



**Isle of Man
Government**

Reiltys Ellan Vannin



Department of Education, Sport and Culture

Rheynn Ynsee, Spoyrt as Cultoor

Subject Access Request Procedure

October 2019

1. Scope

- 1.1 All personal data processed by the Department of Education, Sport and Culture, Schools (Primary and Secondary), UCM, Manx Sport and Recreation, Ardwhallan Outdoor Centre and the Arts Council ("the Organisation") is within the scope of this procedure.
- 1.2 If you are requesting information about yourself you are known as the '**data subject**'.
- 1.3 A child has a right to make a subject access request without their parent's consent from the age of 12. A determination will need to be made as to whether they understand the request and the implications of making a request, capacity, etc., and this needs to be determined on a case by case basis. The '**data subject**' therefore may be the child and not the parent.
- 1.4 A data subject is any person whose personal data is being collected, held or processed.
- 1.5 A "**data controller**" means a person, such as a Headteacher, who (either alone or jointly or in common with other persons) determines the purposes for which and the manner in which any personal data are, or are to be, processed.
- 1.6 Data subjects are entitled to obtain the following:
 - 1.6.1 Confirmation as to whether the Organisation is processing any personal data about the data subject;
 - 1.6.2 Access to their personal data; and
 - 1.6.3 Any related information held on the data subject
- 1.7 A Data Subject Access Request Flowchart outlining whether data should be disclosed can be found at Appendix 1.
- 1.8 The process that the Department will follow is found at Appendix 2.

2. Responsibilities

- 1.1 The Data Protection Officer is responsible for the application and effective working of this procedure, and for reporting to the Senior Information Risk Owner on Subject Access Requests (SARs).
- 1.2 The Data Protection Officer is responsible for handling all SARs.
- 1.3 The Data Protection Officer for the Organisation can be contacted at:

Data Protection Officer, Thie Slieau Whallian, Foxdale Road, St John's, IM4 3AS

or emailed to DPO-DESC@gov.im

3. Procedure

- 3.1 Subject Access Requests can be made using the Subject Access Request Record (SAR Record). This is found at Appendix 3. You do not need to use this but it will be helpful for you to use it to capture the information that you would like. You can also make your request verbally, or any other way.

- 3.2 If you choose to complete the SAR record then you should submit it to the data controller, including evidence of identity. Evidence of identity should be provided whichever method you choose to make a Subject Access Request.
- 3.3 The data subject provides the Organisation with evidence of their identity in the form of an original or certified copy of a photographic identity document (passport or driving licence) and an original or certified copy of an address identity document including birth certificate, utility bill, vehicle registration document, bank statement or rent book (all such documents being dated within the last 3 months), and the signature on the identity must be cross-checked to that on the SAR Record. If you have parental responsibility for a child please could you provide evidence of this; possibly a birth certificate or court document.
- 3.4 The data subject specifies to the Organisation the specific set of data held by the Organisation on their subject access request (SAR). The data subject can request all data held on them by the Organisation.
- 3.5 The Organisation records the date that the identification checks were conducted and the specification of the data sought.
- 3.6 The Organisation provides the requested information to the data subject within **one month** from this recorded date.
- 3.7 The Department of Education, Sport and Culture is a data controller, as are the Headteachers of the individual schools.
- 3.8 If the SAR received is complex or duplicated, the controller shall inform the data subject of the need for the such extension of time needed within **one month** of receipt of the request, together with the reasons for the delay.
- 3.9 Once received, the subject access request (SAR) application is immediately forwarded to the Data Protection Officer, who will ensure that the requested data is collected within the specified time frame in clause 3.5 above. (Please note that the Data Protection Officer is based at the Department of Education, Sport and Culture and can be contacted at:
Department of Education, Sport and Culture
Thie Slieau Whallian
Foxdale Road
St John's
IM4 3AS
Tel: +44 1624 685828
Email: DPO-DESC@gov.im
- Collection entails:
- 3.9.1 Collecting the data specified by the data subject, or
- 3.9.2 Searching all databases and all relevant filing systems (manual files) held by the Organisation, including all back up and archived files (computerised or manual) and all email folders and archives. The Data Protection Officer maintains a data map that identifies where all data in Organisation Name is stored or located, which may include external cloud, software or other providers both internal and external to Government.
- 3.10 The Data Protection Officer maintains a record of requests for data and of its receipt, including dates.

