



Methodist Independent Schools Trust (MIST)

SUBJECT ACCESS REQUESTS POLICY – Head Office May 2018

WHAT ARE DATA SUBJECT ACCESS REQUESTS (DSARs)

Data Controllers must facilitate Data Subject Access Requests (DSARs) when requested to by data subjects¹. These rights are provided to data subjects under Data Protection Act 1998 (DPA) and, from 25 May 2018, the General Data Protection Regulation (GDPR). Data subjects have the right:

- to know what personal data is held about them;
- how the personal data is used;
- where it came from; and
- who else might also have access or use the data.

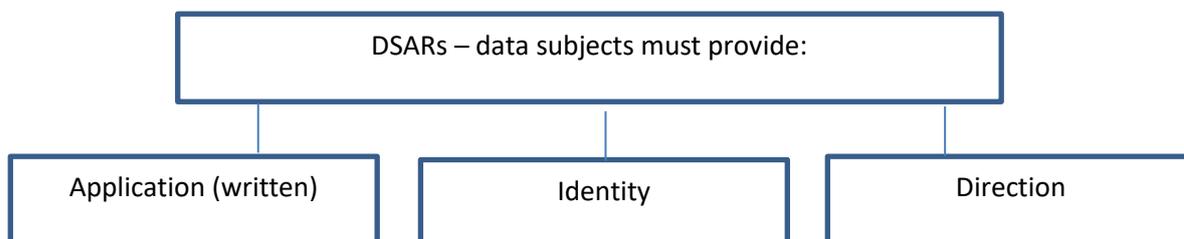
This right is not without limitations and exemptions.

SCOPE

All data subjects past and present (staff, volunteers, pupils, parents, Church stakeholders etc.) have the right to contact MIST and make a DSAR. The DSAR must be answered within 1 calendar month. Personal data includes correspondence, emails, minutes, reports, databases, lists, expressions of opinion and archives. Data subjects are entitled to a permanent copy of the personal data.

DSARs can be made by data subjects themselves or a third party acting on behalf of the data subject, MIST must be satisfied of the identity of the data subject and/or that the third party is genuinely acting on behalf of the data subject. Children have the same rights to make a DSAR as adults. A child of any age can also ask a parent or third party to make a DSAR on their behalf.

DSARs must be made in writing. A DSAR can be received via physical letter, email, online form. MIST Head Office cannot insist on data subjects using the DSAR application form, but MIST can request direction from the data subject as to what data they are requesting.



¹ Article 12, clause 2 (and recital 59)



As mentioned above, MIST Head Office will respond within 1 calendar month beginning when the written request reaches MIST Head Office. The timeframe can be extended for complex DSARs but the data subject will receive an explanation for the extension.

All DSARs will need to be validated with proof of identity (certified copies of current passport/driving license). If a 3rd party is acting on behalf of a data subject, the data subject's proof of identity must be provided along with a signed and dated letter from the data subject authorising the 3rd party.

LIMITATIONS AND EXEMPTIONS

Information may be exempt from disclosure if it:

- is legally privileged;
- records the intentions of the organisation in negotiations with the individual making the DSAR;
- consists of a confidential reference given by the organisation;
- is held for purposes of management planning (e.g. redundancy planning);
- would prejudice the prevention and detection of crime if disclosed (e.g. in live investigations); and
- might cause serious harm or distress in limited social work contexts.

MIST Head Office will ensure the rights of all data subjects, this means that where personal data about the data subject making a DSAR also constitutes "personal data" about another person (a "third party"), MIST Head Office is not obliged to disclose this mixed data in response to a DSAR unless either (a) the third party has consented or (b) it is "reasonable", taking into account all the relevant circumstances, to disclose without consent.

MIST Head Office will redact information where necessary to protect the rights of third party data subjects, the data subject will be informed of the reason why the redaction has occurred.

MIST Head Office may refuse DSARs that manifestly unfounded or excessive (repetitive).

FURTHER INFORMATION

MIST's Data Protection Policy
MIST's Privacy Notice
MIST's Governance Manual
MIST's Retention Policy

QUERIES AND COMPLAINTS

Any comments or queries on this policy should be directed to the Information & Communications Manager (dataprotection@methodistschools.org.uk), 020 7935 3723.

If an individual believes that MIST Head Office has not complied with this policy or acted otherwise than in accordance with Data Protection Law, they should utilise the Trust's complaints procedure and should also notify the Information & Communications Manager. You can also make a referral to or lodge a complaint with the Information Commissioner's Office (ICO), although the ICO recommends that steps are taken to resolve the matter with the data controller before involving the regulator.

May 2018