

# Gaining Access to Records



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## **1. What is the Data Protection Act?**

The Data Protection Act 1998 came into force on 1st March 2000 and it gives service users a greater say with regard to personal information being held about them, in the following ways:

- When we start working with a person we will always seek written consent to hold information about them and to share this information with other branches of the Department and other relevant agencies.
- A person has the right to change their mind at any time about sharing information. We will respect their wishes unless to do so would put a child in danger.
- A person has the right to find out what information we are holding about them, on computer and in paper files. This is known as “gaining access to records.”

## **2. Good Practice**

We keep written and/or computer records as part of our service to our users.

All staff have a duty to:

- keep information about users confidential and in a secure place;
- keep information for specific legal purposes;

- keep information for no longer than it is required for the above purposes;
- ensure that the information is accurate and up-to-date.

### **3. Why we keep records about our service users**

They are:

- a factual record of your circumstances, views and needs for our services;
- a record of the service or services that we are organising for you;
- a record of how decisions are made, how they are reviewed, together with communications and documents, in order that we can carry out our work for you properly;
- to ensure continuity if you have more than one worker, e.g. social worker, occupational therapist or residential worker;
- to enable another worker to get the information promptly if you need help when your usual worker is away;
- to share information with other agencies who provide you with their services. Before we do this, we will always ask for your consent first.

#### **4. If you are not a service user**

- We may have recorded information about you.
- Like our service users, you have the right to ask to see this information.

#### **5. What you can see**

- You have the right to know what is in your records, to contribute to the making of them and to comment on their accuracy.
- You are entitled to request all personal information to which the Data Protection Act applies. However, there may be some exceptional circumstances where we are unable to disclose all files held and an explanation will be given if this is the case.
- If your records refer to another person, we are not allowed to disclose that person's name, or anything that might identify them, unless they have given us permission to do so.
- If you require a third person to act on your behalf in applying for your personal details, we must have your express permission to disclose that data. Appropriate forms are available in this booklet.

## 6. How to apply for your records

- If you want to see information recorded about you, get in touch with your care worker or with the Council's Data Protection Officer using the forms in this booklet. You may be asked to provide proof of your identity. We will provide copies of your records within 40 days of satisfactory confirmation of your identity.
- If the records are found to be incomplete or inaccurate, please contact the Data Protection Officer (address below) with details of records that you expected to see or those that need correcting; please state the amendments that need to be made to ensure your files remain accurate. You will be sent a confirmation that the records have been corrected.
- If you are not satisfied with the outcome, you have the right to appeal within 28 days. Please write to the Data Protection Officer at the address given below.
- In most circumstances there will not be a charge for the service, but we reserve the right to ask for a fee of £10.00 in certain circumstances, i.e. for repeated requests for information.

Data Protection Officer  
Corporate Services Customer First Section  
County Hall, Trowbridge BA15 8JJ

## **7. NHS Records**

We work very closely with the NHS. However, your health records are subject to separate NHS policies and procedures. You will need to request access to your health records separately through your GP or from the provider of your health care, i.e. hospital.

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