

Policy document control box	
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Data Subject Access Request

1. Introduction

This policy defines the internal handling of data subject access requests received by Red Balloon Educational Trust. The guidance provided in this policy should be used to ensure such requests are dealt with in a structured, transparent and fair manner.

The United Kingdom General Data Protection Regulation (UK GDPR) grants all individuals the right to access their personal data held with any establishment and to exercise that right easily and at reasonable intervals, in order to be aware of, and verify, the lawfulness of the processing.

2. What is a data subject access request?

A data subject access request is a request from an individual (the data subject), in which they ask to be provided with information regarding the personal data we process concerning them.

The UK GDPR requires that the information you provide to an individual is in a concise, transparent, intelligible and easily accessible form, using clear and plain language. It also states that;

- you must provide the requested information free of charge
- you can charge a 'reasonable fee' when a request is manifestly unfounded or excessive, particularly if it is repetitive
- you can charge a reasonable fee to comply with requests for further copies of the same information. The fee must be based on the administrative cost of providing the information

3. Who can make a data subject access request?

The following people can submit a data subject access request:

- The individual themselves.
- Individuals requesting access on behalf of a child for whom they have parental responsibility.
- A representative nominated by the individual to act on their behalf such as solicitors or a relative, where there is valid consent by the individual granting this authority.

Data subject access requests can be made in any form, including via post, email, telephone and social media.

Under the UK GDPR, children have the same rights as adults over their personal data. A child may exercise the above rights on their own behalf as long as they are competent to do so.

In Scotland, a person aged 12 or over is presumed to be of sufficient age and maturity to be able to exercise their data protection rights, unless the contrary is shown. This presumption does not apply in England and Wales or in Northern Ireland, where competence is assessed depending upon the level of understanding of the child, but it does indicate an approach that will be reasonable in many cases. A child should not be considered to be competent if it is evident that he or she is acting against their own best interests.

Even if a child is too young to understand the implications of their rights, they are still their rights, rather than anyone else's such as a parent or guardian.

As an organisation, Red Balloon Educational Trust will assess each request on a case by case basis, and only allow parents to exercise these rights on behalf of a child if the child authorises them to do so, when the child does not have sufficient understanding to exercise the rights him or herself, or when it is evident that this is in the best interests of the child.

4. Proof of ID

In accordance with the UK GDPR/Data Protection Act 2018 you are not required to process the request until the identity of the requestor has been verified.

Individuals requesting their own personal data may need to provide the following:

- photographic proof of identity (e.g. passport or full UK driving licence)
- proof of address (e.g. recent utility bill, bank statement).

Individuals requesting the personal data of another individual will need to provide the following:

- signed consent or authorisation form from the data subject stating that the requestor has their permission to make the request on their behalf.

5. What information can be requested

The right of access is most often used by individuals who want to see a copy of the information an organisation holds about them. However, subject access goes further than this and an individual 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 personal data
- given details of the source of the data (where this is available).

An individual can also request information about the reasoning behind any automated decisions taken about him or her, such as a computer-generated decision to grant or deny credit, or an assessment of performance at work (except where this information is a trade secret).

6. Exemptions, Refusals and Redactions

Some information is exempt from disclosure under the terms of the UK GDPR and in some cases, you may not be able to explain to the requestor why you are unable to disclose the requested information. Detailed guidance is available from the Information Commissioner's Office website.

Where a request is manifestly unfounded, vexatious, repeated or excessive, the organisation holds the right to refuse to respond to the request. The individual will be informed of this decision and the reasoning behind it, as well as their right to complain to the supervisory authority and to a judicial remedy, within one month of the refusal.

In the event that a large quantity of information is being processed about an individual, the organisation will ask the individual to specify the information the request is in relation to.

Redactions may be required where there is some information concerning other data subjects contained in the documents and consent from those individuals cannot be achieved.

7. Scope and Application

All employees are responsible for supporting the handling of data subject access requests made to Red Balloon Educational Trust as such requests may be received by any department or employee. It is therefore essential that this policy is adopted and supported by all.

8. Handling data subject access requests

8.1 Responsible department / person

The Red Balloon Educational Trust DPO in coordination with the relevant Centre GDPR Lead is responsible for the handling of data subject access requests made to the organisation.

Once received, the Red Balloon Educational Trust DPO and/or The DPO Centre DPO will investigate and respond to the request accordingly, taking into account the requirements of the UK GDPR.

8.2 Responsibilities of all other employees

The Red Balloon Educational Trust DPO, as highlighted above in paragraph 2.1.1 is solely responsible for responding to all data subject access requests received by Red Balloon Educational Trust.

All other employees are prohibited from responding to any data subject access request and for the purposes of this policy are defined as “unauthorised employees”.

In the event that a data subject access request is received by an unauthorised employee, the Red Balloon Educational Trust Notification of Data Subject Access Request Form available in Annex 1 must be completed including details of the request and the upload of any accompanying documents which will be received by the Red Balloon Educational Trust DPO via dpo@rbet.ac. If the data subject access request is received via post, the original documents should be scanned and uploaded to Notification of Data Subject Access Request Form in Annex 1.

It is essential that requests are submitted on the day of receipt. When submitting details of the request received, employees are required to use the form annexed to this policy.

In the event that any communication is received from the Information Commissioners Office (ICO), the Supervisory Authority, the Red Balloon Educational Trust DPO is to be informed immediately. Unauthorised persons are prohibited from responding to any such communications from the Supervisory Authority.

8.3 Timescales

The Red Balloon Educational Trust DPO must comply with a subject access request without undue delay and in any event within 1 calendar month of the date on which the request is received or (if later) the day on which we received:

- any information requested to confirm the requester's identity

If more time is needed to respond to complex requests, an extension of another two months is permissible. This should be communicated to the data subject in a timely manner within the first month;

If the organisation cannot provide the information requested, the data subject should be informed of this decision without delay and at the latest within one month of receipt of the request.

ANNEX 1 - Notification of Data Subject Access Request (DSAR) Form

Please complete this digital form with details of the request received. Please ensure that any supporting or relevant documents are also attached to the submission.

[RBET Notification of Data Subject Access Request Form - Internal Use](#)

The Notification of DSAR Form will be received by the Red Balloon Educational Trust DPO via dpo@rbet.ac

For reference, below is a demonstration of the Red Balloon Educational Trust Notification of DSAR Form which should be completed using the link above.

Name of the requesting data subject	
Date of the request (Please provide the date the request was made by the data subject)	
Date of receipt of the request (Please provide the date you received or became aware of the request)	
Contact details provided by the data subject	
Details of the request (please provide details of what the data subject is requesting)	
Method by which the request was made (e.g. email, telephone, social media)	
Preferred method of communication stated by the data subject	
Any additional information (Please provide any additional information that may assist in the handling of the request e.g. any special needs of the data subject)	

Name and department of the receiver of the request	
Should more information be required, please provide contact details via which you may be contacted to further discuss the request	