



# The Moray Council

## Guidance on dealing with subject access requests

Under the Data Protection Act 1998

**2008**

## Document Control Sheet

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# **GUIDANCE ON DEALING WITH SUBJECT ACCESS REQUESTS UNDER THE DATA PROTECTION ACT 1998**

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## INTRODUCTION

The Service User has a right (the “subject access right”), in terms of the Data Protection Act 1998, to access personal information about himself or herself held by the Council. See the following section headed “The right”, for the full details of this right.

Subject Access Requests should be facilitated and encouraged by staff.

Personal information in relation to the Service User supplied by a third part donor (i.e. outside the Council), may be disclosed to the Service User, if and to the extent that the Service User has a right to access such information by making a Subject Access Request.

Personal information relating to, but not necessarily supplied by, a third party may appear in Case Records. A Service User does not have an automatic right to this information when making a Subject Access Request but there are circumstances when third party information may be disclosed.

This document contains guidance for staff on

- responding to Subject Access Requests made by Service Users and
- dealing with third party donor and other third party information

and is the Guidance referred to in Section 8(c) and (g) of the Case Recording Policy.

## **The Right**

The Service User has the right (the “subject access right”) under section 7(1) of the Data Protection Act 1998, upon making a written request (including transmission by electronic means) and upon paying the appropriate fee:

- (a) to be informed by the Council whether personal data of which that individual is the subject are being processed by or on behalf of the Council,
- (b) if that is the case, to be given by the Council a description of-
  - (i) the personal data of which that individual is the data subject,
  - (ii) the purposes for which they are being or are to be processed, and
  - (iii) the recipients or classes of recipients to whom they are or may be disclosed,
- (c) to have communicated to him in any intelligible form –
  - (i) the information constituting any personal data of which that individual is the subject; and
  - (ii) any information available to the Council as to the source of those data.
- (d) to be supplied with copies of the personal data except where this is not possible or would involve disproportionate effort or the Service User agrees otherwise.

## Dealing With A Request for Information

### 1. All Staff

Every request for information must be passed by staff members to the Information and Research Officer who will then determine whether it is a request under the Freedom of Information (Scotland) Act 2002 (“FOI Request”) or a Subject Access Request under the Data Protection Act 1998 (“Subject Access Request”). Staff should not delay passing on requests as very specific timescales apply to requests for information.

#### Information & Research Officer

(See also Procedure Flowchart in Appendix 1)

### 2. Categorise the Request.

Every request to the Council for information should be treated as an FOI request unless it is clear that the request is for subject access to “personal data”, i.e. a Subject Access Request.

If it is not clear then the request must be treated as an FOI request and the FOI procedures followed.

If it is clear that the request is a subject access request to “**personal data**” (ie the person has asked for personal information about himself) then a Refusal Notice should be served under the Freedom of Information (Scotland) Act 2002 and the following procedure followed for a Subject Access Request under the Data Protection Act 1998.

Note that “**personal data**” is information that affects a Service User’s privacy, whether in his personal or family life, business or professional capacity. The information should typically be biographical and have the Service User as its focus rather than some event in which the Service User was involved or some other person with whom the Service User has come into contact. Simply because an individual’s name appears on a document does not mean that the information contained within that document is personal data about that person.

If the data requested is not “personal data” then it is not covered by the Data Protection Act 1998 and is not a Subject Access Request. It is therefore necessary to be satisfied that it is personal data that is being requested by the Service User.

If there is any doubt as to which procedure to follow, legal advice should be sought.

### **3.0 Confirm Identity of Service User**

Upon being satisfied that a request from a Service User is a Subject Access Request, the Information & Research Officer must then be satisfied as to the identity of the Service User making the request.

If the signature is the usual signature of a capable adult (over 16 years of age) Service User and the address is an address that is known to be the address of the Service User then there is no need to check identity further. However, if there is any doubt, then promptly request confirmation of identity.

Identity can be confirmed by asking the Service User:

- to give information, which the Service User might be expected to know;
- to have their signature witnessed by another person who is over 16 years of age and who is not a relative;
- to produce a document that might reasonably be expected to be only in their possession.