- 3.11 Data may not be altered or destroyed in order to avoid disclosure.
- 3.12 The Data Protection Officer reviews subject access requests received from a child. Before responding to that SAR, the Data Protection Officer must consider the child's ability to make the request, including consideration of their age and capacity to make the request and understand their rights. The Data Protection Officer must ensure that parental responsibility is proven before disclosure of any information to a child's parent or guardian and their capability in regard to making the request. The implications of sharing any data disclosed to the child should be explained clearly and fully particularly where the child is under 12 years old.
- 3.13 The Data Protection Officer reviews all documents that have been provided to identify whether any third parties are present in it, and either removes the identifying third party information from the documentation or obtains written consent from the third party for their identity to be revealed.
- 3.14 In the case of CCTV recordings the Data Protection Officer will review the requisite footage to identify whether there are identifiable third parties present on it and if so, will seek to have these pixilated to protect their identity.
- 3.15 If any of the requested data is being held or processed under one of the following exemptions, it does not have to be provided. These may include education records and SEN records, where there is a risk of harm should a disclosure be made. In the case of examination results or scripts an exemption applies for a limited period. These are not blanket exemptions and will be considered on a case by case basis. There may be information within the personal data which can be disclosed. The risk of harm threshold may include a risk to third parties and there may be other exemptions which may be applicable.
- 3.16 In the event that a data subject requests the Organisation to provide them with the personal data stored by the controller or a processor, then the Organisation will provide the data subject with the requested information in electronic format, unless otherwise specified. All of the items provided to the data subject shall be listed on a schedule that shows the data subject's name and the date on which the information is delivered to (and received by) the data subject.
- 3.17 In the event that a data subject requests to know what personal data is being processed then the Organisation shall provide the data subject with the following information:
- 3.17.1 Purpose of the processing
 - 3.17.2 Categories of personal data
 - 3.17.3 Recipient(s) of the information, including recipients in third countries or international organisations
 - 3.17.4 How long the personal data will be stored (retention policy or schedule)
 - 3.17.5 The data subject's right to request rectification or erasure, restriction or objection, relative to their personal data being processed including the following statements:
 - 3.17.5.1 The Organisation removes personal data from systems and processing operations as soon as a request for erasure has been submitted by the data subject, subject to operational requirements.
 - 3.17.5.2 The Organisation contacts and communicates with other organisations, where the personal data of the data subject is being processed, to cease processing information at the request of the data subject, subject to operational requirements.

3.17.5.3 The Organisation takes appropriate steps without undue delay in the event that the data subject has: withdrawn consent; objects to the processing of their personal data in whole or part; or the Organisation is no longer under legal obligation and/or the data has been unlawfully processed.

3.17.6 Inform the data subject of their right to lodge a complaint with the Information Commissioner and a method to do so as detailed in the Department's complaints procedure which can be found at <https://www.gov.im/media/192010/complaints-policy-and-procedure-feb-2018.pdf>.

3.17.7 Information on the source of the personal data, if it hasn't been collected from the data subject.

3.17.8 Inform the data subject of any automated decision-making.

3.17.9 If and where personal data has been transferred and information on any safeguards in place.

3.18 The Department of Education, Sport and Culture uses the following electronic formats to respond to SARs: PDF, Word, Excel

