



**OXFORDSHIRE
COUNTY COUNCIL**

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ACCESS TO SOCIAL CARE PERSONAL RECORDS

Guidance and Procedures

Revised April 2006

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1. Introduction

- 1.1 This document is for staff to use when responding to requests from service users or someone acting on their behalf (agent) for access to their personal records. Requests for any non-personal information should be referred to the Freedom Of Information Team in County Hall.
- 1.2 This guidance does not cover requests for access to personal information by anyone other than the service user or their agent, i.e. external organisations, researchers, police, inspectors, elected members etc. See Chapter 20 for guidance on how to handle these requests.
- 1.3 Use of this policy will enable staff to deal consistently with access requests, and ensure that access arrangements comply with the requirements of the Data Protection Act 1998, which gives this right of access to records. (See Appendix A).
- 1.4 This policy applies only to personal information held on service users and not personal information held on Social Care employees.
- 1.5 A personal record will include any personal information wherever held, and will include all electronic and manual files such as day books, card indexes, financial records, residential, day or home support care records.
- 1.6 Records containing personal information may be held in different locations or by different teams and for the purposes of this guidance all such information is potentially discloseable to the subject of the information or their authorised agent.
- 1.7 Where issues of disclosure are concerned e.g. those matters where consent is sought, disclosure is withheld or where disclosure is being considered without consent, staff should also ensure that they consult a sufficiently senior line manager e.g. Service Manager or Head of Service, as well as taking advice from the Legal section if appropriate.

2. Legislation

- 2.1 The statutory framework relevant to this document includes:-
 - The Data Protection Act 1998
 - Crime and Disorder Act 1998
 - Judgement of the European Court of Human Rights 1989 (Gaskin v UK)
 - Human Rights Act 1998

3. Policy and Principles

- 3.1 Under the Data Protection Act 1998 (DPA), any living person has a right of access to personal data about themselves. Where access is refused, the Act gives the individual (data subject) a right of appeal to the Information Commissioner and the Courts.

- 3.2** The DPA requires that a Social Care organisation using personal information inform service users when information is held about them, why it is being held, where it was obtained from, of their right of access to it on request and that they can have any inaccurate or wrong information corrected.
- 3.3** Social Care has a policy of allowing open access to its open case records, and therefore wishes to encourage current service users to have, subject to certain exemptions, free informal access to personal information held about them. This route should usually be the preferred method of giving access to current case records.
- 3.4** Central to this policy is adherence to the principle that it is good social work practice for workers to maintain open professional relationships with service users, to share judgements, to plan together and to check information. This participation and openness includes service users contributing to the compiling of their records and their involvement in agreeing the content of care plans.
- 3.5** The Case Recording Policy and Practice Guidelines sets out expectations and requirements for case recording, emphasising partnership, sharing and openness.
- 3.6** For case records generated in recent times much of the content should already be known by the individual to whom the record relates. However this has not always been the case and it has only been since 1987 – The Access to Personal Files Act – that right of access has been established for individuals to their Social Care record.

4. Procedure

- 4.1** All requests for access received should be notified to the Customer Services Unit (CSU) at Yarnton House, who will log receipt, obtain all necessary supporting information and documentation. They will then take steps to ensure that the request is dealt with within the 40 day period that is required by the DPA.
- 4.2** Formal access to records requests will be subject to a standard fee , currently £10, although this can be waived at the discretion of the responsible officer. CSU will collect this fee from the service user.
- 4.3** Where required, assistance should be offered to service users or their authorised agents so that access can be gained for those who may have difficulties as a result of any disability or impairment. Staff should also be available to assist in ‘going through’ a service users record so that the service user can better understand what is recorded. See section 13 to 15 for more information.

5. Rights of Access (Who Can Have Access)?

- 5.1** Access to personal data will normally be given only to the data subject themselves. Any users of services and any other living person about whom Social Care hold personal information in connection with its Social Care functions has the right of access to personal information we hold about them. This includes foster carers, and other carers (such as supported lodging carers) who are not employees of the Local Authority.

- 5.2 An individual is not entitled to know what is recorded about another individual without that individual's consent.
- 5.3 Individuals who wish to do so can apply for access to their personal records through an agent or representative.