Where the request :

- Is from, or relates to a child (under 16 years of age), or
- Is from or relates to an adult who is suspected/known to be incapable, or
- Is made through an agent, or
- Relates to a deceased individual, or
- Relates to Adoption records,

Then see the following section on **Special Cases** for further guidance.

### **4.0 Request (Any) Additional Information.**

The Information & Research Officer must then check that enough information has been provided to enable the information requested to be located. For instance, in order to be able to locate the data it may be necessary to have a name of the relevant worker or dates of contact with the Council. If there is insufficient information then contact should be made promptly with the Service User to obtain the necessary information.

### **5.0 Request Fee.**

Promptly request a processing fee (currently £10). Note that this can be done at the same time as confirming identity and/or requesting more information (if needed).

**Only upon receipt of a clear written request from the Service User and the fee, must the Council respond to the Subject Access Request.**

## **6.0 Note Time-limit.**

The request must be dealt with promptly and in any event within 40 days of the receipt of the request or, if later, within 40 days of receipt of the information needed to confirm identity, information to enable the data to be located and the fee.

Note that unless all of this is received, you need not comply with the request and that the 40-day time limit will not start to run until all this has been received.

Note also that the 40-day time limit takes precedence over any duty of consultation mentioned below.

## **7.0 Check past requests.**

The Information and Research Officer should check whether there have been any identical or similar requests by the same Service User.

The request need not be complied with if there has been such a request unless a reasonable period of time has elapsed since that previous request.

Note that in deciding what amounts to a reasonable interval between requests the Information and Research Officer should take into account the nature of the data, the purpose for which the data is processed and the frequency with which the data is altered.

## **8.0 Collect the data.**

An individual only has the right to access information which comprises “personal data” held electronically (and capable of being retrieved by a search) and manually if held within a relevant filing system.

Note that the Council is only obliged to disclose manual information that is held within a “relevant filing system”. This means that files must be structured or referenced in such a way as to indicate clearly at the outset of a search that there is a file relating to the Service User held within the system. Alternatively, where there are topic files that these are referenced and subdivided alphabetically by Service User names.

**Appendix 2** contains a quick guide to understanding the definition of a “relevant filing system” (taken from the Information Commissioner’s Guidance on the “Durant” case and its impact on the interpretation of the Data Protection Act 1998).



The Information and Research Officer should ensure that all records, both manual and electronic, are searched for data that falls to be disclosed. This will involve undertaking a search against the Service User's name on Carefirst and checking any manual files held for the Service User, within a relevant filing system, wherever they may be.

The information to be collected and given in response to a request should be all that held at the date upon which the request was received.

Note that routine amendments/deletions to data can continue between the date of the request and the date of the reply but no special amendments or deletions should take place other than what would be made as a matter of routine.

## 9.0 Consultation.

The Information & Research Officer should then ascertain whether the personal data consists of social work information or health information, or both of them, and in any case of doubt, shall ensure that the views of both a qualified social worker and health professional are sought before reaching a decision.

In any case where the personal data consists of both health and social work information, then as soon as possible, but in any event within 14 days of receipt of the request, the Information and Research Officer should ensure that a meeting takes place involving relevant staff and shall also ensure that a qualified social worker and health professional are in attendance at any such meeting.

The purpose of the meeting is to determine the extent (if any) to which exemptions contained in Article 5 of the Data Protection (Subject Access Modification) (Health) Order 2000<sup>1</sup> or Article 5 of the Data Protection (Subject Access Modification) (Social Work) Order 2000<sup>2</sup> apply to the request. In any case where the subject access request has been made on behalf of any young person with incapacity, the discussion at such a meeting will also consider whether the exceptions contained in Article 5(3)<sup>3</sup> of each of the Orders are applicable in the case under discussion.

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<sup>1</sup> “Personal data to which this Order applies are exempt from section 7 in any case to the extent to which the application of that section **would be likely to cause serious harm to the physical or mental health or condition of the data subject or any other person**” SI 2000/413, Article 5(1).

