

# *Your* right to see information about *you* in Social Care

HOW TO SEE YOUR RECORD

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## The need for personal records

If we are working with you, the information will be written into 'records' or 'files' which will contain important information about you. This will form the record of the work that has been done. The information helps us monitor our work and makes sure that if someone else takes over the work, they will know what has already happened. This information may be on paper or electronic (i.e. on a computer) or on both.

## Rights – your right to see this information

You have the right to see information held about you under the *Data Protection Act 1998*. You may also have heard about the *Freedom of Information Act* (although this generally applies to non-personal information).

You have the right to see your information:

- **If you are the person whom the file is about**
- **If you are legally responsible for someone who is not capable of asking to see the file for themselves\* (see below)**
- **If you are a foster parent or family placement carer who wants to see the information held about you**
- **Where the file covers more than one person, if the council thinks this is reasonable, taking account of whether other people have agreed.**

If you want to see the information about someone who isn't capable of asking to see or understanding the information for themselves, please note we have a legal duty to consider their best interests. In doing this we may decide to limit or refuse access to information. Or we might consider the use of an independent advocate to look at things from the person's point of view.

Where you are already getting a service from us and you are just seeking to clarify a specific piece of information please just ask our staff about that.

We may well be able to deal with your concern straight away.

We would much rather deal with these matters in as informal and personal a way as we can – but the Data Protection rules are there as a back up for you and protect your rights. So you do have a right to formally request to see your information. If you choose to do this you will need to make a formal request on the attached form.

## Access – How do I get to see my file?

If you are making a formal request to see your records under the Data Protection Act you will need to complete the form at the end of this leaflet. This asks for all the details we need.

When we get your request, arrangements will be made for you to see the file or for you to receive a copy.

## Can I be refused access to see my file?

It is possible for a request (or access to some of your information) to be refused.

The reasons for this could include:

- **The information has to be withheld by law**
- **Where disclosure could cause serious harm to the physical or mental health or medical condition of someone**
- **Disclosing the information could stop the police preventing a crime, or prosecuting someone.**

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## **What if I don't agree with something on my file?**

You can ask for a file to be changed, or if that isn't possible, your views can be recorded on the file / record.

There may be some information in your file, which you don't have the right to see because it may include information about other people (we have to protect their rights).

## **What we have to do**

We have to acknowledge your formal request within a few days and we have to provide you with the information within 40 days.

We don't have to deal with repeated requests for the same information, by the same person, unless a reasonable amount of time has gone by.

In deciding what a reasonable amount is, we've got to think about the type of information it is, what we're using it for, and how often it's altered.

We may need to talk to you about what you actually need, because it may be very costly to copy all the files in your record.

## **What about Children's Information?**

The right of access to information includes children or young people under 18, as long as they are capable of asking for and understanding the information. In general the same rules apply as for adults.

If a child or young person under 18 does clearly not have sufficient understanding to make their own request, a person with parental responsibility (referred to below as the parent) can make the request on the child's behalf.

Where this happens we need to be sure that:

- we have spoken to or seen the child or young person and they do lack the capacity to understand the request AND
- that the request made by the parent is in the child's best interests.

This decision has to be considered on a case by case basis and if we decide that we must refuse or limit access to information by a parent on behalf of a child, we have to explain our reasons.

## **Complaints**

If you are unhappy about how your request to see your file is being handled, please contact the member of staff working with you or their manager.

If this does not resolve the problem you can:

**Contact: Social Care Complaints Manager 247 8627**

**Textphone users please ring: 222 4410**

**Or write to: Social Care Complaints Manager**

**2nd Floor, Merrion House, 110, Merrion Centre, Leeds LS2 8QB**

There is also a complaints leaflet and form available from Social Care Offices.

If you have access to the Internet, visit the Leeds City Council Website on

**[www.leeds.gov.uk/complaints](http://www.leeds.gov.uk/complaints)**

**E-mail: [complaints.socs@leeds.gov.uk](mailto:complaints.socs@leeds.gov.uk)**

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## **For further information ...**

This leaflet is not intended to be a fully comprehensive guide to your right to see information about you under the Data Protection Act but a user-friendly summary.

There is also a Leeds City Council leaflet & form called: *Data Protection Act 1998 – Your Right to get details about your personal data (Subject Access Requests)* which has more details. This is available in One Stop Centres across the city, or it can be sent to you, please telephone:

**Leeds City Council on      222 4401 (Adults)**  
**or                                      222 4403 (Children)**

It is also on the LCC Web site [www.leeds.gov.uk](http://www.leeds.gov.uk)

If you need to talk about the best way of how to go about seeing your information please speak to the worker you are involved with, or their manager.

**If you need to find the telephone number of people in your area you can contact our main Reception in Merrion House: Tel 247 8630, Textphone 222 4410**

For more information you can also contact the Data Protection/ Freedom of Information Manager for Social Care: Tel 07891 278037

## **Further help and advice**

There are other organisations who can give further help and support in Leeds, such as the Leeds Advocacy Network, CHEL, 26 Roundhay Road, Leeds LS7 1AB Tel: 244 0606, or one of the Citizens Advice Bureaux (CAB) offices in Leeds.

## **Other formats**

*This leaflet can be made available in other languages and/or in large print.*

*Tel: 247 8924 or Textphone 222 4410*

Request to see personal records form on next page ↓

# Request to see personal records • SOCIAL CARE

1. Full name ..... Date of Birth .....

2. Current address .....

.....

..... Postcode.....

Telephone Number .....

3. Please give any other information that may help us to find your records – e.g. previous addresses and when you lived there etc.

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4. Is it your own records that you want to see?  Yes  No (If 'yes' please go straight to question 6)

If you are applying to see someone else's records please give the details of that person:

Full name .....

Current address .....

.....

..... Postcode.....

Telephone Number ..... Date of Birth .....

What is your relationship to this person? .....

5. If you are applying to see someone else's records you must have evidence that you have their permission to ask for the information on their behalf – e.g. a letter written by them, evidence of Power of Attorney, etc, please attach those details with this form.

Letter/details attached  Yes  No

6. Please describe the information that you are looking for. For example, if you are looking for information about the time that you previously spent in care, please give what details you can. Or if it is about services that you have received, please give details about the services and when you received them.

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7. Declaration to be signed by all applicants. Please note any attempt to mislead may result in prosecution.

*I (name:) ..... certify that the information I have given on this form to Leeds City Council Social Care is true. I understand that the Department needs to be satisfied about my identity, I also understand that the Council might need to ask me for more details in order to find the information I am looking for.*

Signed ..... Date .....

The Department needs to be satisfied about your identity before it provides a copy of the records, and as soon as this is done it will find the information that you have asked for.

Under the Data Protection Act, the Department should respond to your request within 40 days, after it is satisfied about your identity. If there are any delays, we will keep you informed and let you know if there are any problems finding the records.

## Return the form

Please return this completed form to: **Social Care, 2nd Floor West, Merrion House, 110 Merrion Centre, Leeds LS2 8QB.**