

# YOUR RECORDS

**THE RECORDS  
WE KEEP  
ABOUT YOU –  
AND HOW YOU  
CAN SEE THEM**



**Hampshire**  
County Council

[www.hants.gov.uk](http://www.hants.gov.uk)

# INTRODUCTION

Services that were previously provided by the Social Services Department are now split between the Adult Services Department, and the Children's Services Department. For simplicity these services are referred to as 'social care services' in this booklet.

The information in Your Records applies to people getting social care services from either department now, as well as to people who have previously received services from the Social Services Department.

The booklet summarises how both departments comply with the requirements of the Data Protection Act 1998, and is not a full statement of the law. If you want further information please contact our Subject Access Request Team on 01962 841841.

## Equality

Whenever you have dealings with Adult or Children's Services, you will not get less favourable treatment than others because of your gender, disability, age, ethnic or national origin, religious creed, marital status or sexuality.

## Complaints

If you are not happy with any aspect of the services you have received from us or with the way you've been treated, speak first to the person you have been dealing with or their manager.

If things can't be resolved this way, ask your local Adult or Children's Services office for a copy of *Tell us what you think?*, which tells you what to do if you want to make a complaint. Contact the Complaints Manager on 0845 603 5630.

## LARGE PRINT

We can supply the text of this booklet in alternative formats. For details, please phone 0845 603 5630.

**Calls to 0845 numbers will cost between 4p (local rate) and 6p (national rate) per minute for BT customers. Call made using other service providers or mobiles may cost more. Alternatively call 01329 225390 – standard and local call rates apply to this number.**

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If you have any enquiries relating to the content of this booklet, about accessing social care records, or to get a copy of the *Subject Access Request Form (CRIA)* used to apply to see records, contact

### **Subject Access Request Team**

The Castle, Winchester SO23 8UQ

 01962 841841

 01962 834524

 [social.services.sar@hants.gov.uk](mailto:social.services.sar@hants.gov.uk)

### **CONFIDENTIALITY**

We keep all records securely, held in paper files or on computer, and have strict rules for staff dealing with them. Only authorised staff can see records, and only in order to carry out their work. We also have strict rules about who we can pass information on to and what can be passed on.

# ABOUT YOUR RECORDS

## Why we keep records

It's essential that Hampshire County Council keeps accurate details about the work we do and the people we deal with. This helps us provide as efficient a service as possible, ensures we comply with the law, and means we can be held accountable for what we do.

## What we record

When you come to either Adult Services or Children's Services for help, we ask you for information about yourself and your situation, and we keep what you tell us in your 'file'. This is kept partly on computer and partly as a paper record. Details of discussions about the help you need are added to your file as they happen, and so are the agreed plans for your care, details of services that we arrange for you, and our regular reviews of what you need. Copies of letters from or to you and records of phone calls are also stored in your file – and if anyone else, such as your doctor, gives us information about you, this is added as well. We also keep a note of your next of kin, details of any payments you make towards the cost of your care and details of your ethnic origin should it be relevant for when you meet with us, for example should you need an interpreter.

## What we use the information for

The information you give us about yourself and your situation is used specifically to help us give you the support you need. We use all the information we gather to provide statistics that help us plan our services, and we also give the government a summary of what we've done each year.

## Storing information

The information we keep about you – both the paper file and the computer record – is kept very securely, and only authorised members of staff can see it.

We keep most records for six years from the date we stopped providing a service, or for three years after a person's death. However, certain types of record are kept for longer\*.

*For example, we keep records of ...*

- children looked after by (in the care of) Hampshire County Council 75 years from the child's date of birth or 15 years from the date of their death
- adopted children and adoptive parents 100 years from the date of the adoption order
- foster carers 75 years from the date of birth or 15 years from end of provision, whichever is longest
- a child placed on child protection register 25 years from their 18th birthday
- mental health records 20 years, or eight years after the person has died
- formal complaints ten years from the last entry in the record
- education records (excluding schools) until the person's 25th birthday

\*Some of these times are specified by law, but where there is no relevant legislation, the times given are agreed and regularly reviewed by the Children's and Families Services Management Team.

Greater importance is given now to keeping records, and the list above gives the current rules for the length of time records should be kept. In the past some records may not have been kept for as long.

