

# Access to personal records Policy

## Policy Statement

Individuals have a right to:

- See information held about them in paper and computer records.
- Ask that any inaccurate or misleading information is corrected.
- Ask for copies of information they have supplied to us about their housing application.
- Record their disagreement with any information we hold.

## Right to request a copy of the information

Individuals wanting to find out what paper or computer records are held by us about them must put their request in writing providing as much detail as possible about the information they require.

Alternatively, individuals can complete and return the '*Request for Access to Information Application Form*' (Appendix 1). We will then arrange an appointment with them to view their records. An officer is usually present throughout the viewing. We will:

- Aim to confirm in writing within 10 working days of receiving the written request whether we hold the information and;
- Give the individual access to the information within 40 days of the date of the request, unless it is subject to the statutory exceptions summarised in 2.3.

We will not charge a fee for checking if we hold the information. However, there will be a £10 fee for subsequent subject access requests.

If we do not respond to a subject access request within the set timescale or if the individual feels this policy has been unfairly or unreasonably applied to them, they should contact us using our complaints procedure.

## What information cannot be disclosed

There are certain types of information that we have a right to withhold. Examples include:

- Where it would identify another individual who has not given his/her consent to the information being disclosed.
- Information from other agencies i.e. Doctors, Social Services, the Police, which has been given in confidence (unless the person concerned has given their written consent for its disclosure).
- Information relating to, or identifying a third party, i.e. complaints from neighbours, unless the person concerned has given their written consent. If consent has not been given then we will consider whether we should seek consent or whether we can anonymise the information so the other person cannot be identified.
- If in the opinion of a 'health professional', the information would cause serious harm to the physical or mental health of the individual, a member of the family or third party.
- Any information that is connected to actual legal proceedings, e.g. information, which, if disclosed, might prejudice the prevention or detection of crime or the prosecution of offenders.

In all cases where information is withheld, the reasons for it will be clearly justifiable and explained. If the reason for withholding the information does not fall within one of the above categories, then under the Data Protection Act we cannot legally withhold it.

## Correcting inaccurate information

Individuals have a right to request that information which they believe to be inaccurate is corrected or removed.

Where the individual gives written notice that the information held about them is incorrect and can provide factual evidence to support this, we will either:

- Accept this is so – the information will be amended or removed and a revised copy of the information will be sent to the individual or;
- Not accept this is so – in this case, we will place a note on file recording the individual's view along with the information we have decided not to amend. We will send the individual a copy of the note stating reasons why the original information is believed to be correct. If the individual feels this policy has been unfairly or unreasonably applied to them, they should contact us using our complaints procedure.