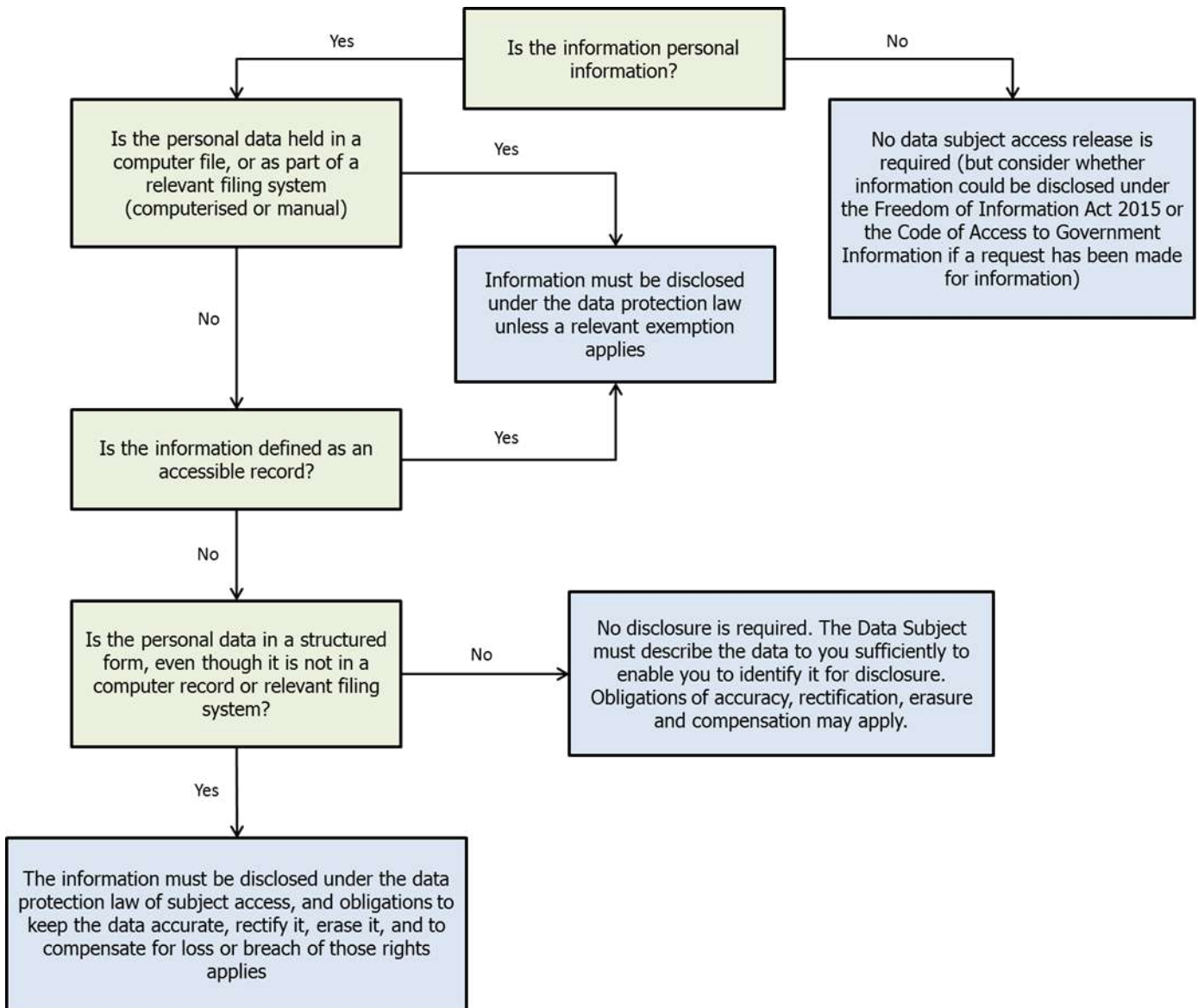
Approval/Document ownership: *[i.e. The Data Protection Officer is the owner of this document and is responsible for ensuring that this procedure is reviewed in line with the review of the requirements of the law in the Isle of Man relating to data protection.]*

[Signatures and date]

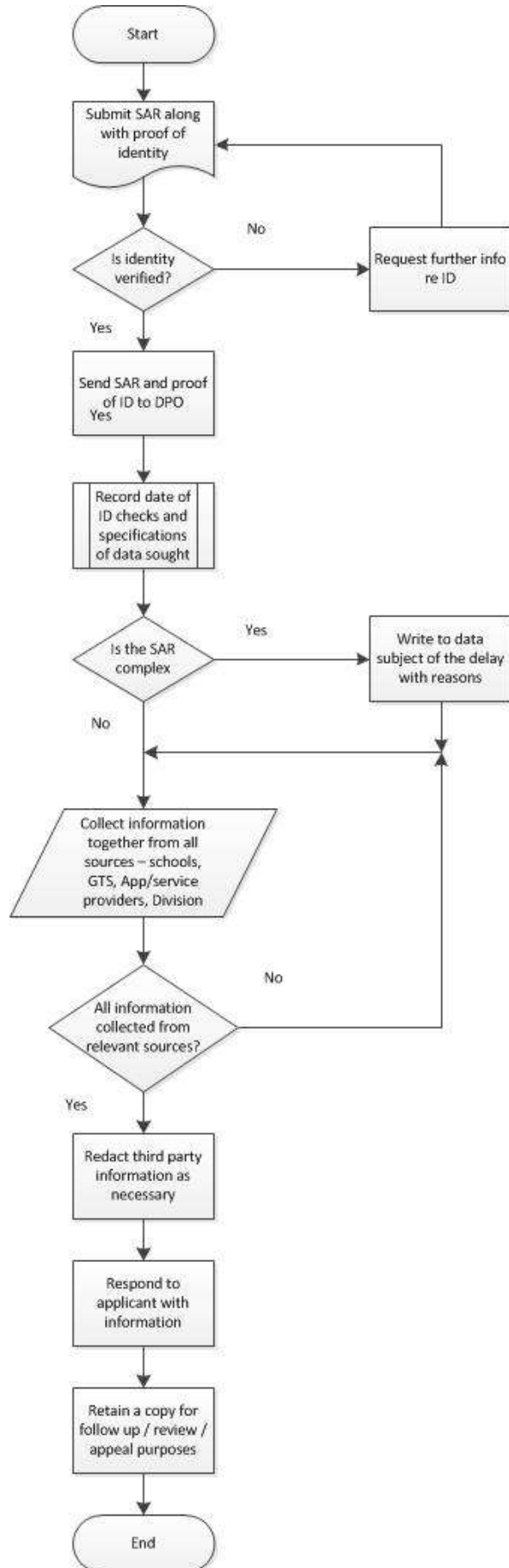
Andrew Shipley
DPO – Department of Education, Sport and Culture.

