

Receiving and Responding to Subject Access Requests (SAR) Procedure

Policy Type: Discretionary
 Issue Date: 2nd July 2026
 To Be Reviewed: Biennially: 2nd July 2028
 Approved by: CEO
 Policy Owner: Chris Roberts

Table of Changes Made Since Last Version

Paragraph	Summary of Change/s
Appendix 4 - SAR Response Plan.	Delete SIMS, replace with Arbor.

Glossary of Abbreviations and Acronyms used in this Policy

Abbreviation/Acronym	Meaning
GDPR	General Data Protection Regulation
DPO	Data Protection Officer
SAR	Subject Access Request

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This policy was drafted in accordance with the requirements of the General Data Protection Regulation (GDPR) WEF 25 May 2018.

1. Procedure Statement

- 1.1. All **data subjects** have rights of access to their **personal data**. This document sets out the procedure to be followed in relation to any requests made for the disclosure of **personal data** processed by Orbis Education Trust.

2. Definitions of Data Protection Terms

- 2.1. All defined terms in this procedure are indicated in bold text, and a list of definitions is included in Appendix 1 to this procedure.

3. Recognising a Subject Access Request (SAR)

- 3.1. As Orbis Education Trust processes **personal data** concerning **data subjects**, those **data subjects** have the right to access that **personal data** under data protection law. A request to access this **personal data** is known as a Subject Access Request (SAR).
- 3.2. A **data subject** is generally only entitled to access their own **personal data** and not to information relating to other people.
- 3.3. Any request by a **data subject** for access to their **personal data** is a SAR. This includes requests received in writing, by email or verbally.
- 3.4. If any member of our **workforce** receives a request for information they should inform the Data Protection Officer (DPO) as soon as possible.
- 3.5. In order that Orbis Education Trust is properly able to understand the nature of any SAR and to verify the identity of the requester, any requester making a request verbally should be asked to put their request in writing and direct this to the DPO.
- 3.6. A SAR will be considered and responded to in accordance with data protection law.
- 3.7. Any SAR must be referred to the DPO at the earliest opportunity.

4. Verifying the Identity of a Requester

- 4.1. Orbis Education Trust is entitled to request additional information from a requester in order to verify whether or not the requester is, in fact, who they say they are.
- 4.2. Where Orbis Education Trust has reasonable doubts, as to the identity of the individual making the request, evidence of identity may be established by the production of two or more of the following:
- Current passport.
 - Current driving licence.

- Recent utility bills with current address.
- Birth/marriage certificate.
- P45/P60.
- Recent credit card or mortgage statement.

4.3. If Orbis Education Trust is not satisfied as to the identity of the requester then the request will not be complied with, so as to avoid the potential for an inadvertent disclosure of **personal data** resulting in a data breach.

5. Fee for Responding to Requests

- 5.1. Orbis Education Trust will usually deal with a SAR free of charge.
- 5.2. Where a request is considered to be manifestly unfounded or excessive, a fee may be requested. Alternatively, Orbis Education Trust may refuse to respond to the request. If a request is considered to be manifestly unfounded or unreasonable Orbis Education Trust will inform the requester why this is considered to be the case.
- 5.3. A fee may, also, be requested in relation to repeat requests for copies of the same information. In these circumstances a reasonable fee will be charged, taking into account the administrative costs of providing the information.

6. Time Period for Responding to a SAR

- 6.1. Orbis Education Trust has 28 x days to respond to a SAR and will be managed using Appendix 5 – SAR Response Plan. This will run from the later of:
- the date of the request,
 - the date when any additional identification (or other) information requested is received, or
 - payment of any required fee.
- 6.2. In circumstances where Orbis Education Trust 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 (see below in relation to sharing information with third parties).
- 6.3. 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 upon 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.
- 6.4. Where a request is considered to be sufficiently complex as to require an extension of the period for response, Orbis Education Trust will notify the requester within one calendar

month of receiving the request, together with reasons as to why this is considered necessary.

- 6.5. A request may be received during or less than one month prior to a school holiday. Where a request is made prior to a holiday period Orbis Education Trust will seek to respond prior to that holiday commencing, however, where this is not possible Orbis Education Trust will inform the requester that this is the case.
- 6.6. Where requests are received during an extended holiday period Orbis Education Trust will work with the requester to provide the information in as timely a fashion as possible.

7. Form of Response

- 7.1. A requester can request a response in a particular form. In particular, where a request is made by electronic means then, unless the requester has stated otherwise, the information should be provided in a commonly readable format.

