

# Access to your records



How to go about seeing information  
that Worcestershire County Council  
keeps about you

## **Introduction**

Worcestershire County Council (referred to in this guidance as 'the Council') provides a wide range of services to many people. The Council may record information about you and the services that you receive.

## **What is the Data Protection Act 1998?**

The Data Protection Act 1998 (the Act) is designed to protect personal data. This covers information about any person, no matter how it is used, what it is used for or who uses it.

## **How does it protect personal data about you?**

The Act sets rules and conditions which organisations must obey when gaining and using information about you. The Act also provides you with certain rights, which must be respected.

## **What are your rights to accessing your personal records?**

- To ask the Council if it holds personal information about you
  - To request a copy of that information
  - To ask for incorrect personal information to be corrected
  - To be given details about the purposes for which the Council uses the information and of other organisations or persons to whom it is given.
- For further details regarding Health and Social Care Information Sharing contact the Caldicott Guardian on 01905 766912.

### **Why does the Council keep personal information?**

So that the Council can provide you with the services you require. For example, the Council administers education, manages waste, provides social care, and needs to maintain a record of the services provided. For more information on how long the Council keeps records contact the Corporate Information Management Unit tel: 01905 766694.

Anyone with whom the Council has contact may need to give some basic information about themselves, and their personal and family circumstances. Some people also have to give information about their financial situation. This information is put into a file. Other information can be added, for example, if the Council receives information from a doctor or teacher. The file will also include information that you and the relevant service have talked about.

What services does the Council provide?

### **Amongst others, these are examples of the services provided:**

Social Care Services, Educational Services, Environmental Services (including Trading Standards) and Cultural Services (including Libraries, Museum and Record Office).

### **Does the Council need your consent to use information about you for any of these purposes?**

In normal circumstances we will ask your consent to use your personal information. However, there are some situations where the law requires us to use information without your consent.

For Social Care, the 'Health and Social Care General Protocol for Inter-agency Information Sharing' requires the Council to ask your permission before we share your information with other agencies, unless this is required by law, is in your vital interests or is a pressing need in terms of child protection.

### **How do you ask to see information about you?**

When you want to see your records you need to:

- Write to the Council's Information Access Officer (a form for 'Requests for Access to Personal Information' is available from the Social Care Access Centre, tel: 0845 607 2000 or contact the Information Access Officer at the address at the end of this guidance)
- Pay a fee of £10
- Provide the Council with proof of your identity, your name and address and details of the information you require.

For Social Care Services users, the process is slightly different. If you are a current user of Social Services you should have access to the information you are entitled to see on your file. Ask your key contact worker for more details. If you are a former user of Social Care Services, you need to contact the Information Access Officer or the Access Centre as stated above. A 'Request for Access to Personal Information' form will be sent to you.

### **What information will you receive?**

You are entitled to:

- copies of information that the Council holds about you on both computer and paper records
- a description of the purposes for which the Council uses your information
- a list of others who may have seen the information.

This will be provided within a 40-day period, which commences once the Council is satisfied that all the necessary information from you has been received.

### **Is there any information that you cannot see?**

Information is given to the Council by lots of different people and sometimes this information is given in confidence. The Council must respect the wishes of these people and therefore would need to ask their consent to release this information to you. Confidential information can include that given to the Council by doctors, the police, teachers and members of the public. The Council can only withhold information according to exemptions in the Data Protection Act. For example, where it is decided that disclosing information may cause someone to suffer serious harm, the Council may refuse to give this information.

### **Can other people see your file?**

Other people, including members of your family, cannot see your file without your agreement. Likewise, you cannot see information about members of your family without their permission. However those with parental responsibility may see the files of those children who are not of an age to have

an understanding of their files. This is on the understanding that the child has not given information that they expect to be kept confidential.

### **How will you be given the information?**

You are entitled to be given a copy to keep and check for accuracy. This will either be a printout from a computer, a photocopy of the paper records or in electronic format if you prefer. In most circumstances you will be invited to view your file with a member of staff for support. Records of Social Care Services are not issued without the offer of support from a member of staff.

