

Subject Access

A Parent's Guide

Your/your child's rights

People have the right to ask us if we are using or storing their personal information. They can also ask us for copies of their personal information. This is the right of access, known as making a [subject access request](#) or SAR.

The right of access to a child's information is the right of that child, and not their parent or guardian. If the child is very young or unable to understand this right a person with parental responsibility may usually make a request on their behalf. But it remains the right of the child rather than anyone else such as a parent or guardian.

If your child can understand their rights, we will need their consent to provide you with their information. There may be some information they do not want shared with a parent/guardian. If your child consents and it is in their best interests, we will allow you to exercise their right of access.

We consider a child of 12 years to be mature enough to use their right of access, based on Frazer/Gillick case law. If your child is over the age of 12 and able to understand their rights, we will either;

- a) Respond to the SAR directly with your child, or
- b) Ask the child if they are happy for us to provide their information to you, or
- c) Ask you to provide [written consent](#) from your child giving you the right to access their information.

If your child is under the age of 12 and you hold parental responsibility for them, we will usually respond to you.

As a local authority we have a duty of care to all young people in Essex. The law requires us to satisfy ourselves of your legal entitlement before providing access to the personal data of your child.

Our child information generally relates to social care and special educational needs services. If you want to request a child's educational record, you should ask the school as we do not hold these.

Making a request

To make a request for information about your child, you'll need to provide:

- your full name and address
- your telephone number and email address
- your child's date of birth
- a document proving your identity (e.g., a valid passport, full or provisional driving license and/or full birth certificate)
- a description of the information you want to access. The information you give us will help us process your request quicker.
- the long birth certificate of your child naming you as parent, proving parental responsibility for the child
- proof you have [consent](#) to request the information, such as a letter of consent from your child

You might find it helpful to use our [request form \(DOCX, 45KB\)](#).

Send all this information to the Transparency Team at:

Email: transparencyteam@essex.gov.uk

Post:

Transparency Team
PO Box 11
County Hall
Chelmsford
Essex
CM1 1LX

Telephone: 033301 39853

If you're unhappy with our response you can contact our Data Protection Officer.

Email: DPO@essex.gov.uk

Telephone: 0345 743 0430 (ask to speak to the Information Governance Team)

You can also speak to the [Information Commissioner's Office \(ICO\)](#) about your complaint. You can also [find out more about access requests](#) on the ICO website.

You can see why and how we use personal information on [Your privacy pages](#).