

Procedures for responding to subject access requests made under the Kazakh Data Protection Act 26th November 2013

Rights of access to information

There are two distinct rights of access to information held by schools about pupils.

1. Under the Kazakh Data Protection Act, 26th November 2013 any individual has the right to make a request to access the personal information held about them.
2. The right of those entitled to have access to curricular and educational records as defined within the Education Pupil Information Regulations 2004.

These procedures relate to subject access requests made under the Kazakh Data Protection Act 26th November 2013.

Action a subject access request

1. All requests for personal information must be made, in writing, addressed to the Directors of each school. If the initial request does not clearly identify the information required, then further clarification enquiries will be carried out to establish the information required. All enquiries must a return address, telephone number and email address.

2. The identity of the requestor must be established before the disclosure of any information. If the identity cannot be established through school records, further checks should be carried out regarding proof of relationship to the child in question. Evidence of identity can be established by requesting production of the following:

- Passport;
- Driving licence;
- Utility bills with the current address;
- Birth / marriage certificate;
- Identity card;
- Credit card or mortgage statement.

3. Any individual has the right of access to information held about them. However, with children, this is dependent upon their capacity to understand (normally age 12 or above) and the nature of the request. The Directors of each school should discuss the request with the child and take their views into account when making a decision. A child with no competency to understand can be refused access to their records and an individual with parental responsibility or guardian shall be contacted to make the decision on behalf of the child.

4. The maximum response time for subject access requests, once officially received, is 14 days (**not working or school days but calendar days, irrespective of school holiday periods**). However, the 14 days will not commence until after clarification of information sought.

5. The Kazakh Data Protection Act, 26th November 2013 allows exemptions as to the provision of some information; **therefore, a review of all information will be reviewed prior to disclosure.**

6. Third party information is that which another party, such as the Police, Local Authority, Health Care professionals, Kazakh social services or another school, has provided. Before disclosing third party information consent should normally be obtained from the third party, though there is still a need to adhere to the 14-day statutory timescale.

7. Any information, which may cause serious harm to the physical or mental health or, emotional condition of the pupil or another, should not be disclosed, nor should information that would reveal

or cause the child or another child to be at risk of abuse, or information relating to legal, Kazakh social service or police proceedings.

8. If there are concerns over the disclosure of information then additional legal advice should be sought from the school lawyer.

9. Where redaction (information blacked out/removed) has taken place then a full copy of the information provided should be retained in order to establish, if a complaint is made, what was redacted and why.

10. Information disclosed should be clear, thus any codes or technical terms will need to be clarified and explained. If information contained within the disclosure is difficult to read or illegible, then it should be retyped.

11. Information can be provided at the school with a member of staff on hand to help and explain matters if requested, or provided at a face-to-face handover of the information.

The views of the applicant should be taken into account when considering the method of delivery. If postal systems have to be used, then registered or recorded mail must be used.

Complaints

Complaints about the above procedures should be made to the General Director who will decide whether it is appropriate for the complaint to be dealt with in accordance with the school's complaints procedure.

Contacts

If you have any queries or concerns regarding these policies / procedures, then please contact the General Director or the directors of the schools.

Implemented: March 2019

Выполнено: март 2019 г.

Орындалды: 2019 жылдың наурыз айы

Reviewed: July 2022

Рассмотрен: июль 2022

Қайта қаралды: 2022 жылдың шілде айы

To be reviewed: July 2025

Подлежит рассмотрению: июль 2025

Қайта қарау: 2025 жылдың шілде айы