# SHARING YOUR RECORDS WITH OTHERS

**So that we can provide you with the services you need, we may have to give details about you and your situation to another organisation. However, we need your consent to do this.**

- We only give staff in another organisation as much information as they need in order to provide an effective service for you.
- People getting information about you from us can only use it for the specific purpose we have agreed with them, and their staff are bound by the same rules of confidentiality as our staff.
- We record what information has been given to other organisations, and when it was done.

## **Your consent**

We ask you to sign a form allowing us to give details from your records to any relevant organisation. There is some information that is classed as sensitive under the Data Protection Act that we cannot give to other organisations without your explicit consent. This may include information about your health, your racial or ethnic background and your religious beliefs. If we think we may need to pass on sensitive personal information, we will discuss this with you when you complete the form. You should tell us if there are some facts in the information that you have given us that you do not want us to pass on to anyone. We will respect your wishes, but if we think that passing the information on would result in your getting a better service, we will discuss this with you.

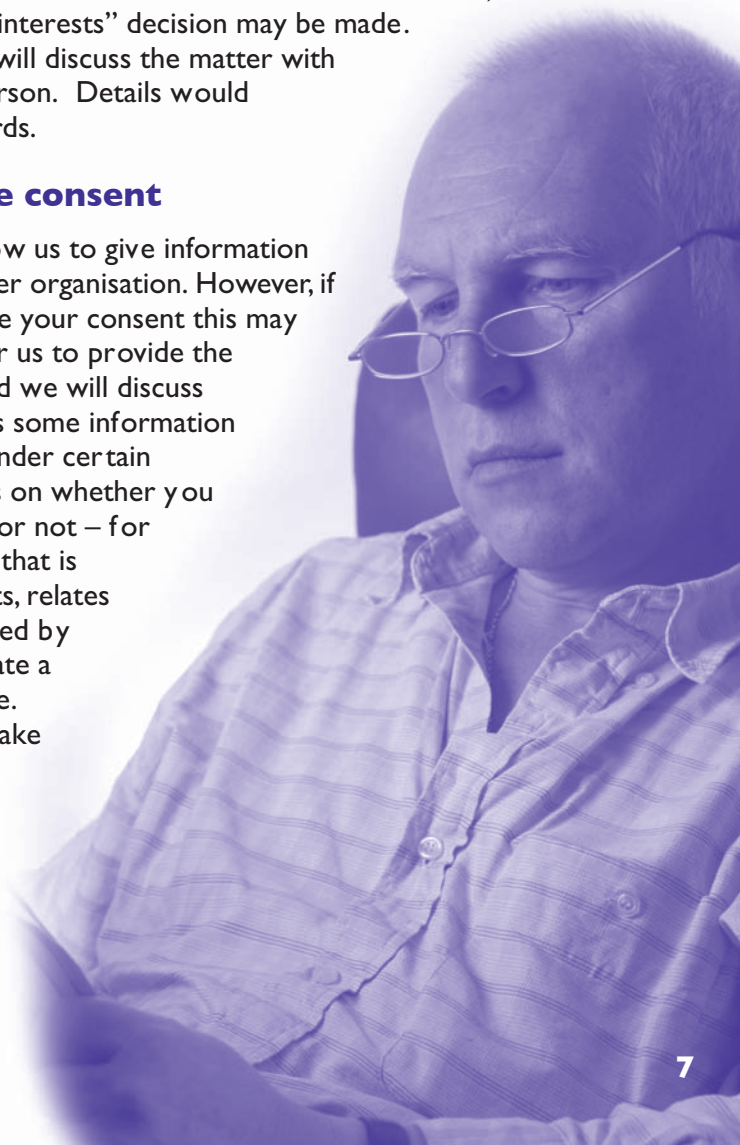
## People who aren't able to give their consent

There are some people who receive social care services who cannot give their consent to passing on information about them – for example, because they have severe learning disabilities or because they have dementia. In these cases they may have a Welfare Deputy or Welfare Attorney who can make the decision on their behalf, or otherwise a “best interests” decision may be made.

If this is the case we will discuss the matter with those close to the person. Details would be kept in their records.