### **What if you think the information is wrong?**

If you think any information recorded about you is wrong, you should inform a member of staff or tell the Council straight away. If the Council does not agree that the information is wrong, you can ask to record your disagreement on your records. You can also appeal to the Information Commissioner or through the courts if the Council does not correct the information. More details can be obtained by contacting the Information Access Officer at the address at the end of this guidance.

### **What do you do if you think you have not been given all of the information you asked for?**

You can contact the Information Access Officer, appeal to the Council through its appeals and complaints procedure or you can appeal to the Information Commissioner. The Commissioner's staff will look into the matter on your behalf.

### **What about support?**

At any time you can have a friend, family member or advocate with you if you wish. The following services are available:

#### **Advocacy Services:**

Bromsgrove and Redditch Advocacy Group  
01527 520809

Onside Independent Advocacy  
01905 27525

Wyre Forest Citizen Advocacy Services  
01562 820078

#### **Advocacy Services for children:**

Children's Rights Officer (NSPCC)  
01905 617975

### **What if you are a child?**

If you are a child or young person, you can ask for information held about you. However, the Council must make sure that your request is being made either with your agreement or if you are not able to make such decisions, then the person with parental responsibility making the request is acting in your best interests.

The Council will give you information if you are of an age and have an understanding of the information you will see.

If a person with parental responsibility is making the request on your behalf, the Council will not give information to them that:

- You gave to us knowing that it would not be shared with them
- You gave as a result of any examination or investigation knowing that it would not be shared.

### **What if the Council has breached the Act?**

If the Council has broken any of the rules or conditions established by the Act and you have suffered damage or distress you may be able to claim compensation. You may also be able to claim compensation if the damage or distress was caused by the Council's processing of your information. Claims are made through the Court. You must be able to prove that the Council had not taken reasonable care.

## Notes

**For further information about this guidance or the Data Protection Act, or to make a request for access, contact:**

**By Post:** Information Access Officer  
Corporate Information Management Unit  
Worcestershire County Council  
County Hall, Spetchley Road  
Worcester, WR5 2NP

**By telephone:** 01905 728544

**By e-mail:** [dataprotection@worcestershire.gov.uk](mailto:dataprotection@worcestershire.gov.uk)

This document can be made available in other languages including British Sign Language) and alternative formats (large print, audio tape, computer disk and Braille) on request from the Corporate Diversity Manager on 01905 766938 or by emailing [diversity@worcestershire.gov.uk](mailto:diversity@worcestershire.gov.uk)

'If you need help understanding this document in your own language, please contact Ethnic Access Link. Tel: 01905 25121'  
(English)

'যদি এই দলিলটি আপনার নিজের ভাষায় বুঝতে আপনার সাহায্যের প্রয়োজন হয়, অনুগ্রহ করে Ethnic Access Link (এথনিক অ্যাক্সেস লিংক) কে 01905 25121 টেলিফোন নম্বরে যোগাযোগ করুন' (Bengali)

如果你需要這個文件的中文信息，請聯絡 Ethnic Access Link，電話是01905 25121 (Cantonese)

'Jeśli potrzebujesz pomocy w zrozumieniu tego dokumentu we własnym języku, zadzwoń do Ethnic Access Link. Tel: 01905 25121' (Polish)

'Se necessitar de ajuda para perceber o conteúdo deste documento na sua língua, contacte a associação Ethnic Access Link pelo telefone: 01905 25121' (Portuguese)

'Si necesita ayuda para entender este documento en su idioma, puede ponerse en contacto con Ethnic Access Link en el teléfono 01905 25121' (Spanish)

Bu dokümanõ kendi dilinizde anlamak için yardım isterseniz Ethnic Access Link ile temasa geçiniz  
Tel: 01905 25121' (Turkish)

'اگر آپ کو اس دستاویز کو آپ کی اپنی زبان میں سمجھنے میں مدد کی ضرورت ہے، تو براہ کرم Ethnic Access Link (ایتھنک ایکسس لنک) سے رابطہ کریں۔ ٹیلی فون: 01905 25121' (Urdu)

To the best of our knowledge all information was correct at the time of publication: November 2007.