necessary, they must also ask colleagues to search their personal drives and e-mail accounts.

5. Time Period to Responding to a Rights Request Procedure

The School has **1 month** to respond to a request, especially when it is referred to the right of access, but this term could be extended to **2 months** if its attention is complex, and **10 days** for the rest of rights. This will run from the date of receipt of the request form completed by the requester, when any additional identification (or other) information requested is received. Otherwise the data subject will be able to file a claim before the Data Protection Authority, Information Commissioner's Office ("ICO").

In circumstances where the School is in any reasonable doubt as to the identity of the requester, this period will not commence unless and until sufficient information has been provided by the requester as to their identity, and in the case of a third party requester the written authorisation of the data subject has been received.



As indicated above, the period for response may be extended by a further **two calendar months** in relation to complex requests. What constitutes a complex request will depend on the particular nature of the request. The DPO must always be consulted in determining whether a request is sufficiently complex as to extend the response period.

In case of extending the response date, for example when the request is received during the school holidays, the DPO should inform the requestor by informing him/her about the extent of the delay.

6. Review of Collected Information

The DPO must ensure that the information is reviewed/received by the imposed deadline to ensure the legal timeframe is not breached.

Once the DPO has collected together the information, the DPO must examine it in detail to establish if it should be disclosed. This must be done on a case-by-case basis for each individual piece of information. In some cases, they might have to disclose only parts of particular documents.

The Data Protection Officer will determine whether there is any information which may be subject to an exemption and/or if consent is required to be provided from a third party.

Each data Subject Request needs to be handled case by case according to the nature of request and the possible use of the data by the requester.

If the requestor is a previous staff member the collected personal information should be reviewed by the line manager of the requestor when the person was employed by the school.

If the requestor is a child or previous student or parents of a child, according to the situation the child protection officer should review the information with the Data Protection Officer.

7. Anonymisation and collect of consents of third parties' personal data

The School's legal obligation is to provide the requester with **requestor personal data, i.e. information about the interested party.**

The School won't provide information about third parties (other students, teachers, etc.) unless the third party has given consent. In this case, the Data protection Officer will consider the following:

- The duty of confidentiality owed to the third party (Eg. documents marked as confidential)
- The steps taken to seek consent
- Whether the third party is capable of giving consent
- Any express refusal of consent
- Legal obligation placed on the School to do so



The information that contains other staff or student's information won't be shared with the requester, for example a list of staff members or list of students. Information that contains personal opinions of staff members about a situation where the requestor personal data appears won't be disclosed.

8. Double check

Before a Request is sent out to the data requestor, the Data Protection officer and Management team or the Child Protection Officer/ HR are required to carry out a double check to ensure that all third party data has been removed appropriately and that any documents have been redacted appropriately and to prevent that any document is disclosed against the best interest of the child or against the interest of the school and company.

9. Response to the Requester

Once all of the information has been collated (duplicates and third-party information has been removed or redacted and a double check has been carried out) the information will be provided either in paper copy, electronically or during a meeting with the data subject and sent securely.

The School is required to provide the copies in a format requested by the requestor.

The paper copy should be sent by registered mail or should hand-delivered.

In case of digital copies, it should be hand delivered or transferred by registered mail in an encrypted USB stick, where the password should be communicated in a separate letter or mail.

If the requester consider that the School didn't attend the request, a complaint can be filed before the Information Commissioner's Office at: <https://ico.org.uk/make-a-complaint/> .

For more information about FULHAM SCHOOL'S Privacy policy, visit: <https://fulham.school/our-school/policies/> .



APPENDIX 1.

SUBJECT ACCESS REQUEST FORM Introduction

The Data Protection Act 2018 includes the regulation of the data protection rights in its CHAPTER 3 Rights of the data subject, from article 43 to 54, stipulating the exercise of rights through the Commissioner.

These rights are also described in CHAPTER III of the GDPR, articles 13 to 22 as follows:

Your Rights

- • **The right to be informed:** The individuals have the right to be informed about the collection and use of their personal data. The school must provide information, at the time it collects information from them, about the purposes for processing their personal data, data retention periods and who it will be shared with. This is called '*privacy information*'.
- • **The right of access:** Individuals have the right to access their personal data, this is commonly referred to as "*subject access request*". It can be made verbally or in writing and it is free of charge.
- • **The right to rectification:** individuals have the right to correct inaccurate personal data or to have it rectified; or completed if it is incomplete.
- • **The right to erasure (also known as the 'right to be forgotten'):** It is a right for individuals to have personal data erased.
- • **The right to restrict processing:** Individuals have the right to request the restriction or suppression of their personal data. This is not an absolute right and only applies in certain circumstances. When processing is restricted, the school is permitted to store the personal data, but not use it.
- • **The right to data portability:** This right allows individuals to obtain and reuse their personal data for their own purposes across different services. It also allows them to move, copy or transfer personal data easily from one IT environment to another in a safe and secure way, without affecting its usability. Doing this enables individuals to take advantage of applications and services that can use this data to find them a better deal or help them understand their spending habits. This right only applies to information an individual has provided to a controller.
- • **The right to object:** This right gives individuals the right to object to the processing of their personal data in certain circumstances. Individuals have an absolute right to stop their data being used for direct marketing. In other cases where the right to object is applicable, the school may be able to continue processing if there is a compelling reason for doing so.



