

# SUBJECT REQUEST PROCESS

- DATA



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## Procedure Steps

Step	Description	Person
Data subject request received	The data subject submits a request via one of a number of methods, including electronically (via email or via our website), by letter or on the telephone. A <i>Data Subject Request Form</i> is available for this purpose.	Data Protection Officer
Log data subject request	The fact that the request has been received is logged and the date of the request recorded.	Data Protection Officer
Confirm identity of data subject	The identity of the data subject is confirmed via an approved method. More information may be requested to confirm identity if required. If the identity of the data subject cannot be confirmed, the request is rejected and the reason for this communicated to the data subject.	Data Protection Officer
Evaluate validity of request	<p>The test of whether the request is "<i>manifestly unfounded or excessive</i>" is applied. If so, a decision is made whether to reject the request or apply a charge to it.</p> <p>In the case of requests for rectification, erasure, restriction of, or objection to, processing, a decision is also taken about whether the request is reasonable and lawful. If not, the request is rejected and the data subject informed of the decision and their right to complain to the supervisory authority.</p>	Data Protection Officer
Charge for request	If a charge is applied, the data subject is informed of the charge and has an opportunity to decide whether or not to proceed. If the data subject decides not to proceed, the request is rejected and the reasons communicated.	Data Protection Officer

Compile requested information	The relevant information is compiled according to the type of request. This may involve planning how the requested action, e.g. erasure or restriction of processing, will be achieved. A maximum of one month is permitted; if the request will take longer than that then a maximum of two further months are allowed and the data subject must be informed of the delay and the reasons for it within one month of the request being submitted.	Data Protection Officer
Take requested action/provide requested information	The requested action is carried out (if applicable) and confirmed to the DPO. The information is provided to the DPO for review.	Information Asset Owner Individual Staff Member
Provide response / requested information	Confirmation of action taken / the information requested is provided to the data subject electronically, if that is the preferred method, or via other means.	Data Protection Officer
Close data subject request	The fact that the request has been responded to is logged in the <i>Data Subject Request Register</i> , together with the date of closure.	Data Protection Officer

### The right to withdraw consent

The data subject has the right to withdraw consent where the basis for processing of their personal data is that of consent. However, before excluding the data subject's personal data from processing, it must be confirmed that consent is indeed the basis of the processing. If not, then the request may be rejected on the grounds that the processing does not require the data subject's consent. Otherwise, the request should be allowed.

Where consent involves a child (defined by the Data Protection Bill as age 13 or under) the giving or withdrawal must be authorised by the holder of parental responsibility over the child.

### The right to be informed

At the point where personal data are collected from the data subject or obtained from another source, there is a requirement to inform the data subject about our use of that data and their rights over it. Compliance with

this right is addressed in a separate document, *Privacy Notice Procedure*, which describes the information that must be provided and sets out how and when this must be achieved.

### **The right of access**

A data subject has the right to ask Park Road Academy Primary School whether we process data about them, to have access to that data and in addition to the following information:

1. The purposes of the processing
2. The categories of the personal data concerned
3. The recipients, or categories of recipients, of the data, if any, in particular, any third countries or international organisations
4. The length of time that the personal data be stored (or the criteria used to determine that period)
5. The data subject's rights to rectification or erasure of their personal data and restriction of, or objection to, its processing
6. The data subject's right to lodge a complaint with a supervisory authority
7. Information about the source of the data, if not directly from the data subject
8. Whether the personal data will be subject to automated processing, including profiling and, if so, the logic and potential consequences involved
9. Where the data are transferred to a third country or international organisation, information about the safeguards that apply

In most cases, the decision-making process for such requests will be straightforward unless it is judged that the request is manifestly unfounded or excessive. The compilation of the information is likely to require the input of the data owner.

### **The right to rectification**

This is very important. Where personal data is inaccurate, the data subject has the right to request that it be corrected and incomplete personal data completed based on information they may provide.

