Inspire Partnership Academy Trust

Data Subject Access Request (DSAR) Policy

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Changes

Handling Manifestly Unfounded/Excessive Requests	This was mentioned generally under Section 6, "Exemptions, Refusals and Redactions". The Trust had the right to refuse or charge a reasonable fee for manifestly unfounded, vexatious, repeated, or excessive requests.	A **new, dedicated Section 8** was added: "Handling Manifestly Unfounded and Manifestly Excessive DSARs". This section details the **Assessment Process** (including indicators for manifestly unfounded and excessive requests), the **Procedure** (DPO review, written notification of decision, logging), and the **Right to Appeal**.	A comprehensive and structured procedure for assessing and handling manifestly unfounded or excessive requests was introduced as a stand-alone section.	

Contents

1. Introduction 3
1.1. About this policy 3
1.2. Definitions 3
2. What is a data subject access request? 4
3. Who can make a data subject access request? 5
4. Proof of ID 6
5. What information can they request? 6
6. Exemptions, Refusals and Redactions 6
7. Scope and application 7
8. Handling Data Subject Access Requests 7
8.1. Responsible department / person 7
8.2. Responsibilities of all other employees 7
9. Timescales 8

1. Introduction

1.1. About this policy

1.1.1. This policy defines the internal handling of data subject access requests received by the Inspire Partnership Academy Trust (The Trust). The guidance provided in this policy should be used to ensure such requests are dealt with in a structured, transparent and fair manner.

1.1.2. The Data Protection Act 2018/General Data Protection Regulation (GDPR) grants all individuals the right to access their personal data held with any establishment and to exercise that right easily and at reasonable intervals, in order to be aware of, and verify, the lawfulness of the processing.

1.2. Definitions

"Information asset"	refers to a set of data in hardcopy/ manual or electronic format (e.g., paper records, databases, systems)
"Data subject"	means the person who the personal data relates to
"Personal data"	this is data which relates to a living individual who can be identified (a)from that data, or (b) from the data and other information which is in the possession of, or is likely to come into the possession of, the data controller and includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual.
"Redaction"	means permanently and securely removing data that is exempt from disclosure from the material released to the requestor.
"Sensitive personal data"	refers to trade union membership, sexuality, race or ethnicity, religious beliefs, political opinions, health and criminal records.
"Employment records"	this is information held by the controller which relates to a member of staff, present, past or prospective, whether permanent, temporary or a volunteer.
"GDPR"/Data Protection Act 2018	Data Protection Act/GDPR came into force in 2018. It harmonises data protection laws across the EU and updates the previous regulations to take full account of globalisation,

	and the ever-changing technology landscape. Businesses will now need to demonstrate that they comply with the regulation when handling personal data. The Act/Regulation applies to any company processing the personal data of individuals in the UK/EU in relation to offering goods and services, or else to monitor their behaviour. Significant penalties can be imposed on employers who breach the Data Protection Act 2018/GDPR, it is therefore very important that businesses meet all the requirements, one of which is the processing of subject access requests.

2. What is a data subject access request?

2.1. A data subject access request is a request from an individual (the data subject), in which they ask to be provided with information regarding the personal data we process concerning them.

2.2. The Data Protection Act 2018/GDPR requires that the information you provide to an individual is in a concise, transparent, intelligible and easily accessible form, using clear and plain language. It also states that:

2.2.1. You must provide the requested information free of charge.

2.2.2. You can charge a 'reasonable fee' when a request is manifestly unfounded or excessive, particularly if it is repetitive.

2.2.3. You can charge a reasonable fee to comply with requests for further copies of the same information. The fee must be based on the administrative cost of providing the information.

3. Who can make a data subject access request?

3.1. The following people can submit a data subject access request:

3.1.1. The individual themselves.

3.1.2. Individuals requesting access on behalf of a child for whom they have parental responsibility. Parents can request access to their child's data in a subject access request if the child authorises this or if it is in the child's best interests. The data remains the property of the child and their maturity and ability to make decisions should be considered when deciding to action a request from a child and/ or the parent. In Scotland there is a presumption that a child is mature enough to be able to exercise their right of access from the age of 12. There is no

such presumption in the rest of the UK, where the competence is assessed depending upon the level of understanding of the child, but this does indicate a reasonable approach. A child should not be considered competent if it is evident that they are acting against their own best interests. If you have already decided that the child is competent to give their own consent, then it will usually be reasonable to assume that they are competent to exercise their own data protection rights i.e. undertake a DSAR. This should be reviewed on a case by case basis.

3.1.3. A representative nominated by the individual to act on their behalf such as solicitors or a relative, where there is valid consent by the individual granting this authority. A competent child may authorise someone else to act on their behalf.

3.2. Data subject access requests can be made in any form, including verbally, in writing, via post, email, telephone and social media.

4. Proof of ID

4.1. If you are unsure of someone's identity, then you must check for proof of ID. In accordance with the Data Protection Act 2018/GDPR you are not required to process the request until the identity of the requestor has been verified. If you are certain of a person's/ child's identity, then this does not have to be done.

4.2. Individuals requesting their own personal data will need to provide the following:

4.2.1. Photographic proof of identity (e.g. passport or full UK driving licence)

4.2.2. Proof of address (e.g. recent utility bill, bank statement)

4.3. Individuals requesting the personal data of another individual will need to provide the following:

4.3.1. Signed consent from the data subject stating that the requestor has their permission to make the request on their behalf.

