Subject Access Request (SAR) Policy and Procedure

1.Introduction

Living individuals ("data subjects") have the right under the UK General Data Protection Regulation 2016/679 (UK GDPR), the Data Protection Act 2018 (the 2018 Act) and other data protection legislation to request a copy of their personal data and certain other supplementary information. The Council will seek to fulfil its obligations under the UK GDPR and the 2018 Act by responding to such requests, subject to specific exemptions detailed in the UK GDPR, the 2018 Act and any other applicable legislation. Personal data is information that relates to an identified or identifiable living individual who is a natural person, as opposed to data relating to a non-natural person such as a limited company or an organisation For information to be personal data, it must relate to a living individual and allow that individual to be identified from that information (either on its own or in conjunction with other information held alongside it). The individual to whom the personal data relates to is the 'Data Subject'. This policy should be read in line with our Data Protection Policy, Privacy Policy General, Privacy Policy Employees.

2. Contents

The following sections are included in this policy document

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3. Purpose

This Policy outlines the procedures Home from Home will take when a data subject requests a copy of their personal data, commonly referred to as a "Subject Access Request" (SAR) or a "Data Subject Access Request" (DSAR). Data subjects have the right to receive the following supplementary information:

• the purposes for processing their personal data;

• the categories of personal data processed by Home from Home;

• the recipients or categories of recipient who Home from Home has disclosed to or will

be disclosing their personal data to (including recipients or categories of recipients in third countries or international organisations);

• it's retention period for storing their personal data or, where this is not possible, the criteria for determining how long it will store it;

• how to exercise their right to request rectification, erasure or restriction or to object to processing their personal data;

• how to exercise their right to lodge a complaint with the Information Commissioner's Office (ICO);

• information about the source of their data, if Home from Home did not obtain it directly from them;

• whether or not the Council uses automated decision-making (including profiling) and information about the logic involved, as well as the significance and envisaged consequences of the processing for the individual; and

• the safeguards provided by the Council where personal data has or will be transferred to a third country or international organisation.

4. Scope

This Policy applies to data subjects such as parents, service users and employees who request access to their personal data that is held by Home from Home. It includes all personal data Home from Home collects and uses whether it is held in electronic or paper format and includes voice recordings, imaging records and photographs. Appendix A lists the types of personal data that will be

5. Who can make a SAR

A Subject Access request (SAR) can be made by

- any parent/carer acting on behalf of their child(ren) as the Data Subject or
- any parent/carer acting in their own individual right as the Data Subject or
- any member of staff as the Data Subject

to find out what personal information is held about them.

6. How to make a Subject Access Request (SAR)

A request can be submitted to the nursery via the **Subject Access Request (SAR) Form** please email nursery@worthingnurseryschool.co.uk to request a blank form

The SAR Form must be submitted directly to the Director – Julia Pattenden to avoid delay in dealing with the request.

If Home from Home receives a request for information in writing by letter or email, we will ask the requester to complete our SAR Form so that our Nursery Manager can process your request quickly and easily.

We aim to deal with SARs efficiently and transparently and our Nursery Manager will consult with the requester about how best we can provide the information requested. We will ask the requester about their preferred method of receiving the information. However, in cases where supplying a copy of the requested information in a hard copy would result in disproportionate effort, we would evaluate the particular circumstances of each request and reach agreement with the requester as to an alternative way of satisfying the request.

We will ascertain the most appropriate and secure way to provide you with the information.

7. Charges for SARs

A Subject Access Request is **free of charge**. However Home from Home has the right to charge a reasonable administrative-cost fee should the request be excessive (i.e. involves complex data retrieval) or repetitive (i.e. involves additional copies of information already provided) which imposes a disproportionate administration burden on the nursery. We will provide evidence of how we make this decision about a request being excessive where appropriate.

8. Confirming the requester's identity

We will ask the requester for some form of ID to ensure that the person making the request is the individual to whom the personal data relates (or a person authorised to make a SAR on their behalf). We will also check that we have the requester's correct postal address.

When dealing with SARs for personal data relating to a child at our nurseryl, we will clarify whether the requester has parental responsibility for the child or has the authorization to act on their behalf.

Please see Appendix A

9. Making a SAR on behalf of someone else

If the requester is making a SAR on behalf of someone else (the 'Data Subject'), we need to be satisfied that the 'third party' requester making the request is entitled to act on behalf of the Data Subject. It is the responsibility of the third party requester to provide evidence of this entitlement to Home from Home.