## Refusing to give consent

You can refuse to allow us to give information about you to any other organisation. However, if you decide not to give your consent this may make it impossible for us to provide the services you need, and we will discuss this with you. There is some information that we are obliged under certain circumstances to pass on whether you give us your consent or not – for example, information that is required by the courts, relates to a crime, or is needed by the police to investigate a crime or to prosecute. However, we always take legal advice if we are asked for information by the courts or the police.



## 2. SEEING YOUR OWN RECORDS

**It is our policy to discuss with you what we are putting in your records. This means that you can check when we record information that it is accurate and that you agree with it.**

### **How do I apply to see my own social care or education records?**

If you wish to make a formal request to view your records under the Data Protection Act 1998, please contact either:

- your keyworker
- your local social care/education office
- the Subject Access Request Team.

Please note that if your personal information is held by a school, you will need to apply to the school directly.

If you are currently getting services from us, you should first speak to the person you usually deal with, and they can answer any questions you have, and will tell you whether you need to fill in the Subject Access Request Form (CR11).

If you are not getting services from us (for example, if you received services in the past) you will need to complete the Subject Access Request Form (CR11).

For a copy of the Subject Access Request Form (CR11), contact the Subject Access Request Team on 01962 841841.

## What records can I see?

You can see all the records we hold about you, both on paper or on computer, except for...

- third party information that has been given in confidence about you by someone who hasn't given their permission for you to see it. 'A third party' can be, for example, a member of your family, a friend, your GP, or a teacher. Although this information is about you, it isn't yours in the same way that, for example, information you have provided is, and you don't have a right to see it without the permission of the person who provided it
- information that relates to criminal offences or information that is being used to detect or prevent crime (for example, by the police)
- information that could cause physical or mental harm to you or someone else.

If there is any doubt about your seeing any part of your records, a keyworker from either the Adult Services or Children's Services Department will make an assessment of the situation. He or she will ensure that you see as much of your record as possible. In some instances the information in your file may be edited to protect the privacy of other people mentioned in it.

## Where can I see my records?

If you make a request to see your records, once we have prepared them, we normally ask you to come to one of our offices to see them. We make sure that you have enough time to look through your records in privacy, and that a member of staff is available to answer any questions you have. You will receive a copy set of your records to keep.

If it is a problem for you to come to one of our offices, speak to the member of staff you are dealing with to discuss what would suit you better.

## **How quickly can I see my records?**

We aim disclose your records to you within 40 days of our getting a fully completed CRI I form, together with the necessary identification documents and a cheque for the fee.

If we have to ask you for further information to help us identify the records, the process may take longer than 40 days. Therefore please provide us with as much information as you can to help us process your request quickly. If you want us to contact other people, such as family members or your doctor, who have contributed to your records, to ask permission for you to see what they have said, it is helpful if you can provide up-to-date details of how we can contact them. In some cases there may be circumstances that make it impossible to provide the records within 40 days, and if this applies to you, we will tell you. If we no longer hold your records, we will write to you to let you know.

When the records are ready we will contact you to make arrangements for you to see them.

## **What identification documents will I need?**

When completing a *Subject Access Request Form* (the CRI I) you will need to give us proof of your identity and proof of address before you can see your records.

If you are applying on someone else's behalf, you will need to provide written proof of authority to make the request. You will also have to provide proof of their identity as well of your own.

We accept the following as proof of identity: copies of passports, medical cards, driving licences, birth certificates and deed poll or marriage certificates if your name has changed.

We accept the following as proof of address: recent utility bill, bank statement, driver's license etc. Please do not send originals.

## Can I have my records in large print?

Please let us know in advance if you want the information in your file provided in large print, in Braille, or translated into another language. We can also arrange for someone to read the information to you, if you would prefer.

## Is there a charge for seeing my records?

There is a charge of £10 to see your records to help cover our administrative costs. However, under certain circumstances, this charge may be waived. The 40 day processing period will not start until we receive your payment.

## What if my records are wrong?

If factual details are wrong (such as your date of birth etc) we will correct them when you give us proof of the changes you want us to make. If you disagree with what is written in your records – for example, if your view of what happened is different from what has been recorded – we will add your account of events to your file. We have 21 days to make any changes to your records, and we will write to you to tell you what action has been taken.