6. Access by a Child/Young Person

- 6.1 Those under the age of eighteen also have a right of access to their records if they are considered to be able to understand the nature of the request. **There is no agreed age at which point this can be assumed, but a child under the age of 12 is unlikely to understand, whilst a child over the age of 16 is likely to be able to understand.**
- 6.2 The Social Care officer responsible for overseeing the process and progress of the request for access (the 'Responsible Officer'), must decide whether or not the child has sufficient understanding to make the request for access themselves. That is, does he or she understand the nature of the request? If so, then the request for access should be complied with only if the child has been formally involved in the request.
- 6.3 If a child does not have sufficient understanding to make his or her own request, a person with parental responsibility (referred to below as the parent) can make the request on the child's behalf.
- 6.4 Where a parent applies on behalf of a child the Responsible Officer should be satisfied that the child lacks capacity to make a valid application or has capacity and has authorised the parent to make the application. **Where the child does not have capacity, the Responsible Officer also needs to be satisfied that any request made by someone with parental responsibility on the child's behalf is in that child's best interests.**
- 6.4.1 Where the Responsible Officer considers that granting access to a parent is likely to result in serious harm to anyone, including the child, the officer will need to decide whether to refuse access on the grounds set out in section 11 (exemptions). Where the decision not to disclose data to a parent on the grounds that serious harm may result, that parent, acting on the child's behalf may then choose to apply to the Information Commissioner or Courts for access.
- 6.4.2 The Responsible Officer should obtain advice from the Legal Section where necessary when considering whether or not to allow access to a child's record by a parent. If access is to be refused, the reasons for doing so should be communicated to the applicant as soon as practicable and in writing, even if the decision has already been given in person. The reason the decision was reached must also be recorded on the individual's file.

7. Requests made on Behalf of a Person lacking Mental Capacity

- 7.1 If a person with a mental disorder has legal capacity, i.e. she or he understands the nature of the request, she or he can request access. The DPA makes no

special provisions about requests made on behalf of an adult who lacks mental capacity and is incapable of managing their affairs. If a person lacks capacity to manage their affairs, a person acting under a Court of Protection Order, acting within the terms of a registered Enduring Power of Attorney or as a Guardian under the terms of the Mental Health Act 1983, can request access on their behalf.

- 7.2 Mental disorder does not, of itself, equate with mental incapacity. Where there is doubt about an individual's capacity, consideration should be given to obtaining medical advice, in the form of a psychological or psychiatric assessment or advice from an Approved Social Worker in order to gauge whether an individual has the capacity to make a request in their own right.

8. Request Through An Agent

- 8.1 If a person has capacity and has appointed an agent, that person can make a valid request for access on behalf of the data subject. Agents should provide evidence of their authority and confirm their own identity and relationship to the individual. If satisfied that the data subject has authorised the agent to make the request, the request must be treated as if it had been made by the data subject. This also applies where a person is acting under power of attorney etc.
- 8.2 A person who is profoundly physically disabled may not be able to give written consent for an agent to apply for access on their behalf. Where a person is unable to give written consent, staff should give the individual as much help as possible and will need to make a judgement on whether the individual has given consent for an agent to act on their behalf.

9. Requests for Access to the Records of a Deceased Person

- 9.1 The DPA applies only to information about people who are alive. Personal data held about someone who has died should still be kept confidential but may, at the Responsible Officer's discretion, be disclosed to others who have a sufficient interest or need to know about the matters recorded. The reasons for wishing access should be given in writing.

10. What Information is Available for Access

- 10.1 Available information is any held by Social Care on a service user that is held as part of a Local Authority's Social Care function, conferred by virtue of the Local Authority Social Services Act 1970.
- 10.2 The information held may include that held on computer, in files, microfiches, card indexes, day books etc. It may include letters, reports, records of direct contact and telephone calls, records of meetings and case conferences and any audio or visual recordings made.

- 10.3** This information may also be held in any location including area offices, archive stores, residential homes, day centres or held by any staff employed by Social Care in any out-posted teams.
- 10.4** Where a service is being provided by another organisation on behalf of the Local Authority, the request for access to information arising out of that service should be passed to that other organisation. However it remains our responsibility to ensure that it is provided promptly.