Date:

Data Subject Access Request Flowchart



Process flowchart for Subject Access Requests.



Terms

"Organisation" means the Department of Education, Sport and Culture, associated organisations including Primary and Secondary schools and UCM, Manx Sport and Recreation, Ardwhallan and the Arts Council.

"Data Subject" means the person who the information is about, normally you or your child.

Rights

The Data Protection Act 2018 and Data Protection (Application of GDPR) Order 2018 gives you the right to obtain the following:

- Confirmation as to whether the Organisation is processing any personal data about the data subject;
- Access to their personal data; and
- Any related information held on the data subject.

Identity

You are requested to provide the Organisation with evidence of their identity in the form of an original or certified copy of a photographic identity document (passport or driving licence) and an original or certified copy of an address identity document including birth certificate, utility bill, vehicle registration document, bank statement or rent book (all such documents being dated within the last 3 months), and the signature on the identity must be cross-checked to that on this form.

Time Limit

Data protection legislation requires that you shall be supplied with a copy of the information constituting the personal data within 30 days of your request.

The 30 day period begins when all the information required from you to satisfy us as to your identity and to locate the information that you seek has been received.

Address

The completed form should be passed on to your child's school for onward forwarding or sent directly to:

Data Protection Officer, Thie Slieau Whallian, Foxdale Road, St John's, IM4 3AS

or emailed to DPO-DESC@gov.im

Section 1 – About yourself [See note 7]

| | | | |
|------------------------|--|----------------------|--|
| Title (Mr, Mrs etc) | | Date of Birth | |
| Surname/Family Name | | Sex (Male/Female) | |
| First Names | | | |
| Maiden/Former surnames | | | |
| Telephone Number (Day) | | | |
| Email address | | | |
| Home Address | | | |
| Post Code | | | |

If you would have been known to us by a different name, or at a different address (home or business) during the period to which the information you are seeking relates, please state the name(s) and address(es) below:

| | | | | |
|-----------|--------------|--|------------|--|
| Name 1 | | | | |
| | From (Date): | | To (Date): | |
| Name 2 | | | | |
| | From (Date): | | To (Date): | |
| Address 1 | | | | |
| | | | Post Code | |
| | From (Date): | | To (Date): | |
| Address 2 | | | | |
| | | | Post Code | |
| | From (Date): | | To (Date): | |

Section 2 – Proof of identity [See procedure note 3.2]

To help establish your identity and whether you have parental responsibility, please could you submit a copy of one document from each of the following categories with your application:

(a) Confirmation of name:

- driving licence, passport, birth certificate.

(b) Confirmation of name and address:

- driving licence, utility bill, bank or credit card statement, rent book (or other equivalent/similar official document – but it **MUST** show your name and address). A birth certificate must be supplied as one of the documents to prove parental responsibility for a child.

I am providing the following types of identification:

| | | | |
|------------|--|------------|--|
| (a) | | (b) | |
|------------|--|------------|--|

Template: Subject Access Request Procedure

Version Control: 1.0

Next Review Date: June 2018

Record of Amendments

| Issue | Description of Change | Approval | Date of Issue |
|--------------|------------------------------|-----------------|----------------------|
| <i>1</i> | <i>Initial issue</i> | <i>AS</i> | <i>19/06/2018</i> |
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