



THINKING SCHOOLS
ACADEMY TRUST

Subject Access Request Policy

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Document title	Subject Access Request Policy
Version number	1.1
Policy status	Approved Final
TSAT Board Approved	9 April 2026 (Audit and Risk Committee)
Union Approved	N/A
Date of issue	9 April 2026
Date to be revised	January 2030

Revision Log (last 5 changes)

Date	Version No	Brief detail of change
09/04/26	1.1	Amended to confirm compliance with the Data (Use and Access) Act 2025, which clarifies that organisations are required to undertake only reasonable and proportionate searches when responding to Subject Access Requests and amendment to the name of the Trust's Data Protection Officer.
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1. Policy Statement:

- 1.1. The Data Protection Legislation is an important mechanism in achieving trust and confidence between the Academy, the Trust, their Data Processors and Data Subjects. It gives individuals rights of access to their personal records held by the Academy and the Trust. This policy explains how the Trust and each Academy aims to fulfil its obligations under the Act.
- 1.2. The Trust and each Academy will deal with each subject access request it receives in accordance with the provisions of this policy.

2. Definitions:

- 2.1. *“The Trust”* means Thinking Schools Academy Trust. This Policy applies to all Academies of The Thinking Schools Academy Trust and all Nurseries and Pre Schools of Little Thinkers Nursery & Pre School, a subsidiary of The Thinking Schools Academy Trust. When ‘Academy’ is used within this policy it applies to Nursery and Pre School settings. When ‘Headteacher/Principal’ is used with this policy it applies to Nursery Managers. When ‘The Thinking Schools Academy Trust’ is used within this policy it applies to Little Thinkers Nursery and Pre School.
- 2.2. *“Data”* means Personal Data and Special Category Personal Data.
- 2.3. *“Data Controller”* is the person who or the organisation which determine the purposes for which, and the manner in which, any personal data is processed. They are responsible for establishing practices and policies in line with Data Protection Legislation.
- 2.4. *“Data Subject”* means all living individuals about whom the Academy holds Data. A Data Subject need not be a UK national or resident. All Data Subjects have legal rights in respect of their Data and the information that the Academy holds about them.
- 2.5. *“Data Processor”* means any person who or organisation which processes Data on behalf of the Data Controller including contractors, and suppliers and any third party whose work involves accessing or otherwise using Data held by the Academy. Data Processors have a duty to protect the information they process for and on behalf of the Academy by following this and other Academy information governance policies at all times.
- 2.6. *“Data Protection Legislation”* means the UK General Data Protection Regulation (GDPR) and the Data Protection Act 2018.
- 2.7. *“Personal Data”* means any information relating to an identified or identifiable natural person (a data subject); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person
- 2.8. *“Processing”* means any activity that involves use of the data. It includes obtaining, recording or holding the data, or carrying out any operation or set of operations on the data such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by

transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction. Processing also includes transferring personal data to third parties.

- 2.9. “*Special Category Personal Data*” means information about a person's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, physical or mental health or condition or sexual life, or genetic or biometric data.
- 2.10. “*Social Media*” means websites and applications that enable users to create and share content or to participate in social networking including Facebook, LinkedIn, Twitter, Google+, and all other social networking sites, internet postings and blogs. It applies to use of Social Media for Academy purposes as well as personal use that may affect the Academy in any way.
- 2.11. “*Subject Access Request*” (“SAR”) means a request by an individual to the Trust or the Academy pursuant to Article 15 of the GDPR.

3. Legal Framework:

- 3.1. Article 15 of the GDPR provides an individual with a right to be informed on request whether or not Personal Data concerning them is being processed and if so to access to the Personal Data and the following information:
 - (a) the purposes of the Processing;
 - (b) the categories of Personal Data concerned;
 - (c) the recipients or categories of recipient to whom the personal data have been or will be disclosed, in particular recipients in third countries or international organisations;
 - (d) where possible, the envisaged period for which the personal data will be stored, or if not possible, the criteria used to determine that period;
 - (e) the existence of the right to request from the Data Controller rectification or erasure of Personal Data or restriction of Processing of Personal Data concerning the Data Subject or to object to such Processing;
 - (f) the right to lodge a complaint with the Information Commission;
 - (g) where the Personal Data are not collected from the Data Subject, any available information as to the source; and
 - (h) the existence of any automated decision making, together with additional information about such Processing where this is taking place.
- 3.2. Data may be withheld pursuant to a SAR where disclosure may cause serious harm to the Data Subject or any other person. This exemption relates only to health, social care, and education Data.
- 3.3. The Trust or the Academy, as appropriate, is also exempt from disclosing third party Personal Data unless the third party has consented to their Personal Data being disclosed or it is reasonable in all the circumstances for the third party's Personal Data to be disclosed without their consent.