5. What information can they request?

5.1. Subject access is most often used by individuals who want to see a copy of the information an organisation holds about them. However, subject access goes further than this and an individual is entitled to be:

5.1.1. told whether any personal data is being processed

5.1.2. given a description of the personal data, the reasons it is being processed, and whether it will be given to any other organisations or people

5.1.3. given a copy of the personal data; and

5.1.4. given details of the source of the data (where this is available).

5.2. An individual can also request information about the reasoning behind any automated decisions taken about him or her.

6. Exemptions, Refusals and Redactions

6.1.1. Some information is exempt from disclosure under the terms of the Data Protection Act 2018/GDPR and in some cases, you may not be able to explain to the requestor why you are unable to disclose the requested information. Detailed guidance is available from the Information Commissioner's Office website.

6.1.2. Where a request is manifestly unfounded, vexatious, repeated or excessive, The Trust has the right to refuse to respond to the request. The individual will be informed of this decision and the reasoning behind it, as well as their right to complain to the supervisory authority and to a judicial remedy, within one month of the refusal. See section 8 for more detailed information.

6.1.3. In the event that a large quantity of information is being processed about an individual, The Trust will ask the individual to specify the information the request is in relation to.

6.1.4. Redactions will be required where there is information concerning other data subjects contained in the documents and consent from those individuals cannot be obtained and it isn't reasonable to comply without their consent.

7. Scope and application

7.1. All employees are responsible for supporting the handling of data subject access requests made to The Trust and its schools as such requests may be received by any department or employee. It is therefore essential that this policy is adopted and supported by all.

8. Handling Manifestly Unfounded and Manifestly Excessive DSARs

8.1. The school recognises its responsibility to respond to all Data Subject Access Requests (DSARs) in accordance with data protection law. However, in line

with ICO guidance, the school may refuse to act on a request, or may charge a reasonable fee, if a request is deemed manifestly unfounded or manifestly excessive.

8.2. Assessment Process:

8.2.1. Each DSAR will be assessed on its own merits. Blanket refusals will not be applied. Indicators of a manifestly unfounded request may include:

8.2.1.1. where the individual clearly has no intention to exercise their right of access
8.2.1.2. where the DSAR has malicious in intent (e.g., making the request to harass the school with no real purpose)
8.2.1.3. requests clearly intended to disrupt operations
8.2.1.4. requests accompanied by abusive language

8.2.2. A request may be considered manifestly excessive if it:

8.2.2.1. repeats the substance of previous requests without reasonable interval
8.2.2.2. overlaps with other requests, or would require a disproportionate effort to fulfil
8.2.2.3. repeats a previous request with no new information

8.2.3. Procedure:

8.2.3.1. If a request appears manifestly unfounded or excessive, the DPO will review the circumstances and document the rationale for this assessment.
8.2.3.2. The school will notify the requester in writing of the decision, providing clear reasons, and informing them of their right to complain to the ICO and to seek judicial remedy.
8.2.3.3. This notification will be sent without undue delay and within one month of receipt of the request
8.2.3.4. All decisions and correspondence will be logged for audit purposes.

8.2.4. Right to Appeal

8.2.4.1. Individuals have the right to challenge the school's decision by contacting the DPO, and provide details of the complaints process.

8.2.5. Escalation:

8.2.5.1. Where there is uncertainty, the DPO will consult with senior leadership or seek external or ICO advice before making a final determination.

9. Handling Data Subject Access Requests

9.1. Responsible department / person

9.1.1. The Trust EdTech lead is responsible for the handling of data subject access requests made to The Trust and its schools.

9.1.2. Once received, the Trust EdTech lead will work with the school to investigate and respond to the request accordingly, taking into account the requirements of the Data Protection Act 2018/GDPR.

9.2. Responsibilities of all other employees

9.2.1. The Trust EdTech lead is solely responsible for responses to all data subject access requests received by the Trust and its schools and will liaise with the DPO centre for advice.

9.2.2. All other employees are prohibited from responding to any data subject access request and for the purposes of this policy are defined as “unauthorised employees”.

9.2.3. In the event that a data subject access request is received by an unauthorised employee, details of the request should be recorded on this form https://forms.gle/T8kYooD1z257z31u9 and any accompanying documents are to be forwarded to the Trust EdTech lead via DSAR@inspirepartnership.co.uk and copied to the Headteacher (school based staff) and the Trust HR team (central team staff).

9.2.4. It is essential that requests are forwarded on the day of receipt. When forwarding details of the request received, employees are required to use the form annexed to this policy.

9.2.5. In the event that any communication is received from the Information Commissioner's Office (ICO), the Trust Chief Executive Officer is to be informed immediately. Unauthorised persons are prohibited from responding to any such communications from the ICO.

10. Timescales

10.1. The Trust EdTech Leader lead must comply with a subject access request without undue delay and in any event within one calendar month of the date on which the request is received or (if later) the day on which we received:

10.1.1. any requested clarification of what the information requested is; and

10.1.2. any information requested to confirm the requestor's identity.

10.1.3. Schools must prioritise requests for information requested by the Trust EdTech lead in relation to DSARs and must respond to requests within 24 hours.

10.2. If more time is needed to respond to complex requests, an extension of another two months is permissible. This should be communicated to the data subject in a timely manner within the first month.

10.3. If the Trust EdTech lead cannot provide the information requested, the data subject should be informed of this decision without delay and at the latest within one month of receipt of the request.

Appendix 1 - Notification of DSAR form

Please complete this form with details of the request received
https://forms.gle/T8kYooD1z257z31u9