



Data Subject Access Requests: Policy and Procedures

This Policy has been written to take into account the requirements of the General Data Protection Regulation 2018.

- Data Subject Access requests may be submitted in any form but staff may request that the individual confirms the request in writing (this can be by email or letter).
- The request will be forwarded to the settings' Data Protection Officer/Data Protection Lead (DPO/DPL) for the organisation (see Data Protection Policy/Privacy notice for details of who this is).
- The DPO/DPL will consider if the request can be refused. It can only be refused if it is 'manifestly unfounded or excessive'.*
- We may request evidence of identity to ensure data is being disclosed to the correct individual.
- There is no fee for processing a Data Access Request unless the request is 'manifestly unfounded or excessive'. Even if this is the case the fee must only cover administration costs. It is permissible for us to charge a fee for additional copies of the same information.
- We will respond without undue delay and within 1 calendar month from the initial request. If requests are complex or numerous this can be extended to 3 months but this must be fully explained within the 1 month deadline.
- If the request is extremely broad we may seek clarification on the exact scope of the data required.
- A decision will be made on what systems and files should be searched for relevant personal data. We will keep a note of this as evidence of the steps taken in case a complaint is made by the individual to the ICO.
- We will consider if all the data should be disclosed. There are very limited exemptions where disclosing the data would 'adversely affect the rights and freedoms of others'. This is most likely to mean redacting the information to take out anything identifying a third party or if the data is related to a criminal offence.
- A copy of the data to be disclosed will be sent to the requestor. Where possible, and certainly if the request was made electronically the data will be provided electronically in a commonly used electronic format. If it is a paper copy it will be sent recorded delivery, if via email a delivery receipt will be requested as evidence that it was sent.
- A covering letter/email will also be sent containing the following information.
 - i. The categories of their personal data being processed by us (e.g. Fees)
 - ii. The purposes for which the processing happens (e.g. Fee payment)
 - iii. To whom the data may be disclosed (e.g. GCC, HMRC)
 - iv. Details of the source of the data (e.g. Registration form, Childcare Choices portal)
 - v. How long the data is retained by us
 - vi. The right to have inaccurate data corrected
 - vii. The right to make a complaint to the Data Protection Commissioner
 - viii. If automated decision making applies meaningful information about how these decisions are made will be supplied (*most settings do not use automated decision making*).
- If we are refusing to comply with the request we will send the requestor a letter explaining our decision and outlining their right to complain to the Information Commissioner.
- A record will be kept of our efforts to comply with the request, the date that we provided the information and any correspondence in case of future investigations by the ICO.

* For more information on 'manifestly unfounded or excessive' requests please see the ICO website.

Data Access Request Checklist

Action	Notes	Completed
Data Access Request Received and passed to Data Protection Officer/Data Protection Lead.	If received verbally, the staff member receiving the request should ask that it is confirmed either via email or letter.	
Are there grounds for refusing the request?	If Yes, the request should be denied within the 1 month deadline stating that the requestor may make a complaint to the ICO. If No, continue with the checklist.	
Is further evidence of identify required?	Request if necessary.	
Is the request manifestly unfounded or excessive, or a request for duplicate information?	If yes a fee may be applicable but should not be more than the administrative cost.	
What date should the request be completed by?	This is 1 calendar month from the initial date of the request even if this was via telephone or in person. If this will not be possible because of the amount of data involved this can be extended to 3 months but the delay must be communicated within the original month. <i>(For term time only settings you should consider what will happen during holidays, especially if you use personal email addresses e.g. FirstName@SettingName.com. The time runs from the email being sent not when it is opened).</i>	
Is the request extremely broad?	Seek clarification to determine the scope of the personal data required.	
What systems/data sources should be searched?	Keep a note of decisions made in case of future complaints/investigations.	
Does the data contain any references to third parties or sensitive data which should not be disclosed?	Redact (blank out) anything identifying a third person. Do not disclose anything relating to a criminal investigation.	
Is the data and covering letter ready to be sent?	Data should be supplied electronically where possible, in a commonly used format. Ensure that it is sent recorded delivery or if via email with a delivery receipt requested. The covering letter should contain the information set out in the Policy attached.	
Has a record been kept of the process followed, the decisions made during the process and the date that the requested data was provided?	A log of Data Access Requests should be kept in case of future complaints or investigations.	