

How to access your social care records

You have a right under the Data Protection Act to ask for confirmation that an organisation is processing your data and to see information held on you by that organisation.

You also have the right to be told:

- the purposes of and legal basis for the processing;
- the categories of personal data concerned;
- the recipients or categories of recipients to whom the personal data has been disclosed;
- the period for which the personal data is to be held;
- that you have rights to rectification and erasure of personal data where, for example, factual information has been recorded incorrectly;
- that you have the right to lodge a complaint with the Information Commissioner's Office and the contact details of the Commissioner;
- any information about the origin of the personal data concerned.

This guide is designed to help you to access the information held on you by Herefordshire Council Social Care.

What do social care records contain?

The type of information held by Social Care will depend on the amount of involvement that you have had with Social Care. Typically, the information may consist of some or all of the following:

- important details about you and your family, such as name, address, date of birth and who your GP is, and details about any difficulties you may have had;
- details about each time you contacted Social Care;
- decisions and agreements made concerning you;
- minutes of meetings;
- assessments and reviews;
- care plans.

There may be documents shared by other organisations involved in your case, perhaps health services, other care agencies, and the police.

How do I get to see my records?

You make requests for records under the Data Protection Act. The Act requires you to put your request verbally or in writing, and show proof of identity. We can't ask you why you want the information, however we can ask for help in where to look to trace your information where we hold a large quantity of information about you, so it's helpful to include in your request what you are looking for, for example, records of when you were in foster care, or

records of a referral and assessment that has been made recently. This means that we would not then supply to you, for example, records of your council tax payments.

To help you to formulate your request, you can use our form on the Council's web site: https://www.herefordshire.gov.uk/info/200148/your_council/15/access_to_information/5

Proof of identity is an official document with a photograph, such as a driving licence or a passport.

You can then take your letter or form requesting your information and the proof of identity to the Social Care offices, or any other council office. You can also post your letter or form, with a copy of your identification, to the Information Access Team, Herefordshire Council, Plough Lane, Hereford HR4 0LE or email informationgovernance@herefordshire.gov.uk You will receive an acknowledgement within 10 working days.

Is there a fee?

The information is provided free of charge, however the council charges a fee for further copies of the same information provided based on a standard charge per page. If you need extra copies please let us know and we will calculate the cost.

Can my request be refused?

We can refuse your request if it is manifestly unfounded or excessive, such as if it is repetitive. We will explain why we consider your request to be manifestly unfounded or excessive if we do refuse it.

How long does it take for me to receive a copy of my records?

Under the Data Protection Act your request must be completed within 30 days of the written request and proof of identity being received by the council.

How is the information provided?

Wherever possible, we will provide the information in electronic format. If you wish to have a paper copy instead, please let us know when you make your request.

Will I see everything in my social care file?

Usually, you will see all of the information about yourself contained in your file. There are exemptions in the Data Protection Act and other legislation that mean that some things have to be redacted (blacked out) or withheld. These things can include:

- Information given in confidence
- Legal advice obtained by social care
- Information about other people ("third party data")

Can I change anything in my records?

If there are inaccuracies in your records, you can raise them and depending on what the information is, it will be changed or a note will be kept with the record to show your disagreement with what has been recorded.

Can I request information about my children?

Yes, if you have parental responsibility for the child, though be aware that the best interests of the child will always be considered before releasing their information to you, because it is the child who has the right of access to the information – you will only be exercising that right on their behalf. Also, if your child is mature enough to understand their rights, we will need their consent to provide their information to you.

Can I request information on behalf of other people?

If you are making the request on behalf of another individual to access their information, we will need written consent from the individual to whom the data relates as well as their proof of identity.

If you have legal authorisation to act on behalf of an individual, such as if you act with power of attorney or as a litigation friend, you will need to provide a copy of that authorisation to evidence it.

Further information

For further information, speak to your social worker, or else contact the Information Governance Team – email informationgovernance@herefordshire.gov.uk or write to Information Governance Team, Herefordshire Council, Plough Lane, Hereford HR4 0LE.

There is also further information about making requests for information about yourself from the Information Commissioner's Office – write to the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF, telephone: 01625 545 745, or use the Information Commissioner's Office web site at www.ico.org.uk

May 2018