11. Records held in Joint Teams

- 11.1** Where there are services provided in partnership between Social Care and any other organisation e.g. an NHS Trust, PCT etc, an application for access to records will need to be responded to in the following way.
- 11.2** Where “joint records” are held in joint teams, i.e. where staff from both services contribute to the same record on an individual, the individual should not have to apply to both organisations for access to their records. A request received by either organisation should be deemed to apply to all information held by both. Access to Mental Health Social Care records, which are joint with the Oxfordshire Mental Health Trust (OMHT), should be made to the OMHT.
- 11.3** The term “joint record” as used above does not include records held separately by Social Care and other organisations but which contain information provided by either organisation to the other. While the information held on each organisation’s separate records may be similar, these are not considered “joint records”. In this case individuals would need to make application to both organisations.

12. Exemptions

- 12.1** Providing access to and disclosing of certain kinds of personal information held in Social Care records is exempt from the provisions of the DPA. The following are examples of where a decision to not disclose may be appropriate:

(a) Risk of Serious Harm

Access to personal information may be refused where the performance of the authority’s functions would otherwise be prejudiced because access is thought likely to result in serious harm to the physical or mental health of the requestor or any other person.

Staff need to bear in mind that the fundamental principle is that individuals have the right to see what is recorded about them, and it is for this reason that this limitation is restricted to serious harm. Withholding information on this ground is therefore likely to be exceptional and only so much of the information as is likely to cause serious harm or enable the identity of another to be disclosed or deduced, should be withheld.

(b) Prevention of Crime

Social Care need not disclose information to service users that is held for the purposes of the prevention or detection of crime, or to apprehend or prosecute offenders if disclosure would be likely to prejudice one of these purposes.

(c) Third Party Information

Information supplied by a non Social Care professional, or about someone other than the service user, is termed third party information and should not be disclosed without first seeking consent to its disclosure from the individual, supplier, or organisation, of the personal information.

When writing to a professional about information supplied and held on Social Care records, advice about the timescale for response should be given and a warning that if a response is not received within the period, access may be provided to the individual.

(d) Legal Professional Privilege

Personal information is exempt from access if it consists of information where a claim for legal professional privilege could be maintained in legal proceedings. Any legal advice obtained about a data subject should be held in the confidential section of the case record.

(e) Adoption Records and other Enactments

Where other enactments themselves prevent disclosure, then the data subject cannot rely on the DPA to seek access to records. These include adoption records and reports, parental order records and reports.

Where a Social Care record holds information prepared for care or other proceedings, the child or parent can have access to these documents filed with the Court if they were party to the proceedings. Any other person, apart from a solicitor or counsel appointed by the child or parent, must seek leave of the Court.

13. Responding to Formal Requests for Access

13.1 Step 1

When a written request is received from a service user or their agent it should be faxed to the Customer Services Unit (CSU) at Yarnton House

13.2 CSU will log the request in the Access To Records database and, if required, take action to request such additional information as may be required to enable the Directorate to meet the access request using the form at Annex A.

13.3 On receipt of all necessary information, supporting documentation and the appropriate fee the 40 days will start.

13.4 Step 2

13.5 CSU will check all available sources of information and determine which service area should deal with the access request and forward it to them for action. If no documentation can be found, CSU will write to the requestor advising them of this fact.

13.6 Step 3

Children & Families Division

Open Case (assumes service user under 18 years or Care Leaver 18-20 years)	Adopted Person	Closed Case (over 18 years)	Closed Case (Under 18 years)
↓	↓	↓	↓
Prime responsibility for dealing with request is relevant team with advice from Access to Records Officer as appropriate. CSU would link with keyworker or UM of team.	Family Placement Team – linked to geographical location of service user requesting information	Access to Records Officer – Abingdon	Access to Records Officer, Abingdon.

Adult Services and Carers

Open Cases – search by involvement’s to identify the care management involvement and send the request to Manager of this team.

Closed Cases – search for last person to hold the case to identify the team and send the request to the Manager of this team.

14 Establishing the Identity of the Applicant or their Agent

14.1 Where the worker directly involved in arranging access to the record does not know the applicant or their agent, proof of identity must be requested before any personal information is revealed. A copy of a birth certificate, passport or other clear proof of identity should be placed on the file as confirmation.

14.2 Where an individual will not be present when their agent is being provided with access, they should be advised in advance, that their agent will need to produce proof of identity.

