

GDPR

OUT OF OFFICE MESSAGES AND INFORMATION RIGHTS REQUESTS

Summer Holidays 2022

1. BACKGROUND

Under both Freedom of Information and Data Protection legislation individuals have rights to information. On receipt of such requests, our schools/Trust must respond within tight timeframes to comply with the law. Requests that involve personal data are handled under the General Data Protection Regulations 2016 and Data Protection Act 2018 ('data protection legislation'). Examples of such requests include:

- i. ('I want to see a copy of my child school records') - the right of access
- ii. ('My details are wrong. Please correct them') - the right to rectification
- iii. ('Please remove my personal information from school contact records') - the right to erasure
- iv. ('Do not disclose my personal data to Mr Jones') - the right to restrict processing
- v. ('Please provide information held in the application system in electronic form') - the right to data portability
- vi. ('I object to the school/Trust using my personal data for marketing purposes') - the right to object

All other information requests that do not involve personal data are dealt with under the Freedom of Information Act 2000 (FOI). Examples include:

- i. ('Please send me the policy on school complaints')
- ii. ('Under FOI, I would like you to provide me with details of electricity energy consumption during the last 5 years')

Collectively, these requests/rights are known as 'information rights requests'. The Data Protection Officer (DPO in the Trust central team coordinates school's/Trust responses to either type of request.

2. TIME FRAMES FOR INFORMATION RIGHTS REQUESTS

Information rights requests can come in at any point in the Trust so any member of a school or Trust staff can receive one. And such requests can arrive in any form, i.e. manual (letter) or electronic (email), but mostly commonly they come in the form of email.

As soon as the school or Trust receives an information rights request, the time limit for the response imposed by either FOI or data protection legislation begins to run down. For FOI requests, the school/Trust has 20 working days to respond from the date of receipt; for requests involving personal data, it has 30 days from the day of receipt. Failure to meet these deadlines will be a breach of the law.

If staff in school receive either type of request, they should contact their Data Protection Coordinator (*Headteacher/School Business Manager*) in school who will notify the Trust DPO as soon as possible to ensure we have sufficient time to respond.

3. OUT OF OFFICE (OOO) MESSAGES

There have been several instances of information in the form of emails 'sitting' in the in-boxes of members of staff without being actioned; this usually occurs when members of staff have not checked their email because they are on annual leave or during the school closure periods. By the time such requests have become noticed and actioned, i.e. sent to the DPO, the time to respond has run out and the school/Trust will be in breach of the law.

Guidance from the Information Commissioner suggests that where an email address is not being monitored an appropriate OOO message explaining that information rights requests should be sent to another email address will, in effect, stop the clock from running down.

The implication of this is that staff should set OOO messages when they are not checking their mailboxes, e.g. they are away on annual leave/during school closure periods and have no access to email.

However, schools should arrange to ensure that the schools general email in-box is

- a. checked at least once / week (at worst fortnightly)

- b. There is a message on the school general email address, asking for any SAR or FOI request be emailed to the info@reach2.org
- c. All schools to provide a contact – someone who can access school files – just in case we get a request before September.

4. SUITABLE OOO MESSAGES

An appropriate OOO message would be:

'This email in-box will be unattended between 25 July to 2 September 2022 and correspondence sent to this email address will not be seen until after the above date.'

If you would like to submit a request for information under freedom of information or use any of your individual rights under data protection legislation (e.g. the right of access to your personal data), please contact info@reach2.org