<sup>2</sup> “Personal data to which this Order applies by virtue of paragraph 1 of the Schedule are exempt from the obligations in section 7(1)(b) to (d) of the Act in any case to the extent to which the application of those provisions would be likely to prejudice the carrying out of social work by reason of the fact that serious harm to the physical or mental health or condition of the data subject or any other person would be likely to be caused.” SI 2000/415, Article 5(1).

<sup>3</sup> I.e. Applies to the scenario where a young person is unable to manage his own affairs and a person has been appointed by the court to manage those affairs – Where such a person is enabled to make a subject access request on behalf of a data subject, then personal information would be exempt for the purposes of section 7 – to the extent to which the disclosure of that information was provided by the data subject in the expectation that it would not be disclosed to the person making the request; was obtained as a result of examination of the data subject to which he/she consented in the expectation that it would not be disclosed; the data subject has expressly indicated that it should not be disclosed (refer to relevant orders for specific wording).

Where the health professional is not the “appropriate health professional”<sup>4</sup> and the circumstances are such that it is necessary to consult the appropriate health professional shall be invited to attend the meeting or alternatively to provide a written opinion upon whether Article 5 of the Data Protection (Subject Access Modification) (Health) Order 2000 applies, which opinion shall be considered as part of the discussion at the meeting. If the appropriate health professional is not available, the Caldicott Guardian of the party for whom the appropriate health professional works/or worked shall instead be consulted.

## 10.0 Complete a data schedule.

Once all the data is collected and consultation has taken place (if required) then the Information and Research Officer should complete a data schedule. A style schedule is attached at **Appendix 3**.

The data schedule is to be completed as follows:

Column 1 – The date of the data is to be inserted here.

Column 2 – For format there should be entered letter, memo, e-mail, electronic entry, report, form, file note etc as appropriate.

Column 3 – The author of the letter, memo, report etc should be inserted here if applicable.

Column 4 – The recipient of the letter etc. should be inserted here if applicable.

Column 5 – This should contain a description of the data eg. Contact arrangements, payment details, meeting to discuss assessment etc.

If any data is not intelligible without explanation, then the Service User should be given an explanation of that information in this column.

Column 6 – Copies should be provided unless copies are not possible or would involve “disproportionate effort”. It is a matter of judgement in each case as to whether supplying copies would amount to disproportionate effort but factors to be taken into account include the cost of copying the data, the length of time it may take to provide copies and how difficult or otherwise it may be to provide the data. Where, however, copies are provided then enter “Copy enclosed” in this column.

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<sup>4</sup> “Appropriate Health Professional” is the terminology used in SI 2000/413 and means “the health professional who is or was most recently responsible for the clinical care of the data subject in connection with the matters to which the information which is the subject of the request relates to; or where there is more than one such health professional, the health professional who is the most suitable to advise on the matters to which the information which is the subject of the request relates or, where there is no health professional available falling within the above two categories, a health professional who has the necessary experience and qualifications to advise on matters to which the information which is the subject of the request relates.”

The Information and Research Officer should decide if any of the exemptions apply to any of the data or if any data relates to a third party who is not the Service User. If an exemption applies then the data may be withheld. If the information relates to a third party then the data may also be withheld.

See the following sections on **Exemptions** and **Third Party Information** for more details.

Special care should be taken with any data that is kept within a restricted access section of a file or forms part of an adoption record. See the following section on **Special Cases** as regards Adoption Records.

In any case where the Social Work Service refuses to disclose to a Service User any personal data about the Service User to which he or she has requested access, the Social Work Service must inform the Service User of the reasons for such refusal i.e exemption(s) being relied upon by completing this column as appropriate, except where the communication to the Service User of such reasons would prejudice the interests which the Social Work Service is seeking to protect in withholding the Service User's personal data. So for example, if the Service User is not entitled to have access to personal data because that data was passed to the Social Work Service by the police, to allow the Social Work Service to assist the police in the prevention or detection of crime, then the Social Work Service must not inform the Service User that that is why he or she is not entitled to have access to the data, as this would potentially prejudice the prevention or detection of crime.

