

# Access to Personal Records

## **What is it?**

*The Data Protection Act 1998 gives individuals the right to access personal information held about them. This leaflet aims to provide you with the information about how to access this information and about what information is available to you.*

## **Subject Access Request –**

*This is the term used when you wish to see or obtain Copies of your personal information which is being Retained by a Data Controller. A Data Controller is Any person, authority, organisation, company or body Who collects, retains, processes, amends, deletes or Uses the information held about the data subject.*

## **Who does it protect?**

*The Data Protection Act 1998 – protects all information which can be identified and Belonging to living breathing individuals.*

*Caldicott – is designed to back up the Data Protection Act 1998 and deal with Information which is in health or care environments such as social services or Health care providers like General Practitioners and hospitals.*

## **Who can be contacted?**

*Health and Social Services have a designated officer, called a Caldicott Guardian. The Caldicott Guardian's role is to support the Data Protection Act 1998 and comply with the Caldicott standards and its Implementation.*

## **You're Right of Access to Your Personal Information**

Under the Data protection Act 1998, you have the right of access records and/or information which is held about you. This is called "*Subject Access Request*". You are entitled to see information which is only about yourself, therefore any information which relates to another person or member of your family will not be disclosed, even if this is your children.

You will also not be shown information which is exempt, this includes:-

- *Information about another member of your family, unless explicit permission has been given by that person*
- *Information which has been given about you by a person who does not work for or on behalf of Liverpool city council, unless again explicit permission has been given by such an individual.*
- *Information which may prevent the detection of a crime or prosecution of an offender, or which may affect a legal matter such as care proceedings.*
- *Information which it is believed would cause you or another person, serious physical, mental or emotional harm if shared or disclosed.*

If information is withheld, you have the right to appeal the decision. You should, inform your social worker and they will then assist you in writing to the Executive Director of Supported Living (social services) or the Caldicott Guardian.

There is also independent assistance available from, The Information Commissioners Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AT or by telephone on 01625 454745, if you are unhappy at the decision made by the Executive Director and/or Caldicott Guardian.

## **Making a Subject Access Request**

You must make a Subject Access Request in writing. You must specify details such as name, address, date of birth to allow us to identify the correct person. There is a fee attached to Subject Access Requests, this fee is £10.00 and payable at the time of request. (For Education records this fee is calculated on a sliding scale to a maximum of £50.00). Fees should be sent in the form of a cheque or postal order made payable to Liverpool city Council. For Social Services Records, your request should be sent

to *Access to Records officer, Millenium House, 60 Victoria Street, Liverpool L1 6JQ*. You will also be asked for proof of identification.

If you are receiving services from a social/case worker you will be contacted by your social/case worker when the records have been prepared. Your case worker will arrange to meet with you and go over the information in private with you to make sure that you understand all the material and terminology which is retained within your file. Your case worker will be able to help you understand the file and also answer any questions which you may have about the contents of the file. Any third Party information or information which does not relate to you will be removed.

If you are no longer receiving assistance, or are not in contact with social services (Supported Living) your file will be retrieved by our Access to Records Officer who will remove any material which does not relate to you or is third party information. Your file will then be sent to you.

In either case, the matter must be dealt with within 40 days. (Subject to you're providing all relevant information and fee).

### **Who else can see your Personal Information**

Your information may be seen only by members of the local authority who have responsibility for making decisions about you or your care, or for policy decisions. However, the local authority may be ordered to provide information to the following agencies when specific legislation orders or requires such disclosure, all disclosures must however in these circumstance, be approved by the Executive Director and/or Caldicott Guardian:-

- *Courts and officers of the court may be given information about you for judicial purposes*
- *The County treasury including auditing and accounting sections*
- *Central governments departments and including local government commissioners for statutory and statistical purposes*
- *Panels and Tribunals*

The Executive Director for Supported Living and/or Caldicott Guardian may also share information with:-

- *Police*
- *Specified other departments of the local authority or other agencies or local authorities for the purpose of providing services to a customer/s or client/s.*
- *Authorised organisations acting as agents of the local authority, for the provision of services, for example Liverpool Deafness Support Network or Chester Diocese Adoption Society.*
- *Health Professional as specified in the Data Protection Act 1998 and defined in the Dentists Act 1984, Opticians Act 1989, Pharmacy Act 1954 and/or*

*Pharmacy Act (Northern Ireland) 1976, Osteopaths Act 1993, Chiropractors Act 1994 and Professions Supplementary to Medicines Act 1960.*

- *The Benefits and Contributions Agencies for State Benefit purposes.*
- *The Probation Services.*
- *External Organisations authorised by the Director of Social Services, for research purposes, with proper safeguards for the protection of personal information*
- *Computer staff as data processing agents.*
- *Any other internal department, agency or body, company or organisation, who have entered into and agreed to be legally bound by a Data Sharing Agreement except where the Data Subject has requested exclusion from such data sharing activities.*

## **Where do I send my Subject Access Request?**

There is a form available from your social/care worker if you have. There is also a form available on line from Liverpool City Council's website [www.Liverpool.gov.uk](http://www.Liverpool.gov.uk) or alternatively you may write a letter making your request stating the relevant information to identify you and the information and "*that the request is made under Section 7 (1) of the Data Protection Act 1998*".

For Supported Living (Social Services) requests, please forward them together with the fee to:-

**The Access to Records Officer  
Liverpool City Council  
c/o Millenium House  
60 Victoria Street  
Liverpool L1 6JQ**

For all other Subject Access Requests, please forward together with the appropriate fee to:-

**The Information Manager  
Liverpool City Council  
Room 138, Municipal Buildings  
Dale Street  
Liverpool L69 2DH**

