

Application to see your records

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Information sheet A10

September 2017

Under the Data Protection Act (1998), you have the right to ask us what information we hold about you, or someone you represent, and the right to receive a copy of this information. Sometimes there will be things we can't tell you, and if that's the case we'll tell you why.

You will need to fill in the form below giving as much information as possible.

You need to be specific about the information that you want to see. This will help us with the search. For example, it will help if you tell us which department holds the information; the names of the staff involved; the particular file/document or topic, date or time period you want to see.

You may see the record yourself, with a relative, representative or friend, if you wish. Or you may give permission for someone else to see it on your behalf. We usually ask that you look at your record at one of our offices. This is so that a worker can be available to help you understand what is in your record and how it is used. You can also choose to have your records sent to you.

If you no longer receive services from us, you may still be able to view your records because we keep them for a minimum of 12 months after we stop working with you.

We want to make our work with you open and shared. Access to your records is part of this process. But, to protect other people, there have to be some exceptions.

What you can see

You can see everything that is in your record, except for:

- Information about other people which identifies them, unless they give their consent.
- Information which could lead to you or someone else becoming at risk of serious harm.

- Entries about some legal matters such as confidential advice or serious crime.

How long will it take?

When we receive your request we will gather the records together. This may take some time if you have received a service at more than one location or for a long time. We will also go through the record to make sure the rights of privacy of other people are respected. We will do all this as quickly as possible and it is usually within 40 days of receiving your request.

How much does this cost?

We do not normally charge a fee for this.

Mistakes

When you see your record, there may be an entry in it which you think is wrong and should be altered or taken out altogether. If we agree, we will change it. If we don't, we will make a note that you disagree with what the records say. Either way, you can check afterwards to see what we have done.

If you are not satisfied

If you are unhappy about the way we have dealt with your request to see your record, or to alter something in it, you can ask to have our decisions reviewed by the Group Manager. If access is refused, you have a right of appeal with The Information Commissioner, whose contact information is:

The Information Commissioner

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Phone: 01625 545745

Web address: www.dataprotection.gov.uk/

Email: data@protection.gov.uk

If you want to know more

For more information, or advice about seeing your records, please contact your Social Care Worker if you have one, or phone Somerset Direct on 0300 123 2224.

Filling in the form

If you are asking for your own personal records, please fill in sections 1, 2, 4 and 5 and sign section 6a.

If you are asking on behalf of, or about, someone else, please fill in sections 1, 2, 3, 4 and 5.

Where they are able to, the person whose information you are asking for should sign section 6b to give consent for their records to be released to you; this includes a child aged 12 to 16 years who understands what you are asking for and why.

If they are unable to sign you must complete section 6c.

If you are asking on behalf of a child under the age of 12, you must complete and sign section 6d.

Do you need help to fill in this form?

If you need help to fill in this form, please contact us. We can either arrange to help you, or give you details of advocacy services in your area that can give you independent help.

Section 1

Proof of identity

To release personal information, we need to be certain about your identity. Please send **photocopies** of two official documents that between them show your name, date of birth and current address.

Examples of identification we will accept include your birth certificate, passport, medical card, driving licence, bankcard or a utility bill.

Please tell us which proof of identity documents you are sending	
1	
2	

Section 2

Details about the person whose information is being asked for

Please fill in this section to tell us about the person whose information is being asked for.

Title	
Surname	
First name(s)	
Former name(s) if applicable	
Date of birth	
Phone number	
Current address	
Previous address (to help our search)	

If you are the person named above, please go to section 4, otherwise continue to section 3

Section 3

Information that you are requesting on behalf of, or about someone else

If you are requesting information on behalf of, or about someone else please tell us your details in this section.

Your title	
Your surname	
Your first name(s)	
Your phone number	
Your current address	
Your relationship to the person above	
Your reasons for asking for their information	

Section 4

Details about the information you are asking for

It will help us to find the information you are asking for if you can give us as much detail as possible, for example information about a specific event or document, a specific time period or if you are asking for your whole record. If relevant, please say if you think that your records are held by Children's Social Care (CSC), or Adult Social Care (ASC).

Section 5

Viewing records

We normally invite you to look at records at one of our offices during office hours, where someone can answer any questions you may have. You can bring a relative, friend or advocate with you if you wish.

Please tick this box if you would like to look at the records at one of our offices.

If you would prefer us to send you a copy of your records in the post, please tick this box.

Please tell us if you have any special needs that we need to take into account when we arrange for you to see the records, for example, if you have any disabilities, a hearing or sight loss, or if you don't speak English.

Section 6

Declaration

If you are asking for your own information, please fill in section 6a.

If you are asking for information on behalf of someone else (including a child of 12 to 16 years of age who understands what you are asking for and why), please ask them to fill in section 6b.

If they are unable to sign, please fill in section 6c.

If you are making a request on behalf of a child, you must complete and sign section 6d.

Section 6a Declaration

I confirm that the information I have supplied in this application is correct and that I am asking for information about myself from Somerset County Council:

Signed:

Date:

Section 6b Declaration of authorisation

I confirm that I am the person whose details appear in section 2 of this form and that I agree to my personal information being disclosed to the person whose details appear in section 3

Signed:

Date:

Section 6c Declaration of representative acting for an adult who has lost mental capacity.

You must be involved in making a decision on behalf of a person who lacks capacity.

If they are able to decide who can see their personal information, they must fill in Section 6a or 6b instead.

Information shared will only be what is required for this specific decision to be made in their best interests.

Do you hold any legal decision-making authority in relation to this person, for example a Lasting Power of Attorney or Court of Protection Deputy appointment?

Yes No

If yes, please provide details below and sign.

Please provide details of the decision you are involved in making:

Signed:

Date:

**Section 6d
Declaration of parental responsibility.**

I confirm that I/we have parental responsibility for:

Signed:

Date:

Or

I confirm that I am the person in section 3 and that I have the legal authority to ask for information about the person named in section 2:

Signed:

Date:

WARNING – It is a criminal offence to obtain or attempt to obtain another person’s personal information by deception.

Access to social care records of a deceased person

The Council will not release copies of the social care records of someone who has died; this is because the Data Protection Act only covers living people. The Freedom of Information Act (2000) says that we cannot release these records because the information was given to the Council in confidence, and our duty of confidentiality to all service users goes beyond their death.

If the Council discloses these records it risks committing an actionable breach of confidence to the deceased person.

Please return your completed form, along with the requested proof of identity, by either:

- Sending or taking it to the office where you were given it
- Emailing it to sar@somerset.gov.uk
- Sending it to the address below:

Information Governance Team
Floor C7
County Hall
Taunton
Somerset
TA1 4DY

<p>This document is also available on request in Braille, large print, tape, disc and can be translated into different languages.</p>