Legal advice should always be sought if there is any doubt as to the completion of the data schedule.

**An example of a completed data schedule appears in Appendix 4.**

## **11.0 Issue Data Schedule.**

Once the schedule of data has been completed, the Information and Research Officer should issue this to the Service User together with a covering letter.

Where information is being released to a person other than the Service User then the letter must make it clear that the recipient owes a duty of confidentiality to the Service User in respect of the information released.

[NB The Department will develop and publicise an information leaflet for Service Users that clearly sets out the process for accessing records]

## **12.0 Special Cases**

### **Children (under 16 years)**

A child under sixteen years of age may exercise his or her rights under the Data Protection Act 1998 if he or she has a general understanding of what it means to exercise that right.

A child of twelve years of age or more shall be presumed to be of sufficient age and maturity to have such understanding. He or she may therefore exercise any legal rights conferred on him or her by the Data Protection Act 1998. The consent of a person having parental rights and responsibilities for the child is not required for the child to make such a request for access to information.

If a request for access is received from a child under the age of twelve the Social Work Service will have to decide whether the child has sufficient understanding to exercise this right. The Worker in consultation with his or her immediate line manager will therefore have to decide whether or not such a young child has such an understanding.

In some circumstances (even where the child is twelve or over) there may be doubt as to whether a child has the capacity to make a request. In such instances the staff member is required to recognise that the test of capacity for these purposes is a modest one, and that the ability to complete an application form or make out a written request, which is coherent, may be sufficient to show the necessary level of understanding.

If a child does not have sufficient understanding to make his or her own request, a parent, guardian or other person with parental rights and responsibilities may make the request on a child's behalf.

No person, including any person with parental rights and responsibilities may exercise on behalf of a capable child the right of access to personal information about that child, without the child's informed consent. If a staff member complies with a request for access that has not been authorised by the child in question who would have had capacity to give such authorisation, the Council might be liable in an action for compensation for breach of confidence.

If, in the opinion of the Worker and his or her line manager, a conflict of interest between a child and the person with parental rights and responsibilities arises, then access should initially be refused and advice sought immediately from Legal Services. In deciding whether a conflict of interest arises, the child's wishes must be fully considered, taking into account that child's age and level of understanding.

The Social Work Service should treat with particular care requests for information from a natural parent who may be living apart from the child. There may be situations where access to simple information, e.g. the child's address, could cause serious harm to the child. The Social Work Service should therefore exercise caution so as to protect the child's interests.

Note that the exemption above, regarding protection from the risk of serious harm, applies equally to harm to the person with parental rights and responsibilities, as it does harm to the child.

People with parental rights and responsibilities may make a subject access request in respect of information held about themselves on the child's Case File.

References to "people with parental rights and responsibilities" above are intended to include any persons who, at the time of the request, hold or have acquired by process of law, such rights and responsibilities and specifically include people with adoptive parental rights and responsibilities and local authorities. Such terms do not include natural parents whose rights have been lost under any statutory provision.

Extra care must be taken to respond in a supportive way and to present and clarify the contents of the Case File in accordance with the Service User's age and understanding.

A person with legal responsibilities or parental rights and responsibilities in respect of a Service User will **not** have an automatic right to exercise the Service User's right of access to his or her personal information on his or her behalf. The Service User's right to confidentiality in some circumstances takes precedence over such person's right to exercise the Service User's right of access on his or her behalf. See paragraph (f) of this section for details of specific situations in which such a person is not entitled in terms of the Data Protection Act 1998 to exercise a Service User's access right on his or her behalf.

### **Incapable Adults (16 years or over)**

In some circumstances there may be doubt as to whether an adult Service User (i.e. a person who is sixteen or older) has the capacity to make a request for access to his or her personal information. The Data Protection Act 1998 does not make any specific provision for such a situation.

