



Mill Hill  
EDUCATION GROUP

# Subject Access Request Protocol

Instilling values, inspiring minds

# Subject Access Request Protocol

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## Definitions:

**The Group:** Mill Hill Education Group (the 'Group') is the trading name of The Mill Hill School Foundation. It is a group of independent mainstream Schools which together educate girls and boys aged 3 to 19 years. It currently comprises:

### Senior Schools (day and boarding)

Mill Hill School  
Mill Hill International  
Cobham Hall

### Pre-Preparatory/Preparatory (day)

Grimsdell Pre-Preparatory School  
Lyonsdown School  
Keble Prep  
St Joseph's in the Park  
Belmont Preparatory School

This Policy covers all the Group's Schools.

The Foundation is a registered charity and a company limited by guarantee, employing both teaching and non-teaching staff. Legal responsibility rests with the company acting by the Court of Governors, and the Head of the respective School having day to day responsibility for the management of the schools and the care of pupils.

**Data Protection Law:** Data Protection Law consists primarily of the UK version of the General Data Protection Regulation (the GDPR) and the Data Protection Act 2018 (DPA 2018). The DPA 2018 includes specific provisions of relevance to independent schools: in particular, in the context of our safeguarding obligations, and regarding the right of access to personal data.

**Record:** means any document or item of data which contains evidence or information relating to the Group, its staff, governors, pupils or alumni. Not all of this material will contain personal data of individuals as defined in the Data Protection Law. The term Record includes material created, received and stored electronically but also paper documents.

**Personal Data:** means those Records which contain information about individuals such as staff, pupils, parents, contractors, consultants or other individuals, whether they are a part of the Group or some other third party.

**Special Category Personal Data** means sensitive personal data such as data relating to an individual in respect of their health, ethnicity, religion, sexual life, biometrics, trade union membership, politics or any criminal proceedings, offences or allegations.

## **Subject Access Request Protocol**

### **1. Purpose**

The purpose of this Protocol is to explain how the Group deals with Subject Access Requests.

### **2. What Are Subject Access Requests?**

Subject Access Requests (SAR) are requests by individuals (including parents, pupils, staff (past, present and prospective) to know what personal data about them is being held and used by organisations (including schools) and broadly for what purpose, where it came from and who else might receive it. It should be noted that the SAR is not the same as a parent's statutory right to receive a copy of their child's School record under the Schools Act 1996 which does not apply to independent schools.

SARs should be made in writing but do not have to mention the DPA 2018 or GDPR provided it is clear that the requester wishes to access information about themselves or their child held by the Group.

### **3. Your Rights**

Individuals have various rights under Data Protection Law to access and understand personal data about them held by the Group but subject to certain exemptions and limitations.

Any individual wishing to access their personal data, or who has some other objection to how their personal data is used, should put their request in writing by email to the Compliance Manager, Maxine Zeltser at [compliance@millhill.org.uk](mailto:compliance@millhill.org.uk)

The Group will endeavour to respond to any such written requests as soon as is reasonably practicable and in any event within statutory time-limits (which is generally one month, but actually fulfilling more complex or multiple requests, eg those involving third party information, may take 1-2 months longer).

The Group will be better able to respond quickly to smaller, targeted requests for information made during term time. If the request for information is manifestly excessive or similar to previous requests, the Group may ask you to reconsider, or require a proportionate fee (but only where Data Protection Law allows it).

### **4. Requests that Cannot be Fulfilled**

Individuals should be aware that the right of access is limited to their own personal data, and certain data is exempt from the right of access.

This will include information which identifies other individuals (and parents need to be aware this may include their own children, in certain limited situations – please see further below), or information which is subject to legal privilege (for example legal advice given to or sought by the Group, or documents prepared in connection with a legal action).

The Group is also not required to disclose any pupil examination scripts (or other information consisting solely of pupil test answers – although markers' comments may still be disclosable if they constitute pupil personal data), provide examination or other test marks ahead of any ordinary publication date, nor share any confidential reference held by the Group that was (or will be) given for the purposes of the Schools, training appointment or employment of any individual.

- **Pupil Requests**

- Pupils can make subject access requests for their own personal data, provided that, in the reasonable opinion of the Group, they have sufficient maturity to understand the request they are making. A pupil of any age may ask a parent or other representative to make a subject access request on his/her behalf.
- Indeed, while a person with parental responsibility will generally be entitled to make a subject access request on behalf of younger pupils, the law still considers the information in question to be the child's. For older pupils, the parent making the request may need to evidence their child's authority for the specific request.
- Pupils at Mill Hill School and Mill Hill International and those pupils aged 13 and over at Cobham Hall are generally assumed to have this level of maturity, although this will depend on both the child and the personal data requested, including any relevant circumstances at home.

- **Parental Requests, etc.**

- It should be clearly understood that the rules on subject access are not the sole basis on which information requests are handled. Parents may not have a statutory right to information, but they and others will often have a legitimate interest or expectation in receiving certain information about pupils without their consent. The Group may consider there are lawful grounds for sharing with or without reference to that pupil.
- Parents will in general receive Schools general and pastoral updates about their children. Where parents are separated, the Group will in most cases aim to provide the same information to each person with parental responsibility, but may need to factor in all the circumstances including the express wishes of the child, court orders or pastoral issues.

## 5. **Managing Subject Access Requests**

Any member of staff who receives a written request for personal data must forward it immediately to the Compliance Manager, Maxine Zeltser at [compliance@millhill.org.uk](mailto:compliance@millhill.org.uk) as the statutory time limit for providing the requested information under the GDPR is one month from receipt. The timescales for responding do not pause during school holidays.

The Group can request any information that it reasonably requires to confirm the identity or authority of the requester or in order to locate the data sought before responding.

Following receipt of a Subject Access Request, the Compliance Manager will record details of the request in the Subject Access Request register. Should more information be required to establish either the identity of the data subject (or agent) or the type of data requested, the date of receipt of the Request shall be the date on which sufficient information has been provided.

If the SAR is more complex and more time is needed to respond, the Compliance Manager can request an extension of another two months provided that this is communicated to the Requestor in a timely manner within the first month.

If the Group decides that the SAR can not be fulfilled, the Compliance Manager will inform the Requester of this decision without delay but, at the latest, within one month of receipt of the SAR.

If the SAR is submitted in electronic form, any information will be provided by electronic means unless the Requestor asks for the information in paper form.

If the requested data is processed, the Compliance Manager will include in the response the following:

- The purposes of the processing
- The categories of personal data concerned
- The recipients or categories of recipients to whom personal data has been or will be disclosed
- Where possible, the envisaged period for which the personal data will be stored or, if not possible, the criteria used to determine that period
- The existence of the right to request rectification or erasure of personal data or restriction of personal data concerning the data subject or to object to such processing
- The right to lodge a complaint with the Information Commissioners Office
- If the data has not been collected from the data subject, the source of such data
- The existence of any automated decision making

## **6. Review**

This Protocol shall be reviewed every two years.

Last review June 2023

Next review June 2025

The Protocol was approved by the Nomination and Governance Committee of the Court of Governors 21<sup>st</sup> September 2023.

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The Mill Hill Education Group is the brand name for The Mill Hill School Foundation.  
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