- 3.4. This policy is intended to ensure that the Trust and each Academy fulfil their duties under the UK General Data Protection Regulation (GDPR), the Data Protection Act 2018, and the Data (Use and Access) Act 2025. This ensures a comprehensive approach to handling subject access requests in line with all relevant data protection legislation.

4. Making a SAR to the Trust and the Academy:

- 4.1. The Trust and the Academy request that any SARs is made in writing to enable the Trust and/or the Academy to properly understand the nature and extent of a SAR and to provide an appropriate and sufficient response. The Trust will however accept a SAR via a verbal request made to a TSAT Academy or Trust employee.
- 4.2. If writing a SARs it should be sent to the contact details in Appendix 1.
- 4.3. SARs made via Social Media will be responded to by email unless the Requester indicates that they would prefer to receive the response by secure post.
- 4.4. SARs made via a verbal request will be responded to by email unless the Requester indicates that they would prefer to receive the response by secure post.

5. Confirming the identity of the Requester:

- 5.1. In order to minimise the risk of accidentally sending the Personal Data of an individual to a third party and to avoid data breaches, where the Trust or the Academy receives a SAR and it is not satisfied as to the identity of the Requester, it will take the steps set out at 5.2 below to satisfy itself as to the identity of the Requester.
- 5.2. In satisfying itself as to the identity of the Requester, the Trust or the Academy may ask the individual to verify their identity before responding to the request by asking the Requester to attend a specified place or sending a certified copy of photographic identification such as a passport or driving licence.
- 5.3. If the Trust or the Academy, as appropriate, is not satisfied as to the identity of the Requester then the SAR will not be complied with, so as to avoid the potential for an inadvertent disclosure of Personal Data resulting in a data breach.

6. Sharing Information with Third Parties:

- 6.1. Data subjects can ask that the Trust or School share their personal data with another person such as an appointed representative (in such cases the Trust or School can request written authorisation signed by the data subject confirming which of their personal data they would like to be shared with the other person).
- 6.2. Equally if a request is made by a person seeking the personal data of a data subject, and which purports to be made on behalf of that data subject, then a response will not be provided unless and until written authorisation has been provided by the data subject. The Trust should not approach the data subject

directly but will inform the requester that it cannot respond without the written authorisation of the data subject.

- 6.3. If the Trust is in any doubt or has any concerns as to providing the personal data of the data subject to the third party, then it will provide the information requested directly to the data subject. It is then a matter for the data subject to decide whether to share this information with any third party.
- 6.4. Personal data belongs to the data subject, and in the case of the personal data of a child regardless of their age the rights in relation to that personal data are theirs and not those of their parents. Parents, in most cases, do not have automatic rights to the personal data of their child.
- 6.5. However there are circumstances where a parent can request the personal data of their child without requiring the consent of the child. The Trust will allow parents to exercise these rights on behalf of a child if the child authorises them to do so, when the child does not have sufficient understanding to exercise the rights him or herself, or when it is evident that this is in the best interests of the child. Generally the trust deem that where a child is under 12 years of age they are deemed not to be sufficiently mature as to understand their rights of access and a parent can request access to their personal data on their behalf but this will be reviewed for each request.
- 6.6. Where the Trust have identified that consent is required from the child, age appropriate consent from the child will be gained before responding to the requester, or provide the personal data directly to the child in accordance with the process above.
- 6.7. In all cases the Trust will consider the particular circumstances of the case, and the above are guidelines only.
- 6.8. Data subjects can ask that the Trust share their personal data with another person such as an appointed representative (in such cases the Trust will request written authorisation signed by the data subject confirming which of their personal data they would like the Trust to share with the other person).
- 6.9. Equally if a request is made by a person seeking the personal data of a data subject, and which purports to be made on behalf of that data subject, then a response will not be provided unless and until written authorisation has been provided by the data subject. The Trust will not approach the data subject directly but will inform the requester that it cannot respond without the written authorisation of the data subject.
- 6.10. If the Trust is in any doubt or has any concerns as to providing the personal data of the data subject to the third party, then it will provide the information requested directly to the data subject. It is then a matter for the data subject to decide whether to share this information with any third party.

7. Clarification of the Request:

- 7.1. Where it is unclear what Data is being sought by way of the SAR, the Academy will contact the Requester to provide further clarification as to the information being requested.
- 7.2. In clarifying the request, the Trust or the Academy, as appropriate, will contact the Requester by telephone, writing or email and ask for additional information to assist in determining whether any Data is being held and, if so, locating where that Data is being held.