In such instances, the member of staff must therefore be guided by the general law in relation to adults with incapacity. In relation to an adult who lacks capacity to make a subject access request in their own right, the making and acceding to such a request constitutes an intervention in the affairs of the adult and so falls to be justified in terms of the Adults with Incapacity (Scotland) Act 2000. So, for example, a person acting under a suitable Power of Attorney in respect of a mentally incapacitated adult would normally be entitled to exercise his or her right of access to personal information as Attorney on his or her behalf if such power has been stated in the Power of Attorney. Equally a guardian or intervenor appointed by the court would be entitled to exercise a right of access to information if the power to access information was granted by the court in terms of the court order.

Note that it is the Council's duty to ascertain whether the person purporting to act on the Service User's behalf is legally entitled to do so.

## **Agents**

Any competent adult, or a child with sufficient understanding, may make a subject access request through an agent e.g. a solicitor or advice worker. If such a request is received respond in the usual way, where satisfied that the Service User in question has authorised the agent to make the application.

It is the agent's responsibility to produce satisfactory evidence that s/he has such authority. This should consist of a written authority signed by the Service User, either limited to the particular request in question or more generally, or a general Power of Attorney.

Where there is any doubt as to whether the agent can be regarded as having been properly authorised to act for the Service User, seek legal advice.

In some situations certain personal data of the Service User will be exempt from his or her subject access right, where that right is exercised on the Service User's behalf by an agent. This applies where any of the personal information held about a Service User was provided by the Service User in the expectation that it would not be disclosed to the person making the request or the Service User has expressly indicated that certain information should not be disclosed to the person making the request.

## **Adoption Records**

There is a general duty of confidentiality under legislation in relation to adoption and adoption reports and records are generally exempt from the Service User's subject access right. See section 8 c (vi) of the Case Recording Policy.

No information on adoption whatsoever should be revealed by any Social Work Service Representative to a Service User under sixteen years of age.

Any request for access (no matter the age of the Service User) should be referred to a nominated Adoption Counsellor within the Social Work Service.

Adoption information should not be disclosed to researchers unless they have been authorised in accordance with regulations 23 to 25 of the Adoption Agencies (Scotland) Regulations 1996.

## **Deceased Individuals**

The Data Protection Act only applies to living individuals. There are no provisions regulating disclosure of information in relation to deceased individuals. However, it is best practice to only release any information to an Executor of a deceased Service User. Confirmation as to a person's status as Executor (will or court appointment) should be sought.

## 13.0 Exemptions

### General

Personal information is exempt from the Service User's subject access right, and therefore the Social Work Service is not required to disclose it to the Service User in response to a request from the Service User, in certain circumstances. Some of these are detailed below.

Please note that the list does not include every situation in which personal information will be exempt from the Service User's subject access right. However, it highlights the situations that the Social Work Service is likely to encounter most often, in which this will be the case.

Where any personal information is exempt from the Service User's access right on any of the grounds set out below, such personal information must be kept in the Restricted Access section of the Case Record. Material held in the Restricted Access section should be regularly reviewed, at least once every three months, and the decision as to the status of the information as at the date of the review must be recorded. The aim must always be to transfer as much as possible to the open section of the Case Record, bearing in mind all of the Social Work Service's obligations to both the Service User, and to all relevant third parties in each case.

#### 1. **To Protect People from the Risk of Serious Harm to physical or mental health.**

If the information requested consists of information as to the physical or mental health of the Service User, and the information *was not* originally supplied to the Social Work Service by the Principal Reporter (of the Scottish Children's Reporter Administration), then the information is exempt from the Service User's access right if the "appropriate health professional" has been consulted and believes that disclosure of the information to the Service User would be likely to cause serious harm to the physical or mental health or condition of the Service User or any other person.

For these purposes, "appropriate health professional" is either the health professional currently or most recently responsible for the clinical care of the Service User in connection with the matters to which the personal information under consideration relates, or if more than one the most suitable, or if there is no such health professional available, a health professional who has the necessary experience and qualifications to advise on the matter.

