



Right of Access Request – Data Protection Act 2018

Guide 1 PART 1: How to request access to personal information about you or others

Introduction

Article 15 of the General Data Protection Regulations (GDPR) provides you with a right to see the personal information the Trust holds about you. This is called a **Right of Access**.

To make a Subject Access Request...

▶	...for your own personal information	Please complete and return form 1
▶	...on behalf of someone else	Please complete and return form 2

How the Trust handles Subject Access Requests...

▶	The Records Department will check that we have the information we need, acknowledge your request, and provide you with a unique reference number. The Trust has 30 calendar days from the date of receipt of your request to respond to your request.
▶	We will confirm if we have approval from you to contact third parties if needed.
▶	We will find out where all your information is stored, request it and gather it together.
▶	The Records Department will work with relevant staff to decide whether any information should be withheld (see next page for further information on this topic).
▶	We will check that we have proof of identity from you, and if not write to you to ask for it.
▶	After receiving proof of identity and/ or legal power, the information will be released to you.

Examples of when personal information may be withheld (not released)

▶	If providing the information would put anyone at risk of serious harm to their physical and/ or mental health or condition.
▶	If providing the information would limit the Trusts ability to stop or detect crime, catch or prosecute criminals or provide healthcare.
▶	If providing the information would have a negative effect on someone else. See <i>'Consulting with third parties, for more information.'</i>

Proof of identity and/ or power to make a request on behalf of someone else

▶	The Trust is responsible for ensuring that personal information is kept safe and secure, and that access is only provided to someone who has a legal right. You would expect us to be careful not to disclose your personal information to anyone else.
▶	For that reason, we require proof of your identity and/ or power to make a request on behalf of someone else. Please see Guide 2: How to provide your identity' for further information.

Records we keep

▶	A copy of your request and the information we disclose in response to your request.
▶	A copy of the proof of identity you provided, and, where required, a copy of proof of permission/ authorisation and proof of disclosure.

Guide 1 PART 2: Guidance on completing Form 1

Completing Section 1	Details of the person about whom information is being requested
-----------------------------	---

We require this information to help us identify you so that we are sure we have the correct information and so that we can contact you to discuss your request, should this be needed.

Completing Section 2	Details of information being requested
-----------------------------	--

Please use this section to be as specific as you can about the personal information you require. For example...

- ▶ Please tell us if you are an ex/ current service user or, an ex/ current employee of the Trust, to help us find the information you want.
- ▶ If you require information because of a complaint or query about a Trust service or decision, please provide details of this to help us locate the information, e.g. description of service, any contact names.
- ▶ Provide any other information which you think will help us locate what you require, e.g. your Trust reference number, NHS number or details of any staff you have had contact with.

Completing Section 3	Consultation with other people (third parties)
-----------------------------	--

Personal information about one person is often linked to that of another person. For example

- ▶ ...when a relative, member of the public, or professional, provides personal information.
- ▶ ...when personal information is written about a child, the file often contains personal information about parents, grandparents etc...

In these circumstances we have to consider the rights and interest of all people- including the right of confidentiality, before deciding whether personal information can be released.

The Trust can try to get consent (approval) from the third parties (other people) involved. This means we need to tell them that you have to put in a request to access your personal information.

- ▶ The amount of information we release to you may be affected if the Trust cannot the consent and/ or feedback from the other people involved.
- ▶ You may not want the Trust to seek consent and/ or feedback. If so, please tick 'no' in section 3 of the form.

Completing Section 4	Declaration
-----------------------------	-------------

We require you to sign the declaration as a statement that the information you are giving us is complete and truthful.

Guide 1 PART 3: Guidance on completing Form 2

Completing Section 1	Details of the representative (person) making the request
We require the person making the request to provide us with some information about themselves. This will help us decide if it is appropriate to release the personal information.	
Please tell us if the request is being made on behalf of your child/ dependent or someone else, as this will tell us what evidence is needed before information can be released.	

Completing Section 2	Requests made on behalf of a child or dependent
Children have the same rights to privacy as anyone else. A child of 12 is likely to be mature enough to request their own personal information. A child may be mature enough at an earlier age or may lack sufficient maturity until later; this is considered on a case by case basis.	
▶	Requests by a parent/ guardian where a child is mature enough to make their own requests can only be made with the consent (approval) of the child. See section 4
▶	If you consider your child lacks sufficient maturity or mental capacity to make their own request or provide consent, you must provide evidence of this to make the request for them. See section 3

Completing Section 3	Requests made on behalf of someone else
This section asks you to confirm whether you plan to...	
▶	Obtain the consent (approval) of the person. Complete section 4 to show they agree, or,
▶	Provide evidence to show you have the right to make the request on their behalf, without providing their consent (approval). Complete section 5 to show why you can do this.

Completing Section 4	Consent of person whose information is being requested
Where possible, this section should be completed by the person whose information is being requested, i.e. the person you are making the request for	

Completing Section 6	Legal authority to request access to personal information
The section shows the options available to prove you are allowed to make a request on behalf of someone else, when they are unable to provide their consent (approval).	
If you select other, we require you to provide details of what you believe the justification to be. These requests will be assessed by the Trust on a case by case basis.	

Contact Details

If you have any questions or difficulties with completing this form please contact us:

Tel: 0121 301 1155

Fax: 0121 301 1103

Email: bsmhft.informationrequests@nhs.net

Please return completed forms to...

Right of Access
Records Department
Trust Headquarters
Unit 1, B1
50 Summer Hill Road
Birmingham
B1 3RB

Or email them to: bsmhft.informationrequests@nhs.net

Other Formats: To receive this information in another format please contact-
PALS on 0800 95 30 045