Breadsall CE Primary School

Procedure for Access to Personal Information

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 2018 and General Data Protection Regulation a pupil has a right to request access to their own personal information. A parent has the right to make a request on behalf of their child.

2. Also, parents have the right to access to curricular and educational records relating to their child as defined within the Education (Pupil Information) (England) Regulations 2005.

Staff can access the personal information that a school holds about them under the Data Protection Act 2018 and General Data Protection Regulation.

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 Headteacher**.** 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 13 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 Headteacher 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, depending upon the following, however, normally no charge is made for requests made under the Data Protection Act 2018 and General Data Protection Regulation:

- Should the information requested be personal information that **does not** include any information contained within educational records of a child there is **not** normally charge unless there is manifest evidence that multiple requests are being made for same information.

- 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

5. The response time for subject access requests, once officially received, is **28 to 31 days, depending on month request received, (not working or school days but calendar days, irrespective of school holiday periods).** However the period 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. Responses 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 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. Derbyshire maintained schools can take advice from Derbyshire County Council's, Children's Services Information Governance Team (email cs.dpandfoi@derbyshire.gov.uk) or ring 01629 532011.

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:

Information Governance Officer
Children's Services Department, Derbyshire County Council
Room 361
County Hall
Matlock
Derbyshire
DE4 3AG
Email: cs.dpandfoi@derbyshire.gov.uk
Telephone: 01629 532011

Further advice and information can be obtained from the Information Commissioner's Office, www.ico.gov.uk