## Who else can apply to see my records?

- Authorised members of staff, but only for work purposes.
- Staff from other organisations, if you agree that they can – but only as much as they need in order to provide you with a service.
- Anyone who has contributed to your records – but only the parts that they have supplied. However, this would not apply if it could cause harm to you or someone else.
- Anyone that you agree can see your records – for example, a member of your family.

## 3. SEEING SOMEONE ELSE'S RECORDS

**To see someone else's records you will need to make a written application using our *Subject Access Request Form* (the CRI I).**

### **Applying on behalf of someone else for them to see their own records**

If someone using our services is unable to make their own request to see their records, but wants to see them, you can apply on their behalf if...

- you have parental responsibility for them
- you are the person named on a Court of Protection order
- you have validated Enduring Power of Attorney for them
- you have written consent or a Form of Authority from them.

If you are acting on behalf of someone, but you don't have an official right to do so (as listed above), please contact us to discuss the situation.

### **Seeing another living person's records**

A decision as to whether you can see the records you asking for will be based on the information you provide.

- You can only see someone else's records, even if they are a close family member, if they give permission for you to see them.
- Parents do not have an automatic right to see their child's records. However, we will allow a parent to see their child's file in certain circumstances, such as when the person holds parental responsibility and/or their child gives permission (if they are old enough to do so). We may ask for proof that a person holds parental responsibility e.g. the child's birth certificate. In some cases we may allow a parent to see their child's file if we believe it is in the child's best interest.

- Holding an Enduring Power of Attorney for someone does not give you the right to see their personal records, as the powers are limited to the management of their property and affairs. A care manager decision may be sought to see if it is in the client's best interests. Information disclosed may be limited.

If you ask to see someone else's records you should apply in writing using the CRI I Form and enclose a written authorisation from the person whose records they are. This authorisation should say that they agree to your seeing their records, and that this agreement was given willingly. You will need to provide proof of your own identity, and that of the person whose records you are asking to see.

### **Seeing the records of someone who is deceased**

It is Hampshire County Council's policy to maintain the confidentiality of a client's record, even after death.

If you want to see the records of someone who has died, you should apply in writing using the CRI I Form giving enough information for us to identify the records, including the person's address when they were getting a service from us. You should also include information about yourself such as proof of your identity, your relationship to the person whose records you are asking to see, and details of why you want to see the records. If you are the executor of the person's will and have letters of administration, you should provide proof of this. A decision as to whether you can see the records you are asking for will be based on the information you provide.

### **Seeing the records of someone who is mentally ill**

If someone is mentally ill – that is, has any condition that either permanently or temporarily impairs their mental functioning – they may not be in a position to agree to someone else seeing their records. If this is the situation and you apply to see their file, we will only agree to you seeing it if we think it is in the best interest of the person who is ill, and/or that it would be what they would want.

## 4. ADOPTION RECORDS

**Adoption records are covered not by the Data Protection Act, but by adoption law: the Adoption Act 1976 and the Adoption Agencies Regulations 1983.**

### **Who can see adoption records?**

Anyone involved in the adoption of a child can ask to see their own file. This includes the child, the natural parents, the adoptive parents and adults adopted as children. You should bear in mind, however, if you are adopted, that if you want to see your own adoption records you can only see information that relates to yourself and your birth parents, not to your adoptive parents. There is no charge for seeing adoption records.

## Finding adoption records

If you live in Hampshire and you already have information about the adoption, for example the original name of the child and that of the birth mother, you can apply directly to Hampshire County Council for help, even if the adoption was not arranged in Hampshire. Information about all adoption records in England and Wales can be accessed from anywhere in the country. For more information, contact

### *County Adoption Services*

Glen House  
Glen Road  
Swanwick  
Hampshire  
SO31 7HD

☎ 01489 587 543

If you don't have any information about the adoption you are interested in, you should contact

### *The General Register Office*

Smedley Hydro  
Trafalgar Road  
Southport  
Merseyside  
PR8 2HH

☎ 0151 471 4313

The General Register Office holds the Adopted Children's Register for England and Wales, and will be able to provide you with some information and link you to your local authority which will be able to help you find the records you are looking for.

## Seeing adoption records

Arrangements to see adoption records are usually made through the County Adoption Services team, and they can make sure that you have any help or support that you need.

