



## **GDPR**

### **Procedure for Access to Personal Information**

**Approved – T1 2022**

**For review – T1 2024**

## **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**

3. Requests for personal information must be made in writing and addressed to the relevant Headteacher. If the initial request does not clearly identify the information required, then further enquiries will be made.
4. 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
- Parental Responsibility

*This list is not exhaustive.*

5. 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.

6. The trust / 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.

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

You may be able to extend the timeframe by a further two months where requests are complex or numerous. If this is the case, you must inform the individual within one month of the receipt of the request and explain why the extension is necessary.

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**.

8. 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.**
9. 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 one month statutory timescale.

10. 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.

11. If the disclosure of the information is likely to hinder the prevention or detection of a crime, the prosecution or apprehension of offenders, or the assessment or collection of any tax or duty, the information should be withheld.
12. If the information is general legal advice or advice which relates to anticipated or pending legal proceedings it is subject to 'legal professional privilege'. The disclosure of any communication to or from a legal advisor to another person (including the data subject) should not take place unless this has first been discussed with the legal advisor concerned.
13. The right of access does not apply to references given (or to be given) in confidence
14. 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).
15. The right of access does not apply to references given (or to be given) in confidence
16. 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.
17. 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.
18. Information can be viewed at the relevant 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 relevant Local 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:

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)