

Essex Social Care Services make and keep records about people who receive our services or who have used our services in the past. This is to help us and any other agency that works with you to provide the best possible service.

The Data Protection Act 1998 sets out the right for everybody to access information held about them. These rights, known as “subject access rights” are contained in sections 7, 8 and 9 of the Act.

This leaflet explains what your rights are and how you can receive a copy of your personal information.

What is the Data Protection Act 1998?

It is a law that protects personal information. It sets out rules which all users of personal information (like Essex Social Care) must follow. It gives you rights that we must respect.

What are my rights?

You have the following rights under the Act:

- **to ask us** if we hold information about you
- **to ask what** we use the information for
- **to be given** a copy of the information
- **to be given** details about the purposes for which we use your information and about other organisations or people to whom it is disclosed
- **to ask** for incorrect information to be corrected
- **to ask us** not to use personal information about you for direct marketing which is likely to cause damage or distress to you
- **to ask us not to** make decisions about you based on a computerised selection process
- **to compensate** you for any damage or distress, should these be caused by our failure to comply with the Act.

How do I ask to see information held about me?

You should write to:

The Access to Records Co-ordinator, Essex Social Care, PO Box 297, County Hall, Chelmsford, Essex CM1 1YS

You must.....

- **make sure** your request is in writing. There is a form to assist you, available in reception areas of your local social care office.
- **provide proof** of your identity e.g. your driving licence, birth certificate, benefits book or any official document giving your name address and date of birth.
- **give us enough details** to enable us to find your personal information by telling us of the service(s) you are receiving currently or have received in the past.

How long will I have to wait to receive a copy of my personal information?

We must provide you with access to your personal information within 40 days of receiving sufficient information to locate your records and we are in receipt of proof of your identity. If we are unable to do this we will contact you.

What information will I receive?

We will always try to show you as much information as possible. However, when information recorded about you has been given by other people who do not work for us we cannot show you this without their agreement. We may not be able to share all the information with you if we think this could:

- **cause you** or another person serious harm
- **reveal** the identity of some who gave the information confidentially
- **prejudice** the prevention or detection of a crime.

How will I be given the information?

You are encouraged to collect copies of your personal information by visiting one of our offices, where a member of staff will be able to answer any questions you may have.

Will I have to pay for this?

We do not charge for access to social care records but in some extreme circumstances we may charge for providing copies of educational records. If we decide to charge for copies of educational records we will always let you know before going ahead with your request.

What if I think the information is wrong or I haven't been given all the information I asked for?

Write to tell us what information is wrong and ask for it to be put right. We must tell you what we have done within 21 days. If you think you have not been given all the information you asked for you can complain to us or to the Information Commissioner whose staff will look into the matter for you.

How will I know that you have done as I asked?

We must reply no later than 21 days after we received your request. If we don't do this you can appeal to the courts.

Who else can see information about me?

If you would like someone to access your records on your behalf they will have to provide us with your written permission and proof of identity.

How do I make a complaint?

If you are not satisfied with the way in which your request has been handled you should contact the **Access to Records Team Manager**. If you are still not satisfied you should contact **The Complaints Officer**.

or

you may ask the Office of the Information Commissioner to investigate the matter on your behalf: **The Information Commissioner**, Wycliff House, Water Lane, Wilmslow, Cheshire SK9 5AF
Tel: 01625 545700

Adoption Records

Adults who were adopted as children can obtain a copy of their original birth certificate. Anyone adopted before November 1975 must be interviewed by an adoption counsellor. Anyone adopted after November 1975 can make a direct application to:

The General Register Office,

Smedley, Hydro,
Trafalger Road,
Southport,
Merseyside PR8 2HH.

For further information on your adoption records contact:

The Adoption Resource Centre,

Essex Social Care,
Eckard House,
Easton Road,
Witham CM8 2DW

How to get in touch

Social Care – Access to Records Team

Social Care – Complaints, Children and Young People's Services

Social Care – Complaints, Adult Services

Telephone: 0845 6037627

Textphone: 0845 7585592

Email: essdirect@ssexcc.gov.uk

Or

write to any of the above services at:

P.O. Box 297
County Hall
Chelmsford
Essex CM1 1YS

The information contained in this leaflet can be made available in alternative formats: large print, Braille, audio tape or disk.

We can also translate the information into other languages.

Essex County Council – making Essex a better place to live and work

How to get access to information held about you by Essex Social Care Services