14.3 If the applicant or their agent fails to provide information confirming their identity then the Responsible Officer should write to inform them that their request cannot proceed until this is provided.

15. Preparing Records for Access

15.1 Having established with the applicant the exact nature of the information being sought, and whether they simply wish access to the record or want a copy of the information (See paragraph 17.1), the worker will need to assemble the appropriate records (from all locations) and ensure that the content is in order. This will involve ensuring that any of the contents of the record(s) have been checked so that only appropriate information is accessible.

15.2 Personal information held on a service user's record may include details about another person. If disclosure would allow them to be identified, the Responsible Officer or delegated worker should make every effort to obtain the other person's consent before any disclosure is made. The Responsible Officer may decide that it is reasonable in all the circumstances to disclose without obtaining such consent or choose to anonymise the record. (Individual police officers should not be identified by name but referred to as The Police Authority if this is the source of the information).

15.3 To decide what is reasonable - the following factors must be considered:-

- Any duty of confidentiality owed to the third party
- Any steps taken to seek their consent
- Whether the third party is capable of giving consent
- Whether consent has been expressly refused
- Any legal prohibition
- Whether the service user already aware of the identity of the third party and their involvement in the case.

15.4 Sometimes it will be clear that the information can be given without the other person's consent, e.g. where the service user has given the information about the other person in the first place.

15.5 Where a record contains personal information supplied by a third party steps should be taken to obtain their consent to disclose this information to the data subject.

15.6 If consent is not received from a third party within 40 days, the Local Authority should give as much information as possible without identifying the third party and should give an explanation why some of the information requested has not been given.

15.7 When 'editing' information to not reveal another person's identity or to prevent it being deduced, only the minimum amount of alteration for this purpose should be made e.g. "Ms Smith reported to us..." should be amended to "X reported to us.....". Where this kind of editing is required extreme care should be taken to ensure the original entry cannot still be recognised. This can be achieved by using a black marker and then photocopying the page again.

- 15.8** The kind of amendments referred to above are acceptable providing that there are no other special amendments that otherwise would not have been made. As far as possible the personal information revealed to the data subject should be that contained in their record at the time the request for access was received. Routine amendments as outlined above are acceptable but the information must not be tampered with to make it more acceptable to the individual. If any comments on the case file may be of a nature that could cause concern, it may be worth identifying this to the requestor and provide something designed to lessen the effect it may have on them.
- 15.9** Where the Responsible Officer is unclear about the necessity for third party consent to disclose or any other matters about revealing or withholding information, advice should be sought from the Data Information Officer and, if appropriate, legal advice obtained.

16. Access and Viewing of the Records

- 16.1** Having established from the applicant the nature of the information they seek the worker will have ensured that the records are prepared in the following way by:-
- Removing material where exemptions apply.
 - Removing names of, and information given, by third parties.
- 16.2** When all the available material has been checked by the Responsible Officer, if a copy is being provided this should be sent to the address given with a covering letter. If access to the actual case file and content is it is being provided, or if it is felt that actual disclosure needs to be face to face, a date and venue should be arranged with the applicant (or their agent) within the required timescale. That is 40 days from the date of receipt of the formal request for access and when the Responsible Officer has ensured that the applicant or their agent has been properly identified and or their authority confirmed.
- 16.3** The worker will need to ensure that the venue is a suitable one having regard to any special needs the applicant may have.
- 16.4** The worker will need to ensure identity is established and in the case of an agent that they have given a written undertaking not to disclose the information provided to anyone other than the person on whose behalf she/he is acting, without that person's consent.
- 16.5** The worker should remind the applicant of what information will and will not be available to them and why (e.g. Information from other sources etc).
- 16.6** The worker will also need to assess the impact on the individual of personal information they will receive from their record. Where they consider that further assistance/counselling may be required by the service user before release of the record can be made they should advise the service user that they must bring a professional counsellor to the meeting where the records are to be discussed. It is not the responsibility of the Council to provide or fund this counselling. Service user may wish to approach their GP.

- 16.7 The worker should note any claims of inaccuracies in the records and explain how these will be dealt with and refer to the Responsible Officer (see paragraph 18).

17. Taking Copies

- 17.1 Under the Data Protection Act service users are entitled to a hard copy of their record. If viewing only, or if the content is deemed to require face to face contact, for instance if it is likely to be distressing or require explanation, the records should be made available at a Social Care premises (i.e. the local area office) unless another suitable and appropriate alternative is necessary. Photocopying facilities need to be available to supply copies of the record if subsequently requested by the applicant.