8. Sharing Information with Third Parties

- 8.1. **Data subjects** can ask that we share their **personal data** with another person such as an appointed representative (in such cases we will request written authorisation, signed by the **data subject** confirming which of their **personal data** they would like us to share with the other person).
- 8.2. Equally, if a request is made by a person seeking the **personal data** of a **data subject**, and which purports to be made on behalf of that **data subject**, then a response must not be provided unless and until written authorisation has been provided by the **data subject**. Orbis Education Trust will not approach the **data subject** directly but will inform the requester that it cannot respond without the written authorisation of the **data subject**.
- 8.3. If Orbis Education Trust is in any doubt or has any concerns as to providing the **personal data** of the **data subject** to the third party, then it will provide the information requested directly to the **data subject**. It is then a matter for the **data subject** to decide whether to share this information with any third party.
- 8.4. **Personal data** belongs to the **data subject** and in the case of the **personal data** of a child, regardless of their age, the rights in relation to that **personal data** are theirs and not those of their parents/carers. Parents/carers, in most cases, do not have automatic rights to the **personal data** of their child.
- 8.5. However, there are circumstances where a parent/carer can request the **personal data** of their child without requiring the consent of the child. This will depend on the maturity of the child and whether or not Orbis Education Trust is confident that the child can understand their rights. Where a child is under 12 years of age they are deemed not to be sufficiently mature as to understand their rights of access and a parent/carer can request access to their **personal data** on their behalf.

- 8.6. In relation to a child 12 years of age or older, then provided that Orbis Education Trust is confident that they understand their rights, and there is no reason to believe that the child does not have the capacity to make a request on their own behalf, Orbis Education Trust will require the written authorisation of the child before responding to the requester, or provide the **personal data** directly to the child in accordance with the process outlined above.
- 8.7. In all cases Orbis Education Trust should consider the particular circumstances of the case; the above are guidelines only.

9. Withholding Information

- 9.1. There are circumstances where information can be withheld pursuant to a SAR. These are specific exemptions and requests should be considered on a case by case basis.
- 9.2. Where the information sought contains the **personal data** of third party **data subjects** then Orbis Education Trust will:
- Consider whether or not it is possible to redact information so that this does not identify those third parties, taking into account that it may be possible to identify third parties from remaining information;
 - if this is not possible, consider whether the consent of those third parties can be obtained; and
 - if consent has been refused, or it is not considered appropriate to seek that consent, then to consider whether or not it would be reasonable in the circumstances to disclose the information relating to those third parties. If it is not, then the information may be withheld.
- 9.3. So far as possible Orbis Education Trust will inform the requester of the reasons why any information has been withheld.
- 9.4. Where providing a copy of the information requested would involve disproportionate effort Orbis Education Trust will inform the requester, advising whether or not it would be possible for them to view the documents at the school or seeking further detail from the requester as to what they are seeking, for example key word searches that could be conducted, to identify the information that is sought.
- 9.5. In certain circumstances information can be withheld from the requester, including a **data subject**, on the basis that it would cause serious harm to the **data subject** or another individual. If there are any concerns in this regard, then the DPO should be consulted.

10. Process for Dealing with a Subject Access Request

10.1. When a subject access request is received, Orbis Education Trust will:

Notify the DPO who will be responsible for managing the response;

- subject to Para 6.6, above, acknowledge receipt of the request and provide an indication of the likely timescale for a response within 5 x working days (see template at Appendices 2 and 3);
- take all reasonable and proportionate steps to identify and disclose the data relating to the request;
- never delete information relating to a SAR, unless it would have been deleted in the ordinary course of events – it is an offence to amend or delete data following receipt of a SAR that would not have otherwise been so amended or deleted;
- consider whether to seek consent from any third parties which might be identifiable from the data being disclosed;
- seek legal advice, where necessary, to determine whether the trust is required to comply with the request or supply the information sought;
- provide a written response, including an explanation of the types of data provided and whether and as far as possible for what reasons any data has been withheld (see template at Appendix 4); and
- ensure that information disclosed is clear and technical terms are clarified and explained.

Appendix 1: Definitions of Data Protection Terms

Term	Definition
Data Subjects	All living individuals about whom we hold personal data. This includes students, staff and other individuals. A data subject need not be a UK national or resident. All data subjects have legal rights in relation to their personal information.
Personal Data	Any information relating to an identified or identifiable natural person (a data subject). An identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.
Data Controllers	The people who or organisations which determine the purposes for which, and the manner in which, any personal data is processed. They are responsible for establishing practices and policies in line with Data Protection Law. Orbis Education Trust is the data controller of all personal data used in the trust.
Data Processing	Any activity that involves use of the data. It includes obtaining, recording or holding data, or carrying out any operation or set of operations on data such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction. Processing also includes transferring personal data to third parties.
Workforce	Includes any individual employed by Orbis Education Trust, such as staff and those who volunteer in any capacity including governors and/or trustees/members.

