



## **Methodist Independent Schools Trust (MIST)**

### **DATA SUBJECT ACCESS REQUESTS POLICY – Head Office July 2022**

#### **1. WHAT ARE DATA SUBJECT ACCESS REQUESTS (DSARs)**

This Policy is relevant to MIST Head Office only. Schools as Data Controllers in their own right have a separate DSARs policies. Data Controllers must facilitate Data Subject Access Requests (DSARs) when requested to by data subjects (Article 12, clause 2 (and recital 59). These rights are provided to data subjects under the Data Protection Act 2018 (DPA) and the General Data Protection Regulation 2018 (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. (see Privacy Notices [Privacy Notices & Data Governance - Methodist Schools](#) and below.)

#### **2. SCOPE**

All data subjects past and present (staff, volunteers, pupils, parents/guardians, stakeholders etc.) have the right to contact MIST Head Office 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. Deleted and archived items also fall within the scope of a DSAR.

Data subjects are entitled to a permanent copy of the personal data, which will be provided in a secure way, to be agreed with the data subject. There are limitations to the information that can be disclosed in the DSAR. Data subjects should note that personal data does not have to be disclosed in the original format. The cover letter to your disclosure will clarify the interpretation of your request and the approach taken. Please refer to the MIST General Privacy Notice for further information and “Limitations and Exceptions” below).

DSARs can be made by data subjects themselves or a third party acting on behalf of the data subject, MIST Head Office 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. Please refer to the Pupils Privacy Notice.

A DSAR does not have to be received in any particular format or even in writing, and may be directed to anyone in MIST. Members of staff receiving a request which they believe to be a DSAR should alert the Information and Communications manager.

MIST Head Office cannot insist on data subjects using the DSAR application form, but MIST may request direction from the data subject as to what data they are requesting. MIST Head Office will be better able to respond quickly to smaller, targeted requests for information. If the request for information is manifestly excessive or similar to previous requests, MIST Head Office may ask you to reconsider, or require a proportionate fee (but only where Data Protection Law allows it).

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. A reasonable fee may be charged for a very complex or extensive

searches.

All DSARs will need to be validated with proof of identity (certified copies of current passport/driving license). If a 3<sup>rd</sup> 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 3<sup>rd</sup> party.

### **3. 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 or received by the organisation;
- is held for purposes of management planning (e.g. redundancy planning);
- belongs to another data subject;
- would prejudice the prevention and detection of crime if disclosed (e.g. in live investigations);
- where legal privilege applies, e.g. records of confidential legal advice between MIST and its solicitor, or documents held by a lawyer in confidence on MIST's behalf; and
- might cause serious harm, which concern medical or social work or where disclosure might prejudice a protective function.

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.

### **4. FURTHER INFORMATION**

MIST's Data Protection Policy MIST's Privacy Notices

MIST's Governance Manual MIST's Retention Policy

### **5. QUERIES AND COMPLAINTS**

Any comments or queries on this policy should be directed to the Information & Communications Manager [admin@methodistschools.org.uk](mailto:admin@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.

Reviewed: July 2022  
Next Review: July 2025