**The Social Work Service is not entitled to *withhold* data in reliance on this exemption unless an appropriate health professional has confirmed that this exemption applies.**

**The exemption does not apply to the extent that the Social Work Service is satisfied that the Service User has previously been supplied with the information or the information is already within the knowledge of the Service User.**

Where the personal information in question relates to the physical or mental health or condition of the Service User, and was originally supplied to the Social Work Service by the Principle Reporter (of the Scottish Children's Reporter Administration), then unless the Service User otherwise has a right to the information to the Service User, without first obtaining confirmation from the Principal Reporter that such disclosure would not be likely to cause serious harm to the physical or mental health or condition of the Service User or any other person, and this to prejudice the carrying out of social work by the Social Work Service.

**The Social Work Service is not entitled to *disclose* any such data unless the Principal Reporter has confirmed that this exemption does not apply.**

## **2. Criminal Proceedings**

Where personal information is held for the purpose of prevention or detection of crime, or the apprehension or prosecution of offenders, and disclosure would be likely to prejudice that purpose, then the information may be withheld.

## **3. National Security**

Personal information is exempt from the Service User's right of access, to the extent that such exemption is required for the purposes of safeguarding national security. A certificate of exemption, signed by a Minister of the Crown, is conclusive evidence of the fact that the exemption is required for safeguarding national security.

## **4. Court Reports**

There is no requirement to give access to reports or any other form of evidence provided to the Sheriff Court (or any other court) in connection with hearings of appeals against decisions of a Children's Hearing, or indeed any other proceedings to which the Children's Hearings (Scotland) Rules 1996 apply where, in accordance with a provision of those Rules, the information may be withheld by the court in whole or part from the data subject (i.e. the Service User). Advice should be sought from Legal Services before disclosing or withholding any such reports or other form of evidence to or from the Service User.

## **5. Adoption Records**

Adoption records and reports, regarding actual or proposed adoptions of children, are generally exempt from the Service User's right of access.

## **6. Information provided by the Principal Reporter for Children's Hearings.**

Information provided by the Principal Reporter for the purposes of a Children's Hearing is exempt from the Service User's right of access.



## **7. Records of Special Educational Needs**

Statements and records of the special educational needs of children and young people are exempt from the Service User's right of access.

## **8. Parental Order Records and Reports**

Certain records and reports in relation to parental orders made under the Human Fertilisation and Embryology Act 1990 are exempt from the Service User's right of access.

## **9. Information about Human Fertilisation and Embryology**

Personal information consisting of information about the provision of fertilisation services, the keeping or use of gametes or embryos, and whether identifiable individuals were born in consequence of such treatment services, is exempt from the Service User's right of access.

## **10. Legal Advice**

Personal information (whether contained in communications between the Social Work Service and its legal advisers or not) is exempt from the Service User's right of access, to the extent that a claim of solicitor/client confidentiality could be maintained in respect of such personal information in any legal proceedings.

## 14.0 Third Party Information

If the disclosure of any of the Service User's personal information would necessarily involve the disclosure of any third party's personal information, including the fact that such third party is the source of some of the Service User's personal information, and it is not possible to disguise the identity of the third party simply by deleting his or her name, and any other identifying information, then that part of the Service User's personal information should not be disclosed without the third party's written consent to disclosure, unless it would be "reasonable" in all the circumstances to disclose it even without such consent. Even if the third party is not named in the information, this exemption may apply if the Service User could deduce the third party's identity from the information.