18. Correction or Erasure

- 18.1 If an individual considers that any personal information held on their record is inaccurate (see below) they may apply, in writing, for it to be corrected or erased. They should be asked to supply any written material they consider supports their view.
- 18.2 Inaccurate means incorrect or misleading about any matter of fact. An opinion which does not purport to be a statement of fact cannot be challenged on the grounds of inaccuracy. Inaccurate personal information can be erased or corrected whether received from the individual or from a third party. If the Social Care worker does not agree to the request to correct or erase any personal information a note should be included on the record that there is not agreement on this matter. The worker should consult the Responsible Officer for guidance.
- 18.3 The worker should be present at all times when access is taking place and ensure that the record is not removed or tampered with in any way. Under no circumstances should the individual (or their agent) have unmonitored access to the master record.
- 18.4 In certain circumstances it may not be possible to view the available record(s) in one 'sitting' and a subsequent viewing required. The worker should ensure that at the end of the access session(s) a written statement, to go on the record, is prepared and agreed with the individual about what has been decided and any further/future actions.

19. Recording That Access has Taken Place

- 19.1 Recording that formal access to records has taken place should be made on SWIFT in the same way that any other service that has been provided. Access given under this Policy should be recorded on SWIFT in accordance with the current procedure detailed in 'Working with SWIFT'.

20. Access By Other Organisations

- 20.1 Occasionally requests will be received from external organisations such as *Children's Guardians*, Court Welfare Officers and other professionals for access to service user records. This may be for research purposes, or by organisations such as the Police and Department for Works and Pensions as part of an investigation into a criminal offence.

It is important that anyone receiving such a request should contact either the Data Information Officer or the Legal Section as applicable for advice before making any response to these types of request.

Request for Details of Personal Information Held Part I



OXFORDSHIRE COUNTY COUNCIL

www.oxfordshire.gov.uk

Please fill in the form as fully as possible. If a child's record is involved please also complete Part II. If further information is needed the Council will contact you, but this will mean it may take longer to deal with your request. The Council can only provide information that it has collected. If you think some other organisation holds any of the information you want you should make a request directly to them.

PLEASE USE BLOCK CAPITALS

1. Details of the person on whom information is being requested.

Full name Date of Birth

Previous name if applicable

Present Address

Post Code

Telephone No: Fax No:

2. Details Required

If the information you want, and the period for which it is required can be limited it will help us to make a quicker response. If you are uncertain as to the details you require, you should consider approaching the part of the County Council that you think is most likely to hold the information.

Period of time to be searched

IMPORTANT: If the person at paragraph 1 has lived at other addresses during this period please give details on a separate sheet.

We have found that when people ask to see their records they do so for many different reasons. Please let us know if you are looking for something specific in your records (Continue on a separate sheet if necessary)

3. Are you completing this form to ask for information:

- a) About yourself No / Yes please go to Q8
b) On behalf of someone else No / Yes answer Q5 - Q7

4. If you are acting on behalf of another person please provide YOUR Name and Address.

Full name

Address

Post Code Tel.No.

5. What is your relationship to the person you are requesting information for?

6. Oxfordshire County Council Employees ONLY

If the person at paragraph 1 above has been employed by Oxfordshire County Council please give the following details if you know them.

Department employed in

Payroll reference no. National Insurance No

Employment dates From To

7. Proof of authority.

If you are asking for information about someone else you must provide written evidence that you have the authority to act on behalf of that person. This must be the original evidence; a photocopy is **not** acceptable.

8 Proof of identity

This must be provided for the person about whom information is required **and** the person making the request if they are different. Suitable proof includes driving licence, birth certificate, passport or similar document. This must be an original; a photocopy is **not** acceptable. All documents will be returned to you as quickly as possible.

9. The fee

The fee is £10.00. Please make your Cheque payable to **Oxfordshire County Council**, and write your name and address on the back. Please do not send cash.

The personal information you provide on this form will only be used by the Council for the purpose of locating any information that you are requesting access to. By signing this application form you are consenting to us using information provided for this purpose. After completion the information will be retained for a period of 2 years.