- • **Rights with respect to automated decision-making and profiling:** Profiling means the automated processing of personal data for evaluating the personal aspects of an individual. In particular, profiling refers to the analysis or prediction of aspects concerning the data subject's performance at work, economic situation, health, personal preferences or interests, reliability or behaviour, location or movements. Profiling is automated or partly automated, is performed on personal data and evaluates personal aspects. Automated decision-making and profiling can be based on the data subject's explicit consent.

You will need to provide proof of your identity for the School to process and complete this request.

Proof of identity

The school requires a copy of any of the following documents:

- Birth certificate
- Passport
- Driving license
- Official letter addressed to you at your primary place of residence (such as electricity bill, water bill, council tax bill)

The documents must include your name, current address and date of birth. Any change of address will require supporting documentation showing the change of address. We cannot disclose any information without valid proof of identity.

Administration Fee

The school will not charge an administration fee for Requests. If, however an excessive number of requests are made for the same data from the same subject, our policy is to review whether an administration fee will become chargeable.

Request Information

Please fill in the below sections and submit this form with your proof of identity documents. Section 1 is to be completed by Data Subject (you) and Section 2 is to be completed by your representative if they are applying on your behalf.

Response time

Your request of access will be attended within a term of **1 month** to locate the information, answer the requester and choose the means by which the information will be received, plus 10 days to make the delivery of it effective. If it is difficult to obtain the information, the period could be extended to **2 months**.

The rest of rights will be attended in a maximum period of **10 days**.

If the requester consider that the School didn't attend the request, a complaint can be filed before the Information Commissioner's Office at: <https://ico.org.uk/make-a-complaint/> .

For more information about FULHAM SCHOOL'S Privacy policy, visit: <https://fulham.school/our-school/policies/> .

Please, complete the form and send it to privacy@fulham.school



Section 1 – Data Subject

Title: <input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Dr <input type="checkbox"/> Other
Surname / Family Name:
First Name(s)
Date of Birth:
Address:
Post Code:
Previous Address:
Post Code:
Daytime Telephone Number(s):
Mobile Number:
I am enclosing the following proof of identity: <input type="checkbox"/> Birth certificate <input type="checkbox"/> Passport <input type="checkbox"/> Driving License <input type="checkbox"/> Official letter



Section 2 – Representative (acting on behalf of the data subject)

Title: <input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Dr <input type="checkbox"/> Other
Surname / Family Name:
First Name(s)
Date of Birth:
Address:
Post Code:
Daytime Telephone Number(s):
Mobile Number:
I am enclosing the following proof of identity: <input type="checkbox"/> Birth certificate <input type="checkbox"/> Passport <input type="checkbox"/> Driving License <input type="checkbox"/> Official letter
What is your relationship to the data subject? (e.g. parent/carer/legal representative)
I am enclosing the following proof of legal authorization to act on behalf of the data subject: <input type="checkbox"/> Letter of authority <input type="checkbox"/> Power of Attorney <input type="checkbox"/> Evidence of parental responsibility <input type="checkbox"/> Other – give details:



Section 3. What kind of information you request and covering which period.

Please Note that the School keeps the data according to the periods established by legal requirements and committed to the School's data retention policy which is available to the data subject.

Information request from this date: _____ to this date: _____.

Please describe which information you wish to receive:

Section 4 – Information being requested

I wish to:

- Receive the information in electronic format
- Receive the information in paper format *
- Collect the information in person
- View a copy of the information
- Go through the information with a member of staff

* Please Note

If you wish the information to be posted, we will take every care to ensure that it is addressed correctly; however we are not liable for incorrectly delivered mail or loss of mail.



Section 5 – Information deletion request

I request that you:

- Stop processing my personal information
- Remove my personal information from your records
- Receive confirmation that my personal data has been removed

*** Please Note**

Any request to ask us to stop processing or to stop storing your personal data may have limitations and exceptions as we may have lawful reason to process and store such data. We recommend that you contact our Data Protection Officer by email on if you have any queries in this regard.

Data Subject Declaration

I certify that the information provided on this form are true and correct and that I am the person to whom it relates. I understand that the School is obliged to confirm proof of identity/authority and it may be necessary to obtain further information in order to comply with this Subject Access Request.

Name:

Signature:

Date:

WARNING

A person who unlawfully obtains or attempts to obtain data is guilty of a criminal offence and liable to prosecution

Please send copies of your proof of identity and this completed form to: