KING'S ELY

Data Protection Policy (including SAR & Complaints appendices)

September 2026

Data Protection Policy (including SAR & Complaints appendices)

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Data Protection Policy (including SAR & Complaints appendices)

Introduction

The UK General Data Protection Regulation (UK GDPR), the Data Protection Act 2018 and the Data (Use and Access) Act 2025 set out the legal framework for the lawful, fair and transparent processing of personal data in the United Kingdom. Together, these laws protect individuals' rights and require organisations to take appropriate technical and organisational measures to protect personal data against unauthorised or unlawful processing, accidental loss, destruction, damage, alteration or disclosure.

King's Ely will process personal data in accordance with applicable data protection legislation and current guidance issued by the Information Commissioner's Office (ICO), the Department for Education (DfE) and relevant sector guidance for schools. This policy sets out how King's Ely handles the personal data of pupils, parents, guardians, staff, governors, volunteers, contractors, suppliers, visitors and other third parties.

This policy does not form part of any individual's terms and conditions of employment with King's Ely and is not intended to have contractual effect. Changes to data protection legislation, statutory guidance, ICO guidance and relevant sector guidance will be monitored, and further amendments may be made to this policy in order to remain compliant with legal obligations and good practice.

All members of staff are required to familiarise themselves with its content and comply with the provisions contained in it. Breach of this policy will be treated as a disciplinary offence which may result in disciplinary action under King's Ely's Disciplinary Policy and Procedure up to and including summary dismissal depending on the seriousness of the breach.

King's Ely is registered with the Information Commissioners Office (ICO) as required under data protection legislation, under registration number Z5449448.

Section 1 – Definitions

Personal data

Personal data is any information relating to an individual where the individual can be identified (directly or indirectly) from that data alone or in combination with other identifiers King's Ely possess or can reasonably access. This includes special category data and pseudonymises personal data but excludes anonymous data or data that has had the identity of an individual permanently removed.

Personal data can be factual (for example, a name, email address, location, or date of birth) or an opinion about that person's actions or behaviour.

Personal data will be stored either electronically or as part of a structured manual filing system in such a way that it can be retrieved automatically by reference to the individual or criteria relating to that individual.

Special Category Data

Special category data is personal data that requires additional protection because of its sensitive nature. It includes personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data, biometric data used for the purpose of uniquely identifying an individual, data concerning health, and data concerning an individual's sex life or sexual orientation. Personal data relating to criminal offences and convictions is included here for the purposes of this policy. This refers to personal information relating to criminal convictions and offences, allegations, proceedings, and related security measures.

Data Subject

An individual about whom such information is stored is known as the Data Subject. It includes but is not limited to employees.

Data Controller

The organisation storing and controlling such information (i.e., King's Ely (the School)) is referred to as the Data Controller.

Processing

Processing data involves any activity that involves the use of personal data. This includes but is not limited to: obtaining, recording or holding data or carrying out any operation or set of operations on that data such as organisation, amending, retrieving, using, disclosing, erasing or destroying it. Processing also includes transmitting or transferring personal data to third parties.

Data Protection Legislation

For the purposes of this policy, data protection legislation means all applicable data protection and privacy legislation in force in the United Kingdom from time to time, including the UK GDPR, the Data Protection Act 2018, the Privacy and Electronic Communications Regulations 2003, the Data (Use and Access) Act 2025 to the extent applicable, any related subordinate legislation, and applicable guidance, statutory codes of practice or instructions issued by the Information Commissioner's Office or other relevant supervisory authority.

Automated Processing and Automated Decision-Making

Automated processing is any processing of personal data carried out by automated means. This may include profiling, where personal data is used to analyse or predict aspects relating to an individual, such as performance, behaviour, location, interests, health, reliability or other characteristics.

Automated decision-making occurs where a decision is made about an individual solely by automated means, without meaningful human involvement. Where such a decision produces legal effects or similarly significant effects on an individual, King's Ely will only carry out the processing were permitted by data protection legislation and where appropriate safeguards are in place. Safeguards may include providing meaningful information about the decision, enabling the individual to make representations, challenge the decision and obtain human intervention. Staff must consult the Data Protection Officer before introducing or materially changing any automated decision-making process.

Data Protection Impact Assessment (DPIA)

DPIAs are a tool used to identify risks in data processing activities with a view to reducing them.

Data Breach

A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data.

Pseudonymised

The process by which personal data is processed in such a way that that it cannot be used to identify an individual without the use of additional data, which is kept separately and subject to technical and organisational measures to ensure that the personal data cannot be attributed to an identifiable individual.

Section 2 – When can King's Ely Process Personal Data?

Data Protection Principles

King's Ely is responsible for complying with, and being able to demonstrate compliance with, the data protection principles set out in the UK GDPR and related data protection legislation. The principles King's Ely must adhere to are set out below.

Principle 1: Personal data must be processed lawfully, fairly and in a transparent manner

King's Ely only collects, process and share personal data fairly and lawfully and for specified purposes. King's Ely must have a specified purpose for processing personal data and special category data as set out in the UK GDPR.

Before the processing starts for the first time, King's Ely will review the purposes of the particular processing activity and select the most appropriate lawful basis for that processing. King's Ely will then regularly review those purposes whilst processing continues in order to satisfy themselves that the processing is necessary for the purpose of the relevant lawful basis (i.e., that there is no other reasonable way to achieve that purpose).

Personal Data

King's Ely may only process a data subject's personal data if one of the following fair processing conditions are met: -

- The data subject has given their consent;
- The processing is necessary for the performance of a contract with the data subject or for taking steps at their request to enter into a contract;
- To protect the data subject's vital interests;
- To meet our legal compliance obligations (other than a contractual obligation);
- To perform a task in the public interest or in order to carry out official functions as authorised by law;
- For the purposes of King's Ely's legitimate interests were authorised in accordance with data protection legislation. This is provided that it would not prejudice the rights and freedoms or legitimate interests of the data subject.
- The processing is necessary for a recognised legitimate interest under the UK GDPR (as amended by the Data (Use and Access) Act 2025).

Where King's Ely relies on legitimate interests, it will consider and document whether the processing is necessary for the stated purpose and whether the interests, rights and freedoms of the individual override those interests. Where data protection legislation recognises certain legitimate interests, King's Ely will still ensure that any processing is necessary, proportionate, transparent and documented.

Special Category Data

King's Ely may only process special category data if they are entitled to process personal data (using one of the fair processing conditions above) AND one of the following conditions are met: -

- The data subject has given their explicit consent;
- The processing is necessary for the purposes of exercising or performing any right or obligation which is conferred or imposed on King's Ely in the field of employment law, social security law or social protection law. This may include, but is not limited to, dealing with sickness absence, dealing with disability and making adjustments for the same, arranging private health care insurance and providing contractual sick pay;
- To protect the data subject's vital interests;
- The processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity
- Where the data has been made public by the data subject;
- To perform a task in the substantial public interest or in order to carry out official functions as authorised by law;
- Where it is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the

provision of health or social care or treatment or the management of health or social care systems and services;

- Where it is necessary for reasons of public interest in the area of public health;
- The processing is necessary for archiving, statistical or research purposes.

King's Ely identifies and documents the legal grounds being relied upon for each processing activity.

Consent

Where King's Ely relies on consent as a fair condition for processing (as set out above), it will adhere to the requirements set out in the UK GDPR.

Consent must be freely given, specific, informed and be an unambiguous indication of the data subject's wishes by which they signify agreement to the processing of personal data relating to them. Explicit consent requires a very clear and specific statement to be relied upon (i.e. more than just mere action is required).

A data subject will have consented to processing of their personal data if they indicate agreement clearly either by a statement or positive action to the processing. Consent requires affirmative action so silence, pre-ticked boxes or inactivity will not amount to valid consent.

Data subjects must be easily able to withdraw consent to processing at any time and withdrawal must be promptly honoured.

In cases of processing special category data and explicit consent, King's Ely will normally seek another legal basis to process that data. However, if explicit consent is required, the data subject will be provided with full information in order to provide explicit consent.

King's Ely will keep records of consents obtained in order to demonstrate compliance with consent requirements under the UK GDPR.

Principle 2: Personal data must be collected only for specified, explicit and legitimate purposes

Personal data will not be processed in any matter that is incompatible with the legitimate purposes specified.

King's Ely will not use personal data for new, different or incompatible purposes from that disclosed when it was first obtained unless King's Ely have informed the data subject of the new purpose (and they have consented where necessary).

Principle 3: Personal data must be adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed

King's Ely will only process personal data when our obligations and duties require us to. King's Ely will not collect excessive data and ensure any personal data collected is adequate and relevant for the intended purposes.

When personal data is no longer needed for specified purposes, King's Ely shall delete or anonymise the data. Please refer to King's Ely's Retention of Records Policy and procedures for further guidance.

Principle 4: Personal data must be accurate and, where necessary, kept up to date

King's Ely will endeavour to correct or delete any inaccurate data being processed by checking the accuracy of the personal data at the point of collection and at regular intervals afterwards. King's Ely will take all reasonable steps to destroy or amend inaccurate or out of date personal data.

Data subjects also have an obligation to ensure that their data is accurate, complete, up to date and relevant. Data subjects have the right to request rectification to incomplete or inaccurate data held by King's Ely.

Principle 5: Personal data must not be kept in a form which permits identification of data subjects for longer than is necessary for the purposes for which the data is processed

Legitimate purposes for which the data is being processed may include satisfying legal, accounting or reporting requirements. King's Ely will ensure that they adhere to legal timeframes for retaining data.

King's Ely will take reasonable steps to destroy or erase from our systems all personal data that the School no longer require. King's Ely will also ensure that data subjects are informed of the period for which data is stored and how that period is determined in our privacy notices.

Please refer to King's Ely's Retention of Records Policy and procedures for further details about how King's Ely retains and removes data.

Principle 6: Personal data must be processed in a manner that ensures its security using appropriate technical and organisational measures to protect against unauthorised or unlawful processing and against accidental loss, destruction or damage.

In order to assure the protection of all data being processed, King's Ely will develop, implement and maintain reasonable safeguard and security measures. This includes using measures such as: -

- Encryption;
- Pseudonymisation (as outlined above);
- Ensuring authorised access on both hard copy and electronic files (i.e. that only people who have a need to know the personal data are authorised to access it);

- Adhering to confidentiality principles;
- Ensuring personal data is accurate and suitable for the process for which it is processed.

King's Ely follows procedures and technologies to ensure security and will regularly evaluate and test the effectiveness of those safeguards to ensure security in processing personal data.

King's Ely will only transfer personal data to third party service providers who agree to comply with the required policies and procedures and agree to put adequate measures in place.

Full details on King's Ely's security measures are set out in the Cyber Security Policy.

Sharing Personal Data

King's Ely will generally not share personal data with third parties unless certain safeguards and contractual arrangements have been put in place. The following points will be considered:

- Whether the third party has a need to know the information for the purposes of providing the contracted services;
- Whether sharing the personal data complies with the privacy notice that has been provided to the data subject and, if required, the data subject's consent has been obtained;
- Whether the third party has agreed to comply with the required data security standards, policies and procedures and implemented adequate security measures;
- Whether the transfer complies with any applicable cross border transfer restrictions; and
- Whether a fully executed written contract that contains UK GDPR approved third party clauses has been obtained.

There may be circumstances where King's Ely is required either by law or in the best interests of our pupils, parents or staff to pass information onto external authorities for example, the Local Authority, Ofsted or the department of health. These authorities are up to date with data protection law and have their own policies relating to the protection of any data that they receive or collect.

The intention to share data relating to individuals to an organisation outside of King's Ely shall be clearly defined within written notifications including details and the basis for sharing the data.

International Transfers of Personal Data

Data protection legislation restricts transfers of personal data outside the United Kingdom unless the transfer is permitted by law and appropriate protection is in place. King's Ely will not transfer personal data outside the UK unless the destination is covered by UK adequacy regulations, appropriate safeguards are in place, such as the UK International Data Transfer Agreement, the UK Addendum to the EU Standard Contractual Clauses, binding corporate rules or another

approved safeguard, a transfer risk assessment has been completed where required, or a specific derogation or exemption applies under data protection legislation.

For the avoidance of doubt, an international transfer may occur where personal data is transmitted, sent, accessed, viewed, hosted, stored or otherwise made available outside the UK. Staff must seek advice from the Data Protection Officer before entering into contracts, systems, platforms or arrangements that may involve international transfers of personal data.

King's Ely maintains records of our transfer assessments alongside a Third-Party Data Sharing Register.

Section 3 – Data Subject's Rights and Requests

Personal data must be made available to data subjects as set out within this policy and data subjects must be allowed to exercise certain rights in relation to their personal data.

The rights data subjects have in relation to how King's Ely handle their personal data are set out below: -

(a) (Where consent is relied upon as a condition of processing) To withdraw consent to processing at any time;
(b) Receive certain information about King's Ely's processing activities;
(c) Request access to their personal data that King's Ely hold (see "Subject Access Requests" at Appendix 1);
(d) Prevent our use of their personal data for marketing purposes;
(e) Ask us to erase personal data if it is no longer necessary in relation to the purposes for which it was collected or processed or to rectify inaccurate data or to complete incomplete data;
(f) Restrict processing in specific circumstances;
(g) Challenge processing which has been justified on the basis of our legitimate interests or in the public interest;
(h) Request relevant information about the safeguards used where personal data is transferred outside the UK;
(i) To be informed where a decision that has legal or similarly significant effects is made solely by automated means, and to request human intervention, express their point of view, or contest a decision;
(j) Be notified of a personal data breach which is likely to result in high risk to their rights and freedoms;
(k) To raise a concern or make a complaint directly to the King's Ely if they believe their personal data has been processed unlawfully or unfairly, or if they are dissatisfied with King's Ely's response to a data protection request. Individuals also have the right to make a complaint to the supervisory authority, which is the Information Commissioner in England and Wales (https://ico.org.uk/global/contact-us/); and

(l) In limited circumstances, receive or ask for their personal data to be transferred to a third party in a structured, commonly used and machine-readable format.

If any request is made to exercise the rights above, it is a requirement for the relevant staff member within King's Ely to verify the identity of the individual making the request.

Direct Marketing

King's Ely is subject to certain rules and privacy laws when marketing. For example, a data subject's prior consent will be required for electronic direct marketing (for example, by email, text or automated calls).

King's Ely will explicitly offer individuals the opportunity to object to direct marketing and will do so in an intelligible format which is clear for the individual to understand. King's Ely will promptly respond to any individual objection to direct marketing.

Employee Obligations

Employees, governors, volunteers and other authorised users may have access to personal data relating to pupils, parents, guardians, staff, suppliers, visitors or other individuals in the course of their role or engagement with King's Ely. King's Ely expects all such users to help meet the School's data protection obligations. Specifically, users must:

- only access personal data that they are authorised to access, and only for authorised school purposes;
- only allow others to access personal data where they have appropriate authorisation and a genuine need to know;
- keep personal data secure, including by following rules on access to school premises, password protection, multi-factor authentication where used, clear desk expectations, secure file storage, secure disposal and approved systems;
- not remove personal data or devices containing personal data from King's Ely premises unless this is authorised and appropriate security measures are in place, such as encryption, password protection, secure remote access or other approved safeguards;
- not store personal data on local drives, personal devices, personal email accounts, personal cloud storage, removable media or unauthorised applications;
- report any actual or suspected personal data breach, loss, unauthorised access, unauthorised disclosure or security concern immediately in accordance with King's Ely's breach reporting procedures; and
- seek advice from the Compliance Lead or Data Protection Officer if unsure whether a proposed use, sharing arrangement, system, application or storage location is appropriate.

Mobile Phones and Portable Devices

Staff must not copy, photograph, download, export, forward or otherwise transfer sensitive personal data, confidential school information, pupil records, safeguarding information, medical information, personnel information or other restricted material from King's Ely systems onto mobile phones, personal devices or any unauthorised storage location. This includes copying information into personal messaging applications, cloud storage, notes applications, camera rolls, screenshots or removable media. Sensitive information must only be accessed, used and stored through approved King's Ely systems and in accordance with this policy and related information security requirements.

Section 4 – Accountability

King's Ely will ensure compliance with data protection principles by implementing appropriate technical and organisational measures. King's Ely is responsible for and demonstrate accountability with the UK GDPR principles.

King's Ely has taken the following steps to ensure and document UK GDPR compliance: -

Data Protection Officer (DPO)

Please find below details of King's Ely's Data Protection Officer: -
Data Protection Officer: Judicium Consulting Limited
Address: 5th Floor, 98 Theobalds Road, London, WC1X 8WB
Email: dataservices@judicium.com
Web: www.judiciumeducation.co.uk
Telephone: 0345 548 7000 (option 1, then option 1 again)

The DPO is responsible for overseeing this Data Protection Policy and developing data-related policies and guidelines.

Please contact the DPO with any questions about the operation of this Data Protection Policy or the UK GDPR or if you have any concerns that this policy is not being or has not been followed. In particular, you must always contact the DPO in the following circumstances: -

(a) If you are unsure of the lawful basis being relied on by King's Ely to process personal data;
(b) If you need to rely on consent as a fair reason for processing (please see below the section on consent for further detail);
(c) If you need to draft privacy notices or fair processing notices;
(d) If you are unsure about the retention periods for the personal data being processed but would refer you to King's Ely's Retention of Records Policy and procedures in the first instance;
(e) If you are unsure about what security measures need to be put in place to protect personal data;
(f) If there has been a personal data breach;
(g) If you are unsure on what basis personal data may be transferred, accessed, stored or hosted outside the UK;

(h) If you need any assistance dealing with any rights invoked by a data subject;
(i) Whenever you are engaging in a significant new (or a change in) processing activity which is likely to require a data protection impact assessment or if you plan to use personal data for purposes other than what it was collected for;
(j) If you plan to undertake any activities involving automated processing or automated decision making;
(k) If you need help complying with applicable law when carrying out direct marketing activities;
(l) If you need help with any contracts or other areas in relation to sharing personal data with third parties.

Data Subject Complaints

Individuals have the right to make a complaint directly to us if they believe their data protection rights have been breached.

King's Ely will acknowledge receipt within 30 days and provide a substantive response without undue delay. If you are not satisfied with our response, you may escalate the matter to the Information Commissioners Office (ICO).

Further information about how King's Ely handles data protection complaints can be found at Appendix 3 of this policy, along with a data protection complaints form at Appendix 4. Complaints can be made in writing to dataprotection@kingsely.org

Personal Data Breaches

Where required by data protection legislation, King's Ely must notify the Information Commissioner's Office (ICO) of a personal data breach without undue delay and, where feasible, not later than 72 hours after becoming aware of it. Where a breach is likely to result in a high risk to individuals' rights and freedoms, King's Ely must also communicate the breach to affected individuals without undue delay unless an exemption applies.

King's Ely has put in place procedures to deal with any suspected personal data breach and will notify data subjects or any applicable regulator where King's Ely is legally required to do so.

If you know or suspect that a personal data breach has occurred, do not attempt to investigate the matter yourself. Immediately contact the person designated as the key point of contact for personal data breaches at dataprotection@kingsely.org.

Transparency and Privacy Notices

King's Ely will provide detailed, specific information to data subjects. This information will be provided through King's Ely's privacy notices which are concise, transparent, intelligible, easily accessible and in clear and plain language so that a data subject can easily understand them. King's

Ely's privacy notices are tailored to suit the data subject and set out information about how King's Ely use their data.

Whenever King's Ely collects personal data directly from data subjects, including for human resources or employment purposes, King's Ely will provide the data subject with all the information required by the UK GDPR. This includes the identity of the Data Protection Officer, King's Ely's contact details, how and why King's Ely will use, process, disclose, protect and retain personal data. This information will be provided within our privacy notices.

When personal data is collected indirectly (for example, from a third party or a publicly available source), where appropriate, King's Ely will provide the data subject with the above information as soon as possible after receiving the data. King's Ely will also confirm whether that third party has collected and processed data in accordance with the UK GDPR.

Privacy information shall be provided in accordance with data protection legislation and current ICO and DfE guidance. Where information is directed at children, it will be written in clear, age-appropriate language so that children can understand how their personal data is used.

King's Ely's External Privacy Notice will signpost individuals to King's Ely's arrangements for exercising data protection rights and raising data protection complaints. Privacy information will be reviewed periodically and updated where there are material changes to how personal data is processed, relevant legislation, ICO guidance, or sector guidance, including guidance available through the ISBA Reference Library.

Data Protection by Design and Default

King's Ely adopts a data protection by design and default approach to ensure that privacy and data protection are considered from the outset and throughout the lifecycle of any processing activity, system, project, service, policy or contract involving personal data.

Privacy by design is an approach that promotes privacy and data protection compliance from the start. To help us achieve this, King's Ely takes into account the nature and purposes of the processing, any cost of implementation and any risks to rights and freedoms of data subjects when implementing data processes.

Data Protection Impact Assessments (DPIAs)

King's Ely carries out DPIAs when required by data protection legislation and where processing is likely to result in a high risk to individuals' rights and freedoms. This may include:

- the use of new technologies, systems, platforms or processes;
- significant changes to existing technologies, systems, platforms or processes;
- automated decision-making or profiling that may produce legal or similarly significant effects;
- large-scale processing of special category data or criminal offence information;

- systematic monitoring, including CCTV, filtering and monitoring systems, or monitoring of digital activity;
- processing involving children's personal data where the nature, scope, context or purpose of the processing may present higher risk;
- use of artificial intelligence tools or systems where personal data is processed;
- large-scale data sharing, matching or linkage; and
- any other processing identified by the Data Protection Officer, ICO guidance, DfE guidance or sector guidance as requiring a DPIA.

Our DPIAs contain: -

- A description of the processing, its purposes and any legitimate interests used;
- Details of what types of data are shared;
- Steps taken by the third party and King's Ely in order to protect data;
- An assessment of the necessity and proportionality of the processing in relation to its purpose;
- An assessment of the risk to individuals; and
- The risk mitigation measures in place and demonstration of compliance.

Record Keeping

King's Ely is required to keep appropriate, accurate and up-to-date records of its processing activities and accountability documentation. These records include:

- The name and contact details of King's Ely;
- The name and contact details of the Data Protection Officer;
- Descriptions of the types of personal data used;
- Description of the data subjects;
- Details of King's Ely's processing activities and purposes;
- Details of any third-party recipients of the personal data;
- Where personal data is stored;
- Retention periods; and
- Security measures in place.

Training

King's Ely will ensure that staff, governors and relevant volunteers or contractors receive appropriate data protection training according to their role and access to personal data. Training will include how to recognise subject access requests and other information rights requests, how to protect personal data, how to report personal data breaches, how to handle children's personal data appropriately, and when to seek advice from the Compliance Lead or Data Protection

Officer. Training will be refreshed periodically and when there are material changes to law, guidance, systems or responsibilities.

Audit

King's Ely, through its Data Protection Officer regularly test our data systems and processes in order to assess compliance. These are done through data audits which take place regularly in order to review use of personal data.

Related Policies, Notices and Guidance

Staff should refer to the following policies that are related to this Data Protection Policy: -

- Retention of Records Policy;
- Data Protection Complaints – Guidance and Form (Appendix 3 & 4);
- Privacy Notices;
- Parental Complaints Policy;
- Subject Access Request guidance and form within this policy;
- Cyber security, acceptable use, safeguarding and other relevant operational policies where personal data is collected, used, retained or shared;
- current Department for Education guidance on data protection in schools, including guidance on data protection policies and procedures, cyber security, safeguarding and information rights requests; and
- external guidance including Information Commissioner's Office guidance on subject access requests, data protection complaints, international transfers, children's data, direct marketing, employment practices and information security.

Monitoring

King's Ely will monitor the effectiveness of this and all of our policies and procedures and conduct a full review and update as appropriate.

Our monitoring and review will include looking at how our policies and procedures are working in practice to reduce the risks posed to King's Ely.

Data Protection Policy (including SAR & Complaints appendices)

Appendix 1 – Subject Access Requests

Under data protection legislation, data subjects have a general right to find out whether King's Ely holds or processes personal data about them, to access that data, and to be given supplementary information. This is known as the right of access or the right to make a subject access request (SAR). The purpose of the right is to enable individuals to understand and verify the lawfulness of the processing of personal data that King's Ely undertakes.

This appendix provides guidance for staff members on how data subject access requests should be handled and for all individuals on how to make a SAR.

Failure to comply with the right of access under UK GDPR puts both staff and King's Ely at potentially significant risk and so King's Ely takes compliance with this policy very seriously.
A data subject has the right to be informed by King's Ely of the following: -

(a) Confirmation that their data is being processed;
(b) Access to their personal data;
(c) A description of the information that is being processed;
(d) The purpose for which the information is being processed;
(e) The recipients/class of recipients to whom that information is or may be disclosed;
(f) Details of King's Ely's sources of information obtained;
(g) In relation to any personal data processed for the purposes of evaluating matters in relation to the data subject that has constituted or is likely to constitute the sole basis for any decision significantly affecting him or her, to be informed of the logic of the Data Controller's decision making. Such data may include, but is not limited to, performance at work, creditworthiness, reliability and conduct; and
(h) Other supplementary information.

How to Recognise a Subject Access Request

A data subject access request is a request from an individual (or from someone acting with the authority of an individual, e.g., a solicitor or a parent making a request in relation to information relating to their child):

- for confirmation as to whether King's Ely process personal data about him or her and, if so
- for access to that personal data
- and/or certain other supplementary information

A valid SAR can be both in writing (by letter, email, WhatsApp text) or verbally (e.g., during a telephone conversation). The request may refer to the UK GDPR and/or to 'data protection' and/or to 'personal data' but does not need to do so in order to be a valid request. For example, a letter which states 'please provide me with a copy of information that King's Ely hold about me' would constitute a data subject access request and should be treated as such.

A data subject is generally only entitled to access their own personal data and not information relating to other people.

How to Make a Data Subject Access Request

Whilst there is no requirement to do so, King's Ely encourages any individuals who wish to make such a request to make the request in writing, detailing exactly the personal data being requested. This allows King's Ely to easily recognise that you wish to make a data subject access request and the nature of your request. If the request is unclear/vague King's Ely may be required to clarify the scope of the request which may in turn delay the start of the time period for dealing with the request.

What to do When You Receive a Data Subject Access Request

All data subject access requests should be immediately directed to: dataprotection@kingsely.org who will contact Judicium as DPO in order to assist with the request and what is required. There are limited timescales within which King's Ely must respond to a request and any delay could result in failing to meet those timescales, which could lead to enforcement action by the Information Commissioner's Office (ICO) and/or legal action by the affected individual.

Acknowledging the Request

When receiving a SAR King's Ely shall acknowledge the request as soon as possible and inform the requester about the statutory deadline (of one calendar month) to respond to the request.

In addition to acknowledging the request, King's Ely may ask for:

- proof of ID (if needed);
- further clarification about the requested information;
- if it is not clear where the information shall be sent, King's Ely must clarify what address/email address to use when sending the requested information; and/or
- consent (if requesting third party data).

King's Ely should work with their DPO in order to create the acknowledgment.

Verifying the Identity of a Requester or Requesting Clarification of the Request

Before responding to a SAR, King's Ely will take reasonable steps to verify the identity of the person making the request. In the case of current employees, this will usually be straightforward. King's Ely is entitled to request additional information from a requester in order to verify whether the requester is in fact who they say they are. Where King's Ely has reasonable doubts as to the identity of the individual making the request, evidence of identity may be established by production of a passport, driving license, a recent utility bill with current address, birth/marriage certificate, credit card or a mortgage statement.

If an individual is requesting a large amount of data King's Ely may ask the requester for more information for the purpose of clarifying the request, but the requester shall never be asked why the request has been made. King's Ely shall let the requestor know as soon as possible where more information is needed before responding to the request.

Where King's Ely reasonably requires information to confirm the requester's identity or, where permitted, to clarify the scope of the request, the statutory time limit may be paused until the requested information is received. King's Ely will request only information that is reasonable and proportionate in the circumstances and will explain what is needed. If the requested information is not provided, King's Ely may be unable to comply with the request.

Requests Made by Third Parties or on Behalf of Children

King's Ely needs to be satisfied that the third party making the request is entitled to act on behalf of the individual, but it is the third party's responsibility to provide evidence of this entitlement.

This might be a written authority to make the request, or it might be a more general power of attorney. King's Ely may also require proof of identity in certain circumstances.

If King's Ely is in any doubt or has any concerns as to providing the personal data of the data subject to the third party, then it should 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.

When requests are made on behalf of children, it is important to note that 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, to have access to the child's personal data. Before responding to a SAR for information held about a child, King's Ely should consider whether the child is mature enough to understand their rights. If King's Ely is confident that the child can understand their rights, then King's Ely should usually respond directly to the child or seek their consent before releasing their information.

It shall be assessed if the child is able to understand (in broad terms) what it means to make a subject access request and how to interpret the information they receive as a result of doing so. When considering borderline cases, it should be taken into account, among other things:

- the child's level of maturity and their ability to make decisions like this;
- the nature of the personal data;
- any court orders relating to parental access or responsibility that may apply;
- any duty of confidence owed to the child or young person;
- any consequences of allowing those with parental responsibility access to the child's or young person's information. This is particularly important if there have been allegations of abuse or ill treatment;
- any detriment to the child or young person if individuals with parental responsibility cannot access this information; and

- any views the child or young person has on whether their parents should have access to information about them.

Generally, a person aged 12 years or over is presumed to be of sufficient age and maturity to be able to exercise their right of access, unless the contrary is shown. In relation to a child 12 years of age or older, then provided that King's Ely is confident that they understand their rights and there is no reason to believe that the child does not have the capacity to make a request on their own behalf, King's Ely will require the written authorisation of the child before responding to the requester or provide the personal data directly to the child.

King's Ely may also refuse to provide information to parents if there are consequences of allowing access to the child's information – for example, if it is likely to cause detriment to the child.

Fee For Responding to a SAR

King's Ely will usually deal with a SAR free of charge. Where a request is considered to be manifestly unfounded or excessive a fee to cover administrative costs may be requested. If a request is considered to be manifestly unfounded or unreasonable King's Ely will inform the requester, why this is considered to be the case and that King's Ely will charge a fee for complying with the request.

A fee may also be requested in relation to repeat requests for copies of the same information. In these circumstances a reasonable fee will be charged taking into account the administrative costs of providing the information.

If a fee is requested, the period of responding begins when the fee has been received.

Time Period for Responding to a SAR

King's Ely has one calendar month to respond to a SAR. This will run from the day that the request was received or from the day when any additional identification or other information requested is received, or payment of any required fee has been received.

The circumstances where King's Ely is in any reasonable doubt as to the identity of the requester, this period will not commence unless and until sufficient information has been provided by the requester as to their identity and in the case of a third-party requester, the written authorisation of the data subject has been received.

The period for response may be extended by a further two calendar months in relation to complex requests. What constitutes a complex request will depend on the particular nature of the request. The DPO must always be consulted in determining whether a request is sufficiently complex as to extend the response period.

Where a request is considered to be sufficiently complex as to require an extension of the period for response, King's Ely will need to notify the requester within one calendar month of receiving the request, together with reasons as to why this extension is considered necessary.

School Closure Periods

King's Ely may not be able to respond to requests received during or just before school closure periods within the one calendar month response period. This is because King's Ely will be closed. As a result, it is unlikely that your request will be able to be dealt with during this time. King's Ely may not be able to acknowledge your request during this time (i.e., until a time when we receive the request). However, if we can acknowledge the request, King's Ely may still not be able to deal with it until King's Ely re-opens. King's Ely will endeavour to comply with requests as soon as possible and will keep in communication with you as far as possible. If your request is urgent, please provide your request during term times and not during/close to closure periods.

Information to be Provided in Response to a Request

The individual is entitled to receive access to the personal data King's Ely process about him or her and the following information:

- the purpose for which King's Ely processes the data;
- the recipients or categories of recipient to whom the personal data has been or will be disclosed, in particular where those recipients are in third countries or international organisations;
- where possible, the period for which it is envisaged the personal data will be stored, or, if not possible, the criteria used to determine that period;
- the fact that the individual has the right:
    - to request that the Company rectifies, erases or restricts the processing of his personal data; or
    - to object to its processing;
    - to lodge a complaint with the ICO;
    - where the personal data has not been collected from the individual, any information available regarding the source of the data;
    - any automated decision King's Ely have taken about him or her together with meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for him or her.

The information should be provided in a way that is concise, transparent, easy to understand and easy to access using clear and plain language, with any technical terms, abbreviations or codes explained. The response shall be given in writing if the SAR was made in writing in a commonly used electronic format.

The information that King's Ely are required to supply in response to a SAR must be supplied by reference to the data in question at the time the request was received. However, as King's Ely have one month in which to respond King's Ely is allowed to take into account any amendment or deletion made to the personal data between the time the request is received and the time the

personal data is supplied if such amendment or deletion would have been made regardless of the receipt of the SAR.

Therefore, King's Ely is allowed to carry out regular housekeeping activities even if this means deleting or amending personal data after the receipt of a SAR. King's Ely is not allowed to amend or delete data to avoid supplying the data.

How to Locate Information

The personal data King's Ely need to provide in response to a data subject access request may be located in several of the electronic and manual filing systems. This is why it is important to identify at the outset the type of information requested so that the search can be focused.

Depending on the type of information requested, King's Ely may need to search all or some of the following:

- electronic systems, e.g., databases, networked and non-networked computers, servers, customer records, human resources system, email data, back up data, CCTV;
- manual filing systems in which personal data is accessible according to specific criteria, e.g., chronologically ordered sets of manual records containing personal data;
- data systems held externally by our data processors;
- occupational health records;
- pensions data;
- share scheme information;
- insurance benefit information.

King's Ely should search these systems using the individual's name, employee number or other personal identifier as a search determinant.

Protection of Third Parties - Exemptions to the Right of Subject Access

There are circumstances where information can be withheld pursuant to a SAR. These specific exemptions and requests should be considered on a case-by-case basis.

King's Ely will consider whether it is possible to redact information so that this does not identify those third parties. If their data cannot be redacted (for example, after redaction it is still obvious who the data relates to) then King's Ely do not have to disclose personal data to the extent that doing so would involve disclosing information relating to another individual (including information identifying the other individual as the source of information) who can be identified from the information unless:

- the other individual has consented to the disclosure; or
- it is reasonable to comply with the request without that individual's consent.

In determining whether it is reasonable to disclose the information without the individual's consent, all of the relevant circumstances will be taken into account, including:

- the type of information that they would disclose;
- any duty of confidentiality they owe to the other individual;
- any steps taken to seek consent from the other individual;
- whether the other individual is capable of giving consent; and
- any express refusal of consent by the other individual.

It needs to be decided whether it is appropriate to disclose the information in each case. This decision will involve balancing the data subject's right of access against the other individual's rights. If the other person consents to King's Ely disclosing the information about them, then it would be unreasonable not to do so. However, if there is no such consent, King's Ely must decide whether to disclose the information anyway. If there are any concerns in this regard, then the DPO should be consulted.

Other Exemptions to the Right of Subject Access

In certain circumstances King's Ely may be exempt from providing some or all of the personal data requested. These exemptions are described below and should only be applied on a case-by-case basis after a careful consideration of all the facts.

Crime detection and prevention: King's Ely do not have to disclose any personal data being processed for the purposes of preventing or detecting crime; apprehending or prosecuting offenders; or assessing or collecting any tax or duty.
Confidential references: King's Ely do not have to disclose any confidential references given to, or received from, third parties for the purpose of actual or prospective:

- education, training or employment of the individual;
- appointment of the individual to any office; or
- provision by the individual of any service

This exemption does not apply to confidential references that King's Ely receives from third parties. However, in this situation, granting access to the reference may disclose the personal data of another individual (i.e., the person giving the reference), which means that King's Ely must consider the rules regarding disclosure of third-party data set out above before disclosing the reference.

Legal professional privilege: King's Ely do not have to disclose any personal data which is subject to legal professional privilege.

Management forecasting: King's Ely do not have to disclose any personal data processed for the purposes of management forecasting or management planning to assist us in the conduct of any business or any other activity.

Negotiations: King's Ely do not have to disclose any personal data consisting of records of intentions in relation to any negotiations with the individual were doing so would be likely to prejudice those negotiations.

Refusing to Respond to a Request

King's Ely can refuse to comply with a request if the request is manifestly unfounded or excessive, taking into account whether the request is repetitive in nature.

If a request is found to be manifestly unfounded or excessive King's Ely can:

- request a "reasonable fee" to deal with the request; or
- refuse to deal with the request.

In either case King's Ely need to justify the decision and inform the requestor about the decision. The reasonable fee should be based on the administrative costs of complying with the request. If deciding to charge a fee King's Ely should contact the individual promptly and inform them. King's Ely does not need to comply with the request until the fee has been received.

Record Keeping

A record of all subject access requests shall be kept by the Data Protection Officer. The record shall include the date the SAR was received, the name of the requester, what data King's Ely sent to the requester and the date of the response.

Data Protection Policy (including SAR & Complaints appendices)

Appendix 2 – Subject Access Request Form

Data protection legislation provides you, the data subject, with a right to receive a copy of the personal data King's Ely hold about you and supplementary information, or to authorise someone to act on your behalf. Please complete this form if you wish to make a request for your data. Your request will normally be processed within one calendar month upon receipt of a fully completed form and proof of identity.

Proof of Identity

King's Ely require proof of your identity before King's Ely can disclose personal data. Proof of your identity should include a copy of a document such as your birth certificate, passport, driving licence, official letter addressed to you at your address e.g., bank statement, recent utilities bill or council tax bill. The document should include your name, date of birth and current address. If you have changed your name, please supply relevant documents evidencing the change.

Section 1

Please fill in the details of the data subject (i.e., the person whose data you are requesting). If you are not the data subject and you are applying on behalf of someone else, please fill in the details of the data subject below and not your own.

Title	
Surname/Family Name	
First Name(s)/ Forename	
Date of Birth	
Address	
Post Code	
Phone Number	
Email address	

I am enclosing the following copies as proof of identity (please tick the relevant box):

- ☐ Birth certificate
- ☐ Driving licence
- ☐ Passport
- ☐ An official letter to my address

Personal Information *If you only want to know what information is held in specific records, please indicate in the box below. Please tell us if you know in which capacity the information is being held, together with any names or dates you may have. If you do not know exact dates, please give the year(s) that you think may be relevant.*
Details:

Employment records: If you are, or have been employed by King's Ely and are seeking personal information in relation to your employment please provide details of your staff number, unit, team, dates of employment etc. Details:

Section 2

Please complete this section of the form with your details if you are acting on behalf of someone else (i.e., the data subject).

If you are **NOT** the data subject, but an agent appointed on their behalf, you will need to provide evidence of your identity as well as that of the data subject and proof of your right to act on their behalf.

Title	
Surname/ Family Name	
First Name(s)/Forenames	
Date of Birth	
Address	

Post Code	
Phone Number	

I am enclosing the following copies as proof of identity (please tick the relevant box):

- ☐ Birth certificate
- ☐ Driving licence
- ☐ Passport
- ☐ An official letter to my address

What is your relationship to the data subject? (e.g., parent, carer, legal representative)

I am enclosing the following copy as proof of legal authorisation to act on behalf of the data subject:

- ☐ Letter of authority
- ☐ Lasting or Enduring Power of Attorney
- ☐ Evidence of parental responsibility
- ☐ Other (give details):

Section 3

Please describe as detailed as possible what data you request access to (e.g., time period, categories of data, information relating to a specific case, paper records, electronic records).

I wish to:

- ☐ Receive the information by post*
- ☐ Receive the information by email

Collect the information in person

- ☐ View a copy of the information only
- ☐ Go through the information with a member of staff

*Please be aware that if you wish us to post the information to you, King's Ely will take every care to ensure that it is addressed correctly. However, King's Ely cannot be held liable if the information is lost in the post or incorrectly delivered or opened by someone else in your household. Loss or incorrect delivery may cause you embarrassment or harm if the information is 'sensitive'.

Please send your completed form and proof of identity by email to: dataprotection@kingsely.org

Appendix 3 – Data Protection Complaints

Under Data Protection Law, individuals have the right to raise concerns or make complaints about the way their personal data has been handled. This includes concerns about how King's Ely collects, stores, uses, shares, or secures personal data, as well as how King's Ely has responded to a previous data protection related request (for example, a Subject Access Request).

The purpose of this right is to ensure that individuals can easily challenge potential non-compliance, seek clarification or correction, and help King's Ely to continually improve its data protection practices.

This appendix provides guidance for staff on how to handle data protection complaints and for individuals on how to submit one.

Failure to address data protection complaints appropriately can expose King's Ely to enforcement action by the ICO and reputational risk. King's Ely therefore treats all complaints seriously and in accordance with this policy.

What is a Data Protection Complaint?

A data protection complaint is any expression of dissatisfaction from an individual (or their authorised representative) about how King's Ely has processed their personal data or handles a data protection request.

Examples include complaints about:

- Inaccurate, incomplete, or outdated information being held;
- Personal data being used or shared without lawful basis;
- A delay or failure to respond to a Subject Access Request or other data rights request;
- Inappropriate disclosure or loss of personal data;
- Lack of transparency in how data is collected or used;
- Concerns about automated decision-making or profiling; or,
- Any other alleged breach of the UK GDPR or Data Protection Act 2018.

A complaint does not need to reference "data protection" or "UK GDPR" to be valid; any statement indicating concern about how personal data has been handled must be treated as such.

How to Make a Data Protection Complaint

Individuals can make a complaint verbally or in writing (including by email, letter, or online form). To help ensure a full and efficient investigation, complainants are encouraged to use the Data Protection Complaint Form provided below in Appendix 4, providing:

- Their name and contact details;
- A clear description of the concern;

- Any relevant dates, correspondence, or evidence; and,
- The outcome they seek.

Complaints should be directed to dataprotection@kingsely.org

Acknowledging and Investigating a Complaint:

King's Ely will acknowledge the complaint within 30 days of receipt. The acknowledgment will confirm that the complaint has been received, outline the next steps, and provide contact details for any questions.

Where clarification or additional evidence is required to investigate the complaint properly, the response timeframe may be paused until sufficient information has been provided. All complaints will be handled confidentially and investigated promptly, fairly, and proportionately.

King's Ely will aim to provide a substantive response as soon as reasonably practicable. The investigation may involve consultation with relevant departments, review of systems or records, and advice from King's Ely's DPO.

Outcome of a Complaint

Following investigation, King's Ely will provide a written response setting out:

- The findings of the investigation;
- Any corrective or preventative action King's Ely will take (if appropriate); and,
- The right to escalate the matter to the ICO if the complainant remains dissatisfied.

Complaints Received During School Closure Periods

King's Ely will endeavour to acknowledge and investigate complaints as soon as reasonably practicable. However, during school closure periods, offices and systems may not be routinely monitored, which could delay acknowledgment and investigation. Where a complaint is received during such a period, King's Ely will:

- Record the date of receipt;
- Acknowledgment the complaint as soon as possible; and,
- Provide an update to the complainant once King's Ely reopens.

Complainants who require an urgent response are encouraged to submit their complaint during term time wherever possible.

Record Keeping

King's Ely will maintain a record of all data protection complaints, including:

- The date the complaint was received;

- The complainant's name;
- The nature of the complaint;
- Any key investigative steps taken;
- The outcome and date of response; and,
- Any follow-up actions taken.

Records will be retained in accordance with King's Ely's Records Retention Schedule.

Data Protection Policy (including SAR & Complaints appendices)

Appendix 4 – Data Protection Complaints Form

The UK GDPR and the Data Protection Act 2018 give you the right to raise a concern or make a complaint about the way King's Ely processes your personal data, handles your request, or otherwise complies with data protection law.

Please complete this form if you wish to raise a complaint and send it to dataprotection@kingsely.org King's Ely will acknowledge your complaint within 30 calendar days of receipt and will aim to provide you with a full response as soon as reasonably practicable.

Proof of Identity

If your complaint relates to the processing of personal data and King's Ely need to verify your identity, King's Ely may ask for proof of identity before investigating. Acceptable documents include a copy of your passport, driving licence.

Section 1 – Complainant Details

Title	
Surname/Family Name	
First Name(s)/ Forename	
Date of Birth	
Address	
Post Code	
Phone Number	
Email address	

Section 2 – Details of Complaint

Please describe your concern in as much detail as possible. Include dates, names, and copies of any relevant correspondence or documents if available.

Have you previously raised this concern with King's Ely?

☐ Yes ☐ No

If yes, please provide the date and to whom it was reported:

What outcome are you seeking?

Section 3 – Representative (if applicable)

If you are making this complaint on behalf of someone else, please complete the section below. You must provide proof of your identity and evidence of your authority to act on behalf of the data subject.

Title	
Surname/Family Name	
First Name(s)/ Forename	
Date of Birth	
Address	

Post Code	
Phone Number	
Email address	
Relationship to Data Subject	

Proof of Authorisation (enclose one):

☐ Letter of authority ☐ Power of Attorney ☐ Parental responsibility ☐ Other (details): _____

Section 4 – Acknowledgement and Declaration

☐ I confirm that the information provided in this form is accurate to the best of my knowledge.

☐ I understand that King's Ely may need to contact me to clarify details and may need to verify my identity before investigating.

Signature: _____ Date: _____

King's Ely
Cambridgeshire
CB7 4EW

www.kingsely.org