Signature **Date**

Return this form, the fee, evidence of identity, and evidence of authority (if applicable) to the address below:

Customer Services Unit, Yarnton House, Rutten Lane, Yarnton, OX5 1LP

For Official use only

Application No	<input type="text"/>	Date Received	<input type="text"/>
Proof of Identity	<input type="text"/>	Proof of Authority	<input type="text"/>

Request for Details of Personal Information held Part II



**OXFORDSHIRE
COUNTY COUNCIL**

www.oxfordshire.gov.uk

ONLY TO BE COMPLETED IF THE INFORMATION BEING REQUESTED ORIGINALLY RELATED TO A CHILD

When trying to access information relating to a child's Social Care or Education records it would help if you could provide us with the following additional information to ensure we access all information being held within the Council.

Name

1. Have you been known by any other names? Please list

2. Was your birth family known by any other names? Please list

3. Can you remember the year when you or your family became involved with Social Services or Education within Oxfordshire and the year that involvement ended? If you can remember how old you were that would also help.

4. If you were looked after by carers, other than your natural family, please give any names and addresses you can remember. If you cannot remember the address, the town/city/village name is still helpful.

5. To help us to identify the local office that was responsible for the area you lived in. When you and your family first became involved with Social Services, can you remember where you were living?

6. Can you remember the names of any schools you attended. Please list:

7. Can you list the names (in full) of any other members of your family.

8. Are you known to an other Social Services or Education authorities?

9. Do you know if your parents are still living?

10. Do you want to ask your siblings or parents if they mind having information found on them in your file disclosed?

Data Protection Principles

1 Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless at least one of the following conditions are met:-

- With consent
- To perform a contract with the individual
- Under a legal obligation
- To protect the vital interests of the individual
- To carry out public functions
- To pursue the legitimate interests of the business, unless prejudicial to the interests of the individual

Additionally, sensitive personal data (see below) shall not be processed unless at least one of the following conditions are met:-

- With explicit consent
- Under a legal obligation in the context of employment
- To protect the vital interest of the individual where consent cannot be given or is withheld
- By certain non-profit bodies about their members
- Where the information has been made public
- In legal proceedings
- To carry out certain public functions
- For medical purposes
- Is necessary for the purpose of identifying the existence or absence of equality of opportunity

1. Personal data shall be obtained only for one or more specified and lawful purposes and shall not be further processed in a manner incompatible with that purpose or those purposes.

3 Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.

4 Personal data shall be accurate and, wherever necessary kept up to date.

5 Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.

6 Personal data shall be processed in accordance with the right of data subjects under the DPA. Access to records is one of those rights.

7 Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.

8 Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the possession of personal data.

Glossary

Accessible Record

Means any record which is kept by a Social Care Authority, and is a record of information held for any purpose of the Authority's Social Care functions.

Agent

Means a person authorised expressly by the service user to act on his or her behalf in accessing the record.

Case Record

Means all records of any type held by a Social Care organisation about a person for whom they have provided, or are providing, services.

Data Controller

Means a person who (either alone or jointly or in common with other persons) determines the purposes for which and the manner in which any personal data are, or are to be, processed.

Data Processor

In relation to personal data, means any person (other than an employee of the data controller) who processes the data on behalf of the data controller.

Data Subject

Means an individual who is the subject of personal information.

DPA

Means the Data Protection Act 1998.

Personal Data

Means data which relate to a living individual who can be identified from those data, or from those data and other information which is in the possession of, or likely to come into the possession of, the data controller and includes any expression or opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual. This can include manual, electronic, audio and visual records.

Sensitive Personal Data

Means personal data consisting of information as to:-

- a) The racial or ethnic origin of the data subject
- b) Her or his political opinions
- c) Her or his religious beliefs or other beliefs of a similar nature
- d) Whether she or he is a member of a trade union (within the meaning of the Trade Union and Labour Relations) (Consolidation) Act 1992
- e) Her or his physical or mental health or condition
- f) Her or his sexual life
- g) The commission or alleged commission by her or him of any offence or,

- h) Any proceedings for any offence committed or alleged to have been committed by her or him, the disposal of such proceedings or the sentence of any court in such proceedings

Third Party

In relation to personal data, means any person other than:-

- a) the data subject
- b) the data controller
- c) any data processor or other person authorised to process data for the data controller or processor