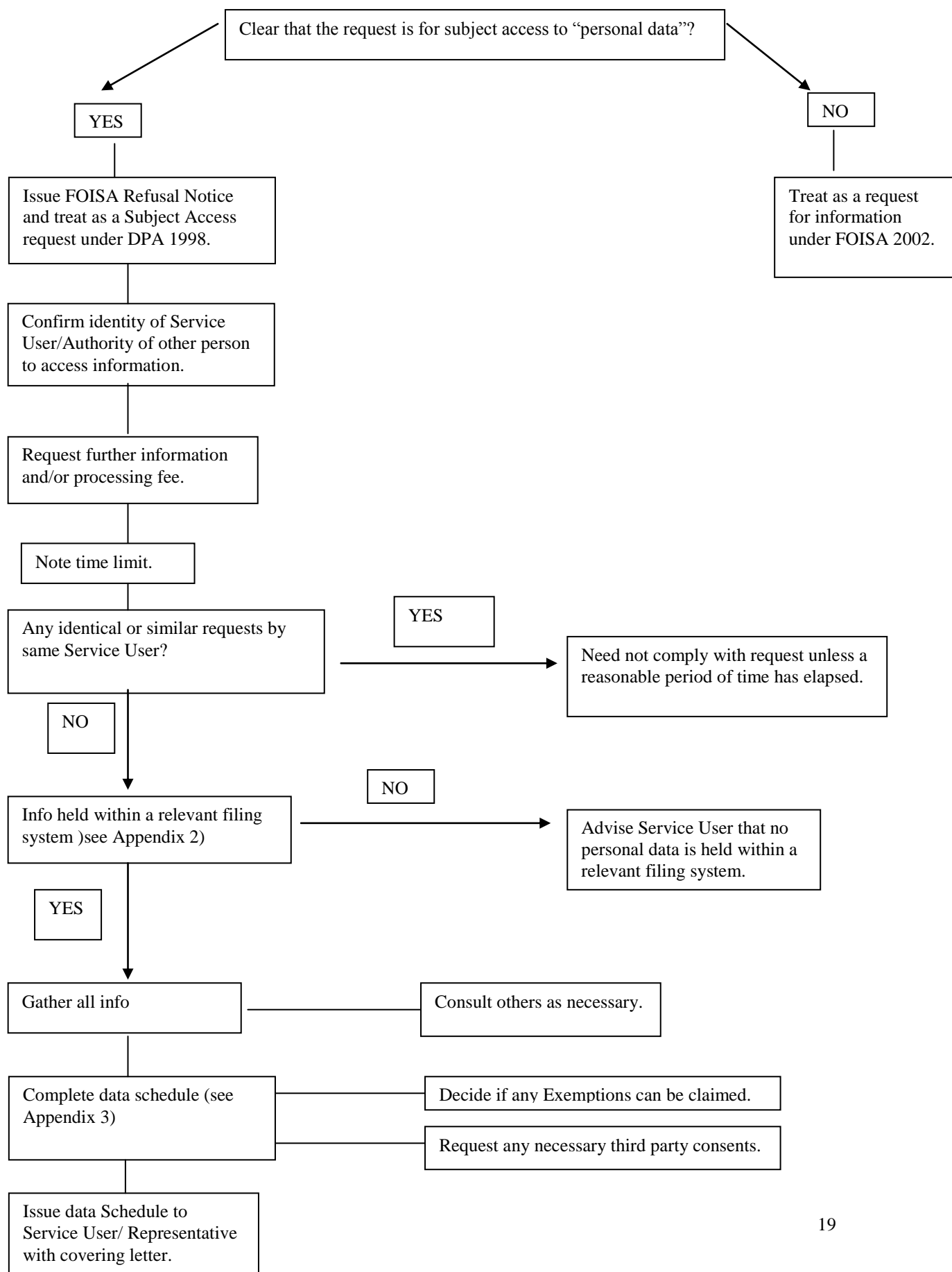
It is important to note however that the above exemption **does not apply** where the third party in question is anyone who has been or is employed by The Moray Council to work for the Social Work Service, or who is otherwise providing or has otherwise provided services for reward to the Social Work Service, or (in the case of health related data only) is a health professional who has compiled or contributed to the health record in question, or has been involved in the care of the Service User in his or her capacity as a health professional, or, in any case, where the third party is either a safeguarder appointed under the Children (Scotland) Act 1995, or the Principal Reporter. (However in any of these circumstances the information may nevertheless may be exempt from the Service User's right to access on the grounds that disclosure would be likely to cause serious harm to such a third party's physical or mental health or condition).