8. Fees:

- 8.1. The Trust or the Academy, as appropriate, will usually deal with a SAR free of charge.
- 8.2. Where the request is considered to be manifestly unfounded or excessive a fee may be requested. Alternatively the Trust or the Academy, as appropriate, may refuse to respond to the request. If a request is considered to be manifestly unfounded or unreasonable the Trust or the Academy, as appropriate, will inform the requester why this is considered to be the case.

9. Time Limits:

- 9.1. The Trust or the Academy, as appropriate, will respond to a SAR promptly and in any event no later than one calendar month from the date of the request, or receipt of appropriate identification or clarification of a request where appropriate.
- 9.2. In relation to complex requests the response period may be extended by two calendar months. What constitutes a complex request will depend on the particular nature of the request. Where a request is considered to be sufficiently complex as to require an extension of the period for response, the Requester will be notified within one calendar month of receiving the request, together with reasons as to why this is considered necessary.

10. Responding to a SAR:

- 10.1. In responding to a SAR, the Trust or the Academy, as appropriate, will search the following databases for the Data of the Data Subject:
 - (a) Manual and other paper records held by the Trust or the Academy.
 - (b) Electronic records including databases and emails including the inbox, outbox, subfolders and deleted items.
- 10.2. Under the Data (Use and Access) Act 2025, the Trust or the Academy is only obliged to conduct searches for information that are reasonable and proportionate when responding to a SAR. Whilst the Trust will search manual records and electronic systems, including databases and emails, this duty is balanced by an assessment of what is reasonable and proportionate in the circumstances of each specific request. This approach is aligned with existing considerations around disproportionate effort.
- 10.3. The Trust or the Academy, as appropriate, will consider whether any of the Data held is subject to any of the exemptions set out in the Data Protection Legislation or whether the Data requested should otherwise be withheld.
- 10.4. In so far as the Trust or the Academy, as appropriate, is able to disclose then the Requester will be provided with the information set out at paragraph 3.1 above.

- 10.5. In responding to a SAR, the Trust or the Academy, as appropriate, will, in so far as is reasonable provide the information in the format required by the Requester and will take reasonable steps to ensure the information can be understood by the average person.
- 10.6. If the Trust or the Academy, as appropriate, does not hold any Data of the Requester, it will respond to the SAR to this effect.
- 10.7. In responding to a SAR, the Trust or the Academy, as appropriate, will only provide third party Personal Data in accordance with paragraph 14 of this policy.
- 10.8. Where any of the exemptions in the Data Protection Legislation apply in relation to Data held by the Trust or the Academy, as appropriate, it will not disclose that Data to the Requester.
- 10.9. If Personal Data is withheld pursuant to an exemption then where appropriate the Requester will be informed in writing that Data has been withheld due to the application of an exemption, set out the nature of the exemption and give reasons as to why the Academy considers that that exemption applies.
- 10.10. Where the Trust or the Academy, as appropriate, receives a SAR and some Data is exempt from disclosure and others not, where practicable the Trust or Academy, as appropriate, will redact the information which is exempt from disclosure and provide the remainder to the Requester.
- 10.11. If it is not possible for the exempt information to be redacted then, where possible, the unreacted information will be extracted and forwarded to the Requester.
- 10.12. Where the Trust or the Academy, as appropriate, cannot provide the Data requested in a permanent format, necessary arrangements will be made for the Requester to inspect the Data being processed.

11. Third Party Information:

- 11.1. Where the Trust or the Academy, as appropriate, receives a SAR and the Data of the Requester contains the Personal Data of a third party, the Trust or the Academy, as appropriate, will not disclose the third party's Personal Data unless the third party consents to the disclosure or it is reasonable in all the circumstances to disclose the Personal Data of third party without their consent.
- 11.2. In determining whether it is reasonable in all the circumstances to disclose third party Personal Data in responding to a SAR, the Trust or the Academy, as appropriate, will consider the following:
 - (a) Any duty of confidentiality owed by the Trust or the Academy, as appropriate, to the third party.
 - (b) The steps taken in trying to obtain the consent of the third party.
 - (c) Whether the third party is capable of providing consent for their Personal Data to be released.
 - (d) Any express refusal of the third party to not disclose their Personal Data.
 - (e) Whether any of the third party Personal Data is already known by the Requester.

- (f) The circumstances which gave rise to the request.

12. Disproportionate Effort:

- 12.1. The Trust or the Academy, as appropriate, may decide not to provide Data pursuant to a SAR if to do so would involve a disproportionate effort.
- 12.2. In determining whether responding to a SAR will involve disproportionate effort, the Trust or the Academy, as appropriate, will consider the time, costs and any technical expertise required to respond to the SAR.
- 12.3. Where responding to the SAR will involve a disproportionate effort, the Trust or the Academy will consider refusing to deal with the request unless the Requester amends his request, for example by providing search terms in order to narrow the scope of that request.