Home from Home has discretion in deciding whether information in response to a SAR is disclosed to a third party who has made the SAR on behalf of the Data Subject or disclosed directly to the Data Subject. If disclosed directly to the Data Subject, then the Data Subject can choose to share the information with the third party if they wish.

10. Clarifying a SAR

Before we respond to a SAR, we may ask for additional information from the requester to enable us to find the personal data covered by the request.

Each SAR received will be acknowledged and once the necessary ID checks have been satisfied and clarification sought regarding the context of the personal data being requested, we will inform the requester of the date by which the response must be provided (within one month).

11. How long will it take for information resulting from a SAR to be available?

In accordance with the GDPR regulations, Home from Home will provide the required information within one month from the date Home from Home is satisfied with the confirmation of the identity of the requester and agreed the nature and requirements of the information being requested. Home from Home has the right to extend this period for particularly complex requests, which may require more time to process.

Whilst we aim to respond to requests within the required time period of one month, we may not be able to honour this time period if we receive requests during nursery closure at Christmas. If the nature of the request is complex and/or the request falls within a holiday period, we will aim to reach a mutually agreed alternative time period.

If there is a delay in dealing with the request for any reason, we will contact the requester to explain the reason and the expected date for the response.

12. Information that is exempt from SARs

Certain types of personal data are exempt from SARs because of its nature or effect its disclosure may have (e.g. safeguarding or legal issues) or where disclosure would involve information about another individual. In these cases, we will explain to the requester the reasons why information requested cannot be disclosed. Please see Appendix A for more information.

13. How information is provided

Our responses to a SAR will include an explanation of the searches that have been made to deal with the request and the information revealed by those searches so that the requester is able to understand whether they have received all the information they are entitled to.

14. Monitoring our compliance with responding to SARs

We retain a log of SARs received which includes the details of requests received which we update to monitor progress as the SAR is processed. The log contains copies of the information supplied in response to the SAR together with copies of any material withheld and an explanation why.

We also monitor the time period for responding to SARs as well as deal with requests that have not been dealt with within the one month timeframe.

Compliance with dealing and responding to SARs is monitored and discussed at senior leadership level

15. Complaints about our Subject Access request procedure

If the requester believes that a request for information has not been dealt with properly, the requester should make a complaint to Home from Home through our normal complaints procedure. If following the conclusion of the complaints procedure within the school, the requester is still dissatisfied or the original decision is not reviewed, the requester can complain directly to the Information Commissioner's Office (ICO) at https://ico.org.uk/concerns .

16. Policy Review

This policy is reviewed bi annually or in line with any changes in statutory legislation

17. Version Control

Version	Date	Status	Comments	By
1	May 2018	New Policy –	Implemented in line with the General Data Protection Regulation (GDPR) 2018.	Julia Pattenden
2	August 2020	Annual Review		Julia Pattenden
3	July 2022	Annual Review		Julia Pattenden
4	January 2024	Annual Review		Sophie Eade
5	November 2024	Reviewed	Reviewed prior to insurance policy audit	Julia Pattenden

APPENDIX A. EXEMPTIONS

The 2018 Act includes several exemptions, which means that certain information

may not be disclosed in response to a SAR. When Home from Home applies an exemption, it will do so on a case-by-case basis and will advise the data subject of the reasons for their decision.

The list below is not exhaustive, but includes those exemptions most relevant to Home from Home business

• information processed for the prevention and detection of crime and for taxation purposes

• information subject to legal professional privilege

• information where there is a statutory enactment or court order restricting disclosure, for example: adoption records

• confidential references provided or received by Home from Home about the data subject, for example relating to the employment of the data subject

• information about another individual also referred to as third party personal data

• information relating to the deceased since the UK GDPR and the 2018 Act only applies to living individuals. A request could, depending on the circumstances, be made under the Access to Health Records Act 1990 or made under Freedom of Information legislation.

• any negotiations between Home from Home and a data subject that would prejudice negotiations with that data subject

• child abuse data if the request is from someone with parental responsibility, under 18 or someone appointed by the court to manage the affairs of an individual who is incapable of managing their own affairs. The exemption only applies if complying with the SAR would not be in the best interest of the child.

