Subject Access

A Parent's Guide

Your/your child's rights

You have the right to ask the school if they are using or storing your personal information. You can also ask them for copies of your personal information. This is called the right of access, commonly known as making a subject access request or SAR.

Children have the same rights as adults over their personal data which they can exercise if they are able to understand what this means and any implications the disclosure may bring. Where a child is not able to understand, an adult with parental responsibility may usually request the child's personal data on their behalf.

Even if a child is too young to understand the implications of subject access rights, it is still the right of the child rather than of anyone else such as a parent or guardian; even though in the case of young children these rights are likely to be exercised by those with parental responsibility for them.

If we are confident that the child can understand their rights, we will discuss with them how they would like us to process the request, for example if they are happy for the information to be provided to a parent, and if there is any information they do not want shared with a parent. Generally, however, we will allow you to exercise your child's rights on their behalf if your child authorises this, or if it is evident that this is in their best interests.

We usually consider a child of 12 years to be of sufficient age and maturity to be able to exercise their right of access. If your child is over the age of 12 and able to understand their rights we will either;

a) Respond to the SAR directly with your child, or
b) Ask the child if they are happy for us to provide their information to you, or
c) Ask you to provide written consent from your child giving you the right to access their information.

Generally, if your child is under the age of 12 and we are satisfied that you hold parental responsibility for them we will respond directly to you.

How to make a request

You can make a subject access request either verbally, or in writing, but we recommend you put it in writing if possible because this gives you a record of your request.

We will need the following:

- The name of you and your child
- Your up-to-date contact details
- A description of the information you are requesting
- How you would like to receive the information (email, or printed out)

© Essex County Council

A subject access request provides access to personal data held by the school. While this may include information contained within emails and correspondence, emails sent by you to the school, or received by you from the school, will not normally be provided in full where they do not contain additional personal data beyond what is already known to you.

Where relevant, personal data within email records will be identified and may be extracted or summarised.

If you specifically require copies of emails sent or received, you can make a further request for these to be included, and we will consider this in line with data protection law.

Sometimes we may also need to ask for proof of identification, although this will not be necessary if we know who you are. Once we have these details, plus the written consent of your child (if appropriate) we will comply with your request within one calendar month. However, if your request is complex due to the volume and sensitivity of the data, we may need to extend the time for a further two months, we will inform you within the first month if this is the case.

There is no charge for a subject access request, although in rare circumstances we can charge a fee if your request is considered to be manifestly unfounded or excessive, or alternatively refuse to provide your request. If this is the case, we will tell you whether we will charge for or refuse your request, and where applicable the one-month time limit will start after we have received your payment.

If you are not satisfied with our response, please contact us to let us know. If you are still not happy once we have tried to resolve your complaint you can make a complaint to the Information Commissioners Office.

© Essex County Council