Appendix 2: SAR Acknowledgement Template

[On headed notepaper of the DPO]

[ADDRESSEE]

[ADDRESS]

[DATE]

Dear [DATA SUBJECT],

ACKNOWLEDGEMENT OF YOUR SUBJECT ACCESS REQUEST (SAR)

Reference: [SUBJECT ACCESS REQUEST (SAR) REFERENCE NUMBER]

I write to acknowledge receipt of your request for personal information which we are responding to under Article 15 of the General Data Protection Regulation (GDPR).

[I, also, acknowledge receipt of your [IDENTIFICATION] as confirmation of your identity.]

Your request was received on [DATE] and, unless there are grounds for extending the statutory deadline of 28 days, we expect to be able to give you a response by [DATE].

The reference for your request is [REFERENCE NUMBER]; please quote this on all correspondence concerning this request.

Yours sincerely

[NAME OF SENDER]

For and on behalf of Orbis Education Trust

Appendix 3: SAR Response Template

[On headed notepaper of the DPO]

[ADDRESSEE]

[ADDRESS]

[DATE]

Dear [DATA SUBJECT],

RESPONSE TO YOUR SUBJECT ACCESS REQUEST (SAR) DATED [DATE OF REQUEST]

We write further to your request for details of personal data which we hold [and our acknowledgment of [DATE WHEN REQUEST FIRST ACKNOWLEDGED BY LETTER]].

We enclose all of the data to which you are entitled under the General Data Protection Regulation (GDPR) in the following format:

[DETAILS OF FORMAT IN WHICH DATA IS PROVIDED, WITH REASONS FOR CHOOSING THE FORMAT: PAPER COPIES OR ELECTRONIC COPIES ON A CD OR MEMORY STICK OR A NEW DOCUMENT WHICH HAS BEEN CREATED AND SETS OUT THE INFORMATION THAT CONSTITUTES PERSONAL DATA. WHERE THE SAR WAS MADE BY ELECTRONIC MEANS THE RESPONSE SHOULD BE PROVIDED IN A COMMONLY USED ELECTRONIC FORM.]

We have contacted the following departments and individuals in order to locate personal data held which is within the scope of a SAR under Article 15 of the GDPR:

[LIST OF DEPARTMENTS AND METHODOLOGY FOR IDENTIFYING PERSONAL DATA]

We can confirm the following in relation to the areas covered under Article 15 of the GDPR and data existing on the date when your request was made:

The purposes for which the personal data is processed:

[LIST OF PURPOSES]

The recipients or classes of recipients of personal data to whom the data has been or will be disclosed and the location of any recipients outside the EEA:

[LIST OF RECIPIENTS (BY NAME OR GENERIC CLASS) TO WHOM DATA DISCLOSED. NOTE WHICH COUNTRIES NON-EEA RECIPIENTS PROCESS DATA IN AND STATE THE ARTICLE 46 SAFEGUARDS IN PLACE.]

The categories of personal data concerned:

[LIST CATEGORIES]

The envisaged period for which the personal data will be stored, or the criteria used to determine that period:

[LIST RETENTION PERIODS]

Any information available to [the DPO] as to the source of the data:

[SOURCES OF DATA HELD]

The following automated decision making is applied to the personal data:

[IDENTIFY AUTOMATED DECISION MAKING INCLUDING PROFILING AND PROVIDE MEANINGFUL INFORMATION ABOUT THE LOGIC INVOLVED AS WELL AS THE SIGNIFICANCE AND THE ENVISAGED CONSEQUENCES OF SUCH PROCESSING FOR THE DATA SUBJECT]

- You have the following rights under the GDPR.
- The right to request rectification of inaccurate personal data;
- In limited circumstances, the right to:
 - To request erasure of the personal information; o request restriction of processing of the personal information;
 - or to object to the processing of the personal information.

[You will note that some of the information has been redacted. The reason for this is that the redacted information relates to [a] third part[y/ies] who have not consented to the sharing of their information with you].

[Some information has not been provided as it is covered by the following exemptions:

[LIST EXEMPTIONS APPLIED]

If you are unhappy with this response, and believe that Orbis Education Trust has not complied with legislation, please ask for a review by [following our complaints process; details can be found on our website at [LINK] OR by contacting [INDIVIDUAL (COULD BE DPO OR OTHER APPROPRIATE POSITION)]]].

If you still remain dissatisfied following an internal review, you can appeal to the Information

Commissioner, who oversees compliance with data protection law. You should write to: Customer Contact, Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely

[NAME]

For and on behalf of Orbis Education Trust

Appendix 4: SAR Response Plan

Request Date:

Response Date (28 days):

SAR Reference Number:

Data Source	Collate Start	Collate End	Redact Start	Redact End	Remarks
Emails					
Teams					
Sharepoint					
Arbor					
M Store					
MINTclass					
Edukey					
R Drive					
T Drive					
Staff Personal Drive					
Student Personal Drive					
Cashless Catering					
Library					
CCTV					
Hard Copy Docs					

Completed on (date):

Signed:

(DPO)