13. Repeated Requests:

- 13.1. The Trust or the Academy, as appropriate, cannot limit the number of SARs which can be made by an individual, however where there has been no reasonable interval between a previous request and the new request the Trust or the Academy, as appropriate, may refuse to respond to the Requester.
- 13.2. In determining whether a request has been made at a reasonable interval, the Trust or the Academy, as appropriate, will consider the following:
 - (a) Whether any new Data about the Data Subject has been Processed by the Trust or the Academy and how often any Data being Processed is altered.
 - (b) The nature of the Data being requested, including the Data's sensitivity.
 - (c) Whether any processing is likely to cause harm to the Requester in Processing the Data.
- 13.3. If the Trust or the Academy, as appropriate, does not intend to deal with the request on grounds that a reasonable interval has not passed since the previous request, it will inform the Requester of this in writing within the time limit set out in paragraph 10 above.
- 13.4. Where additional copies are requested of information then the Trust or the Academy, as appropriate, may charge a reasonable fee based on administrative costs.

14. Complaints:

- 14.1. If a Requester is unhappy with the way the Trust or the Academy has handled their request they should contact the Trust Data Protection Officer, Jennifer Coates, at privacy@tsatrust.org.uk.
- 14.2. If on a review the Requester is still unhappy with the way their SAR has been dealt with, they can contact the Information Commission by telephone on 0303 123 1113 or by writing to:

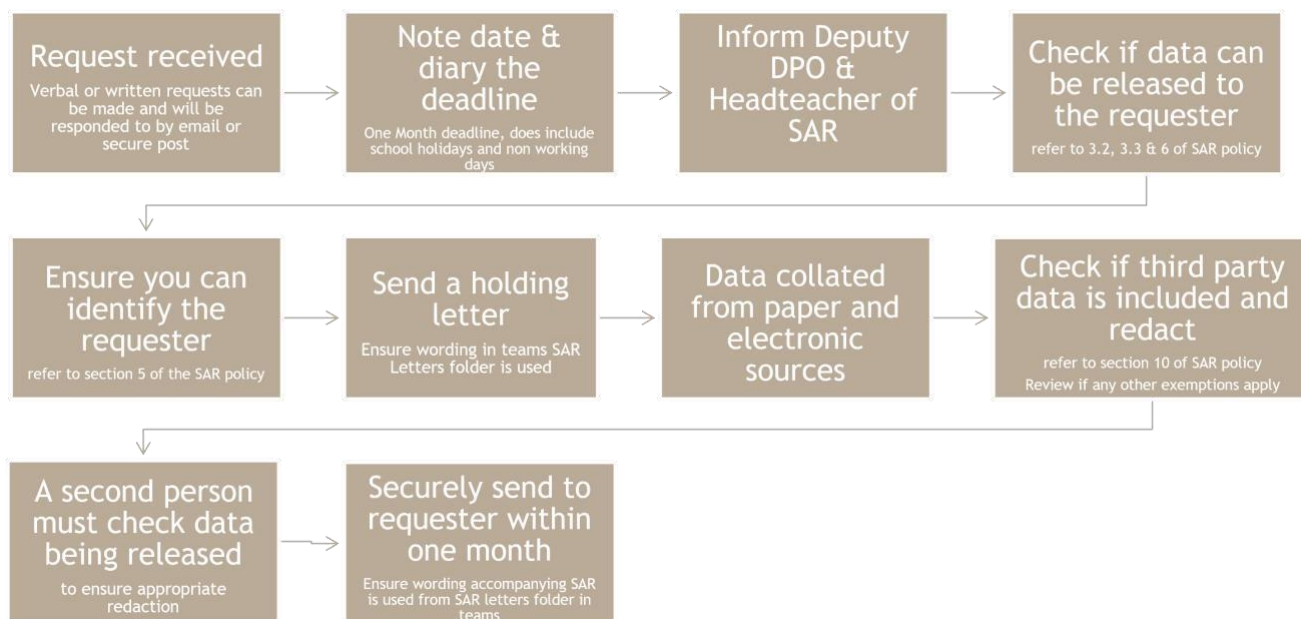
Information Commission,

4th Floor
No.3 Circle Square
5 Hawkshaw Street
Manchester
M1 7BL

15. Monitoring and Review:

- 15.1. This policy will be reviewed by the Data Protection Officer in the Trust or the Academy every 4 years or earlier if required and may be subject to change.
- 15.2. This policy will be ratified by the Trust Audit & Risk Committee

Subject Access Request Flowchart



Support:

Jennifer Coates, Data Protection Officer, TSAT: privacy@tsatrust.org.uk