In addition, the Social Work Service will not be entitled to withhold any personal information of the Service User on the basis of this exemption if and to the extent that the personal information about the Service User could be communicated to the Service User without disclosing the third party's identity, simply by omitting from the copy information sent to the Service User, the name and any other identifying particulars of any such third party.

Finally, as to when it is "reasonable" to disclose personal information which includes third party personal information without such third party's consent, the Social Work Service must take into account in particular its duty of confidentiality (if any) to the third party, whether or not it has been able to contact the third party to ask for consent, and if so, if the third party has refused to give such consent. Where the Social Work Service owes a duty of confidentiality to the third party, and the third party has expressly refused to consent to the disclosure, then the Social Work Service would have to be convinced that the interest of the Service User in obtaining the personal information in question, outweighed the interests which the third party was seeking to protect by trying to keep such information confidential. If the information is already known to the Service User then this is relevant in assessing reasonableness.

**Care must be taken not to breach any restrictions placed by a third party donor on the Social Work Service's use of any personal information supplied to the social work service by that third party. Such restrictions may take the form of the policy or procedures of such third party or Information Sharing Protocols entered into with a third party donor.**

# PROCEDURE FLOWCHART



### Quick Guide To Understanding The DPA Definition Of 'Relevant Filing Systems'

1. Does your filing system contain information about individuals?  
  
Yes – go to Q2  
  
No – you **do not** have a 'relevant filing system'.
2. Does the filing system use the names of individuals (or another unique identifier) as the file name?  
  
Yes – go to Q4  
  
No – go to Q3.
3. Does the filing system use criteria relating to individuals (eg sickness absence, pensions or qualifications) as the file name?  
  
Yes – go to Q4  
  
No – you **do not** have a 'relevant filing system'.
4. Is the information in your files held solely in chronological order?  
  
Yes – you **do not** have a 'relevant filing system'  
  
No – go to Q5.
5. Is the content of your files indexed or subdivided to allow direct access to specific information about the individual?  
  
Yes – you are likely to have a 'relevant filing system'  
  
No – you **do not** have a 'relevant filing system'

**Data Schedule – Subject Access Request (Data Protection Act 1998) – *[Insert name of Service User ]***

[illegible]

**Example****Data Schedule – Subject Access Request (Data Protection Act 1998) – Joe Bloggs**

Date	Format	From	To	Description	Disclosed/ Withheld (Exemption being relied upon)
05/01/05	E-mail	Jane Doe, Social Worker	Bob Black, Senior Social Worker	Joe Bloggs current situation.	Disclosed. Copy enclosed.
07/06/05	Letter	Jane Doe, Social Worker	Joe Bloggs	Requesting that an appointment be made.	Disclosed. Copy enclosed.
08/07/05	Memo	Jane Doe, Social Worker	Solicitor	Requesting advice.	Withheld. Legal advice exemption .
28/03/05	Electronic Entry of meeting	Jane Doe, Social Worker	Withheld.	Meeting to discuss concerns regarding Joe Bloggs.	Withheld. 3 <sup>rd</sup> party information exemption.
28/03/05 (incorrectly dated 28/03/04)	Electronic entry of telephone call	Bob Black, Senior Social Worker	John Smith	Discussing contact with Joe Bloggs.	Disclosed. Copy enclosed. 3 <sup>rd</sup> Party – John Smith – consent to disclosure provided.
16/06/05	Contact Record of meeting	Jane Doe, Social Work	Joe Bloggs	Meeting to discuss current situation.	Disclosed. Copy enclosed.
26/07/05	Electronic Note	Police	Jane Doe, Social Worker	Referral following investigation.	Disclosed. Copy enclosed. Edited sections as marked due to 3 <sup>rd</sup> party information exemption.
29/07/05	Form	N/A	N/A	Child Protection Return	Disclosed. Copy enclosed. Edited sections as marked due to 3 <sup>rd</sup> party information exemption.
02/08/05	Letter	Bob Black, Senior Social Worker	Joe Bloggs	Outcome of enquiries.	Disclosed. Copy enclosed.