APPENDIX B - DOCUMENTARY EVIDENCE REQUESTED FOR IDENTIFICATION PURPOSES

Please supply one from each of the following categories (copies only, originals will not be returned, (the name on the photographic document will need to correspond with the name on your address identification document, see below)). If you are making a request on behalf of someone else, both you and the data subject will need to comply with the below list.

Please note: you'll need to scan or copy the above documents in colour. We don't accept black and white.

Personal identity

• a copy of a valid passport

• a copy of a current, valid photocard driving licence

• birth/adoption certificate

Address

• recent original utility bill (dated within the last three months) (note that mobile telephone bills will not be accepted as they can be sent to different addresses)

• local authority tax bill (valid for the current year)

• a copy of a current, valid photocard driving licence if not used for evidence of name)

• bank statement, building society passbook containing current address (dated within the last three months

APPENDIX C - **Subject Access Request (SAR) Form**

You can use this form to request access to your personal information held by Home from Home. Our school's **Privacy Notices** details the personal information held, how we use this information and the reasons why we share this information.

You should describe the information you need as clearly as possible: it is not sufficient to ask for "everything about me". If your request is too broad or unclear, we may need to ask you to be more specific.

In addition, you must also enclose **proof of your identity** such as a photocopy of your passport, driving licence, or birth certificate.

This Subject Access Request form and proof of identity should be sent to the Director Julia Pattenden at the following address Home from Home Nursery School, 69 Grand Avenue, Worthing, West Sussex BN11 5BB or emailed to the Julia Pattenden julia@worthingnurseryschool.co.uk

If you need assistance with completing this form or have any questions regarding the SAR process, please contact our Nursery Manager on 01903 248115 or manger@worthingnurseryschool.co.uk

Section 1 – Details of person requesting information (requester)

Title:	Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Title (please state):
Forename(s):	
Surname:	
Daytime Telephone No:	
Email Address:	
Current Address:	
Postcode	

Section 2 - Are you the Data Subject?

☐ **Yes - I am the Data Subject** (the person the information is about) (go to Section 4):

As the Data Subject, you will need to provide evidence of your identity so that we can check we are releasing the data to the correct person

☐ **No - I am acting on behalf of the Data Subject** (go to Section 3)

If you are acting on behalf of another adult, you must provide written authorisation from the Data Subject to obtain their personal data before this request can be processed. We will still require confirmation of the identity of the Data Subject.

If you are acting on behalf of a child, you must provide evidence of parental responsibility

Section 3 – Details of Data Subject (if different from Section 1)

Title (please tick one):	Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Title (please state):	
Forename(s):		
Surname:		
Current Address:		
Postcode		
My relationship to the data subject is:	(e.g. parent; carer; legal representative)	
If the Data Subject is an adult, I have provided evidence of authorisation from the Data Subject to act on their behalf *(e.g. letter of authority; Power of Attorney)*		☐ **Yes** ☐ **No**
If the Data Subject is a child, I have provided evidence of parental responsibility for the Data **Subject**		☐ **Yes** ☐ **No**

Section 4 – Details of Information Required

Please use this space to give us any details about the information you are requesting. You should describe the

information you need as clearly as possible: it is not sufficient to ask for "everything about me" or “everything about my child”. If your request is too broad or unclear, we may need to ask you to be more specific.

Section 5 – How you wish the information to be sent to you

Please indicate how you wish to receive the information:

☐ Receive the information by post*	☐ Collect the information in person	☐ View a copy of the information only

** We will ensure that the information is addressed correctly. However, we cannot be held liable if the information is lost in the post or incorrectly delivered or opened by someone else in your household.*

Section 4 – Details of Information Required

Verification of identity is required before your request can be processed.

I enclose as verification of identity a photocopy of my:

☐ Driving Licence ☐ Passport ☐ Birth Certificate ☐ Other

Data Subject Declaration

I certify that, to the best of my knowledge, the information I have provided in this form is correct.

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.

Print Name: _____

OR

Authorised person Declaration

I confirm that I am legally authorised to act on behalf of the Data Subject.

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.

Print Name: _____

Signed: _____

The information you have provided in this form will be kept confidential and kept for as long as necessary in accordance with our data retention schedule and will be disposed of in a safe and secure manner.

Section 4 – Details of Information Required

Office Use		**SAR Reference No**	
Actioned By		Date Form Received	
ID Checked Date		Agreed Response date	
Information requested Confirmed Date		Date Responded	
Notes	Added to SAR LogY / N		