

SOCIALW()RK

S E R V I C E S

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Data Protection Act 1998 Access to Personal Data (Subject Access)



This leaflet is available in Braille, large print, on disc and tape. For further information contact the Communications Unit on 0141 420 5500.

The Data Protection Act and Social Work Services

Social Work Services may keep information about you (personal data) so we can provide a service and carry out certain duties which are required by law.

We must make sure that your data is fair and accurate. We should only keep this data, or share it with others, when we need it to provide a service or carry out our duties.

The Data Protection Act (1998) sets out rules for the way we keep, use and share personal data. The Act gives you the right to check that we are sticking to the rules. The Act applies to all data held by Social Work Services.

What right do you have to see personal data?

You have rights of subject access, which are:

- to find out if we keep data about you
- to find out why we keep data and who we share it with
- to get a copy of all, or part, of the data we hold about you

You do not have to be a user of our services to get access. You can only see personal data that we hold about other people in certain circumstances, for example:

- if legally appointed to make decisions for that person
- if authorised by the person to access data on their behalf
- if the person is a young child and you are their parent

Children aged 12 and over generally decide for themselves who can see their data. Some younger children may also be asked to give their permission.

How do you make a request to see your personal data?

Applications must be in writing and give us enough details for us to find the data in our records. We use a special form - DPA1(a) – that you can get from any social work office. You do not have to use the form (any written request will be answered), but this will make it quicker and easier for us to deal with your request.

There will not usually be a fee for accessing your personal data. However, if your request includes CCTV material, a charge will be made to access it.

You can nominate someone else to access your personal data on your behalf. If you want to do this, ask your local social work office for form DPA1(b).

If you have a social worker or other social work contact, you may find it useful to talk to them before making a request. They can help you decide what data you want to see and where this might be held within Social Work Services.

You should send your letter of request, or form(s), to your local social work office.

How long does it take / How do I get access?

We will write back to you within 21 days to tell you if we keep any data on you and whether we can give you a copy.

Once you have given us enough details to help us find the data, we must give you a copy within 40 days.

We normally give you the copy at a meeting, where you have the chance to ask questions. If you prefer, we can post the copy to you by recorded delivery. You may be asked to provide proof of identity. This is for your protection.

What if the data is wrong?

If you think any data is inaccurate or needs to be updated, we will tell you whether we intend to change or remove the data in question. We may decide not to change the data but to make a note of your comments in your file.

Is there anything in the file you cannot see?

The law does allow us to keep some information from you. The main reasons for this would be to make sure we do not give out information that:

- identifies other people (third parties), or is information given in confidence by them, unless they have agreed to share this data with you
- might cause serious harm to you or any other person
- would interfere in the prevention or detection of crime, or arrest and prosecution of criminals

We would usually only keep back a small amount of data for these reasons. The reasons would normally be explained.

What if you are unhappy with the access given?

If you are unhappy about data being withheld or not being changed as requested, then you have a right to challenge the decision by writing to:

The Information Commissioner

Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

Are you looking after someone?

If you are providing substantial and regular care you must be offered an assessment of your needs. This will look at how best we can support you in carrying out your caring role.

Carers can access a range of services through locally based centres and projects. Contact the Carers Support Line for information on your local services on 0141 353 6504 or visit www.glasgow.gov.uk/carers. Further information on carers rights and services for carers is available in our leaflet 'Services for Carers'.

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