Where necessary, Park Road Academy Primary School will take steps to validate the information provided by the data subject to ensure that it is accurate before amending it.

### **The right to erasure**

Also known as "the right to be forgotten", the data subject has the right to require Park Road Academy Primary School to erase personal data about them without undue delay where one of the following applies:

- The personal data are no longer necessary for the purpose for

## Subject request process

which they were collected

- The data subject withdraws consent and there is no other legal ground for processing
- The data subject objects to the processing of the personal data
- The personal data have been unlawfully processed
- For compliance reasons, i.e. where it needs to be removed to meet the legal obligations of Park Road Academy Primary School.
- Where the personal data was relevant to the data subject as a child

Reasonable efforts must be made to ensure erasure where the personal data has been made public.

Park Road Academy Primary School will need to make a decision on each case of such requests as to whether the request can or should be declined. A clear understanding of Park Road Academy Primary School's retention policy is essential. Most data in schools is collected for one of the following reasons and thus the request will be denied:

- Right of freedom of expression and information
- Compliance with a legal obligation
- Public interest in the area of public health
- To protect archiving purposes in the public interest
- The personal data is relevant to a legal claim

It is likely that such decisions will require the involvement of Park Road Academy Primary School Data Protection Officer and in some cases senior management.

### **The right to restrict processing**

The data subject can exercise the right to a restriction of processing of their personal data in one of the following circumstances:

- Where the data subject contests the accuracy of the data, until we have been able to verify its accuracy
- As an alternative to erasure in the circumstances that the processing is unlawful
- Where the data subject needs the data for legal claims but it is no longer required by us
- Whilst a decision on an objection to processing is pending

Park Road Academy Primary School will need to make a decision on each case of such requests as to whether the request should be allowed. It is likely that such decisions will require the involvement of Park Road Academy Primary School's Data Protection Officer and in some cases senior management.

Where a restriction of processing is in place, the data may be stored but not processed without the data subject's consent, unless for legal reasons (in which case the data subject must be informed). Other organisations who may process the data on our behalf must also be informed of the restriction.

### **The right to data portability**

The data subject has the right to request that their personal data be provided to them in a "*structured, commonly-used and machine-readable format*" (GDPR Article 20) and to transfer that data to another party e.g. service provider. This applies to personal data provided by the data subject in a machine readable format for which processing is based on the data subject's consent or on a contract and the processing carried out by automated means.

Where feasible, the data subject can also request that the personal data be transferred directly from our systems to those of another provider.

### **The right to object**

The data subject has the right to object to processing that is based on the following legal justifications:

- For the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller
- For the purposes of the legitimate interests of the controller

Once an objection has been made, Park Road Academy Primary School must justify the grounds on which the processing is based and suspend processing until this is done. Where the personal data is used for direct marketing purposes we have no choice but to no longer process the data.

### **Rights in relation to automated decision making and profiling**

The data subject has the right to not be the subject of automated decision-making where the decision has a significant effect on them, and can insist on human intervention where appropriate. The data subject also has the right to express their point of view and contest decisions.

There are exceptions to this right, which are if the decision:

- Is necessary for a contract
- Is authorised by law
- Is based on the data subject's explicit consent

In assessing these types of request, a judgement needs to be made about whether the above exceptions apply in the particular case in question.

**Report review and sign-off**

<i>Item</i>	<i>Name/date</i>	<i>Notes</i>
<i>Report approved by:</i>		
<i>Review date:</i>	26.05.2022	
<i>Next review</i>	26.05.2023	
<i>DPO advice:</i>	Mrs S Breen	<b>Additional advice:</b> It would be good practice to have another staff member for DP support role.
<i>Overruled by:</i>		<i>Explanation for reasons.</i>
<i>Head Teacher</i>	Miss K Hart	<i>Signed:</i>
<i>Chair of Governors</i>	Mr J Marshall	<i>Signed</i>

**Comments:**