

# HEREFORDSHIRE COUNCIL

## YOUR RIGHTS TO KNOW

### YOUR RIGHT TO KNOW ABOUT ANY PERSONAL INFORMATION THE COUNCIL HOLDS ABOUT YOU

#### **Your Rights to Information – An Overview**

You have two main rights to Council information. Firstly, under existing Codes of Practice you have a right of access to public documents. The Freedom of Information Act 2000 extends these rights. It requires the Council to maintain a Publication Scheme that identifies the types of information that the Council makes available to the public and how copies of the information can be obtained. From January 2005, these rights are further extended to give the public a general right of access to information that is not included in published documents. These rights are subject to certain exemptions.

Your second right to information entitles you to know about what the Council is doing with any personal information it has about you.

This leaflet tells you about how you can exercise your right to know about what the Council is doing with your personal information. Further information about your rights to other information is contained in the leaflet – Your rights to Know – Your right to information about the Council.

#### **Your Right of Subject Access**

Residents and other service users will frequently reveal personal information about themselves to the Council in order that it can deliver services to them. As a normal part of its everyday activities the Council will usually be happy to confirm the information that it holds about you in connection with any particular transaction, once it has verified your identity. Indeed, we will often do this un-prompted to make sure that the information we have about you is accurate. However, individuals also have a statutory right under the Data Protection Act to be told what the Council is doing with any personal information that it holds about them. This right is called subject access and it applies to all individuals be they members of the public, business people or Council staff.

Subject to certain exemptions you have a right

- to be told by the Council whether it or someone else on its behalf is processing your personal information and if so
- to be given an intelligible description of the personal information, the purposes for which it is being processed and the likely recipients and sources of that personal information
- to receive a copy of the personal information.

## **How to Exercise Your Right of Subject Access**

Before the Council can process an application for subject access it must verify your identity, because it is very important that it does not reveal personal information about you to anybody else. The Council is also entitled to ask you other questions to help it locate the information it holds about you. The attached Subject Access Requests Form has been designed for this purpose and you are asked to use the form. Although any subject access request in writing will be accepted, using the form provided will speed the process.

Once you have completed the form it can be returned in one of two ways:-

- by posting it to the Data Protection Officer at the return address shown on the form; or
- by handing it in at the reception point of any of the Council services with which you are dealing
- by handing it in at one of the Info in Herefordshire offices

Taking the Form to one of the Info in Herefordshire Offices or other Council reception point has the advantage that we will be able to verify your identity at the time you hand the Form in. If you choose to hand the Form in you should take a recognised proof of identity with you, such as a passport or driving licence or proof of entitlement to benefit. If you send the form by post we may need to contact you and ask you some further questions to establish that you are who you claim to be.

The fee for making a Subject Access request is £10 and you should enclose a cheque or postal order made out to the Council in that amount with the completed form.

## **Who can make a Subject Access Request**

You can make a subject access request

- if you are an adult
- if you are a person under 18 years of age and you understand what it means to exercise the right
- you are the person who has parental responsibilities or rights over a child and that either the child does not have sufficient understanding of their right or has authorised the application
- you are the person who has legal charge of an adult who lacks the capacity to understand their right
- the individual who is the subject of the subject access request has capacity and has authorised you to make an application on their behalf

## **How we will Respond**

We will acknowledge receipt of the Subject Access Request within 10 working days. We will provide the information you seek within forty days of payment of the fee or the provision of the details that we need to complete the search, whichever is the later. If, for any reason, we are unable to provide the information within the forty-day period, we will write to you telling you the reason for the delay and how long it is likely to be.

In general your right of subject access is restricted to information that we hold about you electronically (on computers) and in certain structured manual files. You are not entitled to personal information about other people unless they have given their

consent to disclose the information to you or we have concluded that telling you about the information is nevertheless reasonable in the circumstances. There are a limited number of other exemptions to your right to know about information we may hold about you that are designed to protect the public interest.

If you are unhappy with how we respond you can complain to the Council or the Information Commissioner at the addresses given below. The Information Commissioner is the person appointed by Parliament to ensure that organisations process personal information about individuals in accordance with their rights.

Assistant Chief Executive – Legal and Democratic Herefordshire Council Brockington 35 Hafod Road Hereford HR1 1SH	The Information Commissioner Wycliffe House Water Lane Wilmslow Cheshire SK9 5AF
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You may also be entitled to exercise one of your other rights under the Data Protection Act described below.

### **A Summary of Your Other Rights Under the Data Protection Act**

You have a number of other rights in relation to the personal information the Council holds about you.

