

Subject Access Request Guide

You have a right under Data Protection Legislation to see your own personal data. A request for your personal data is known as a **Subject Access Request**.

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

Can I obtain my school records?

Yes, however Herefordshire Council do not hold this information, you will need to contact the last school you attended. They will then handle your request.

Can I obtain my adoption records?

We cannot provide any information relating to adoption records through this process – you will need to request these by contacting your local Adoption Service. In Herefordshire this is Adoption Central England (ACE): 0300 369 0556 enquiries@aceadoption.com

Can I request information about my children?

Yes, if you have parental responsibility for the child, however be aware that the best interests of the child will always be considered before releasing their information to you. This is 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?

You are not entitled to see someone else's information unless they have given their permission for you to do so. Likewise, someone else cannot ask for your information unless you have given permission for them to do so, or they are legally authorised to do so. This applies to spouses, relatives, friends etc.

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.

How much information will I receive?

You will need to be clear on where we are required to search for your information, e.g. Social Care files, Parking, Human Resources etc. If you are aware of names and/or dates, these can also help speed up the process and get you more specific information.

If you can specify a date range, this can help. You can receive information for up to the time of your request.

Will I see all the information held on me?

You will see all of the information **about yourself** contained in your file. However, 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”)

How do I get to see my records?

To help you to formulate your request, you can complete the form on the Council's web site. The form can be downloaded, completed and posted or emailed to us.

You must provide a valid form of identification (with a photograph) such as a current Driving Licence or a current Passport.

The form can be accessed by this link:

https://www.herefordshire.gov.uk/info/200148/your_council/15/access_to_information/5

The form, with a copy of your identification, can be emailed or posted to:

informationgovernance@herefordshire.gov.uk

Information Access Team, Herefordshire Council, Plough Lane, Hereford HR4 0LE

You will receive an acknowledgement within 10 working days.

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. 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.

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 Legislation your request must usually be completed within one calendar month of the written request and proof of identity being received by the council. If the request is complex or contains a large amount of information the deadline can be extended for longer (up to 3 months).

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.

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.

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

