



Standard Operating Procedure: Subject Access Request for Student Information

Version 2 | Approved and made effective by the Junior College Board on 06 March 2025

1.0. Preamble and purpose

- 1.1. The General Data Protection Regulation (GDPR), defines personal data as *any information relating to an identified or identifiable natural person ('data subject')*. An identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.¹
- 1.2. Applying this definition to Junior College, personal data about students includes but is not limited to information related to attendance, assessment and examination records, health and medical records, behaviour, progress and participation in class.
- 1.3. Through the Processing of Personal Data (Education Sector) Regulations. S.L 586.07 of the Laws of Malta, sixteen (16) year old individuals do not require parental/guardian permission to process their information.
- 1.4. Article 157 of the Civil Code,² Cap. 16 of the Laws of Malta states that a minor person is anyone who has not yet attained the age of eighteen (18). Minors are the responsibility of their legal guardians as described exhaustively in the articles preceding Art. 157 above.
- 1.5. The Charter of Fundamental Rights of the European Union, Article 24, Paragraph 2 states that in "all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration".³
- 1.6. This procedure outlines the process for handling Subject Access Request (SAR) for information regarding a student's assessment, behaviour, and other characteristics at Junior College (JC), while balancing legal obligations and the student's best interests.

2.0. Scope

- 2.1. This procedure applies to all SARs for information regarding students aged sixteen (16) to seventeen (17) enrolled at JC beyond what is already shared with parents and legal guardians in the minor's best interest.
- 2.2. Requests for SARs concerning students aged eighteen (18) and over made by parents or legal guardians shall **only** be considered by JC if there is a legitimate interest in providing the requested information.

¹ General Data Protection Regulation (GDPR), Article 4, Paragraph (1); gdpr-info.eu/art-4-gdpr/

² Civil Code, Cap. 16; legislation.mt/eli/cap/16/eng

³ Charter of Fundamental Rights of the EU, Article 24, Paragraph 2; europarl.europa.eu/charter/pdf/text_en.pdf

2.3. It is important to note that JC shall keep the customary and periodical sharing of information regarding habitual absenteeism with parents or legal guardians of students as it has a legitimate reason to do so. JC shall also keep sending reminders via sms to parents and guardians notifying them that the assessment marks have been published.

3.0. Procedure

3.1. **Request Submission.** SARs must be submitted in writing to JC Vice-Principal. . The SAR should clearly state the specific information being sought and the reason for the SAR. To protect the security of personal data, the person submitting the SAR must provide proof of identification. A recent form of identification (copy only, no originals) must accompany this request. Proof of identification sent with the SAR will be securely destroyed once the identity of the requesting person has been verified.

3.2. **Initial Review.** The Vice-Principal will log the request and conduct an initial review to ensure all necessary information is provided. The Vice-Principal shall appoint a relevant member of the Senior Management or Subject Coordinator to join the review and subsequent process. The Vice-Principal may also consult with JC's Data Protection Officer when necessary.

3.3. **Student Notification.** The student will be informed of the SAR request and allowed to provide input or express any concerns.

3.4. **Case Evaluation.** The Vice-Principal, in consultation with relevant members of staff, will evaluate the request on a case-by-case basis, considering:

3.4.1. the nature of the information requested

3.4.2. the reason for the request

3.4.3. the student's input or concerns

3.4.4. the best interests of the student

3.4.5. relevant legal considerations such as Malta law, GDPR and EU principles amongst others.

3.5. **Decision Making.** Based on the evaluation, the Vice-Principal will decide whether to:

3.6.1. grant the request in full

3.6.2. grant the request partially

3.6.3. deny the request.

3.6. **Response to the SAR.** JC will provide a written response to the SAR within a reasonable timeframe, explaining the decision and any information to be disclosed.

3.7. **Information Disclosure.** If approved, the requested information will be provided to the person who submitted the SAR securely and confidentially.

3.8. **Refusal.** If JC has a legitimate reason to believe that providing the information is not in the best interest of the child, for example because there are safeguarding issues, it has the right to decline the SAR's request.

3.9. **Record Keeping.** All SARs, deliberations and decisions taken will be documented and stored securely for future reference for two (2) years following the termination of the student's study programme at JC.

4.0. Communication of Procedure

- 4.1. This procedure will be communicated to all parents and students during the student's enrolment at JC.

- 4.2. This SOP will be available on the JC website.