**Right To Prevent Processing** – if you think the Council is doing something with your personal information that will cause you substantial damage or distress you can write to the Council to ask us to stop doing so. The Act also gives you rights via the Courts to correct or delete incorrect information and to compensation if you have been caused unwarranted substantial damage and distress. We will make every effort to make sure that this does not happen, but if you are concerned we want you to tell us as soon as possible so that we can put it right.

**Direct Marketing** – you have the right to stop the Council using your details for direct marketing at any time.

**Automated Decisions** – you have a number of rights in relation to automated decision making. The Council will tell you about any automated decisions and give you more information about your rights in relation to them at the relevant time.

**Complaint to the Information Commissioner** – If you think the Council has not handled your personal information correctly you may ask the Information Commissioner to make an assessment.

The above description is a summary of your rights. Further information on your rights is given in the Council's Data Protection Policy and advice is available from the Data Protection Officer.

# HEREFORDSHIRE COUNCIL

## SUBJECT ACCESS REQUEST FORM

Under the Data Protection Act individuals have a statutory right to be told what the Council is doing with any personal information that it holds about them. Subject to certain exemptions you have a right

- to be told by the Council whether it or someone else on its behalf is processing your personal data and, if so,
- to be given an intelligible description of the personal data, the purposes for which it is being processed and the likely recipients and sources of that personal data;
- to receive a copy of the personal data.

**If you want to make a Subject Access Request you should complete this form and return it to the address shown at section 4 below. The fee for making a Subject Access request is £10\* and you should enclose a cheque or postal order made out to the Council in that amount with the completed form. If you are making the request on behalf of another individual, you will also need to complete section (2) of the form.**

**You must also provide sufficient proof of your identity with your application form and fee. This should be a personal documentation such as a passport, driving licence or birth certificate. *An original document must be sent, not a photocopy.***

(\* this fee varies in the case of educational records or health records)

### Details Required

#### 1. Details of the person who is the subject of the Access Request

<b>Name (full)</b>	<b>Current address</b>
<b>Daytime telephone number</b>	<b>Date of Birth</b>
<b>Please describe your connection or relationship to the Council (e.g. resident, supplier of goods, recipient of particular services). You do not have to do this but it will help us to identify the data more efficiently.</b>	

**2. Complete this section only if you are making the request on behalf of the person described in section (1) above.**

<b>Name (full)</b>	<b>Current address</b>
<b>Daytime telephone number</b>	
<b>Please describe your relationship to the person who is the subject of the Access request.</b>	
<b>Why are you making a request on behalf of the data subject.</b>	

If you are making the request on behalf of another person you must enclose with the request a signed authority from them to do so. If you are making the application because the data subject lacks capacity to make the application in their own right please describe in what way they lack capacity and your authority to make the application in their stead. You should enclose a copy of any evidence that you may have of that authority. The Council will contact you if further evidence is required.

### 3. Details Sought

If you would like to see only specific document(s), for example a specific departmental file or form etc, please describe these below. Please note that if insufficient detail is provided, we may have to come back to you to clarify.

If you have not indicated that you only want to search for particular document(s) we will conduct a more general search. These searches will be confined to the main computer databases and structured manual filing systems. Please indicate below which departmental records you want us to search.

If you want us to search wider than this please indicate this below.

All Directorates/Departments		Chief Executive's	
Deputy Chief Executive's Directorate		Children and Young People's Directorate	
Environment and Culture Directorate		Resources Directorate	
Regeneration Directorate			

Use this space if you want us to search for CCTV records

You will need to tell us what to search for in terms of dates and location.

**Use this space if you want us to search for e-mails that may contain your personal information.**

You will need to tell us what to search for. The details we need are subject matter, timeframe (between what dates roughly) and senders and recipients. Give as much information as possible.

**Use this space to describe any other documents or records you want us to search for**

**Declaration:**

I certify that the information given on this form is true.

Signed

Date

**4. Return Address**

The Data Protection Officer, Herefordshire Council,  
Brockington, 35 Hafod Road, Hereford HR1 1SH

If as a result of the search you are dissatisfied with the way we are using your personal information you should raise the matter with the Data Protection Officer who can be contacted on (01432 260187). We will do everything we can to put the matter right and if we disagree with you we will tell you our reasons. The Data Protection Officer will be happy to give you an explanation of your rights under the Data Protection Act.

<b>For Office use only</b>		
Date Form Received		
Date Payment Received		
Identity Verified	Yes	No
Form of Verification		