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Your records: your rights

Adult Social Care

www.rbkc.gov.uk



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

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Foreword

Adult Social Care supports you to live as independently as possible. We share your personal information in strict accordance with the Data Protection Act 1998. The following guidance explains what this means.

Why we keep records on you

Adult Social Care services collect and use information about you and information that you give, so that we can plan and provide you with appropriate care services, making sure you get them when you need them.

If you are registered with a GP, you will already have a health record that is protected by a similar guarantee to this one.

We use records about you to:

- make decisions with you about your personal care
- help us to work with you and agree the care you need
- make sure your care is safe and effective
- work effectively with others who also provide you with care on our behalf.

Adult Social Care and other services including those in Hammersmith & Fulham Council and Westminster City Council may need to use some information about you to:

- manage care services
- train social care workers and other care workers
- help investigate any worries or complaints you have about your care
- keep track of spending on care services
- check the quality of care
- help with research and planning of new services.

This information will only be used on a 'need to know' basis, will never be excessive and will only be used to manage care services to the highest standard. Where possible, the information will be 'anonymised', which means you will not be individually identified. In any event we will not share your information with anyone not entitled to see it and you will either be informed or your consent obtained when sharing data where you are able to be identified.

Your rights

You have legal rights under the Data Protection Act 1998, for example, to see information we hold about you on our computer systems and in paper files. The Data Protection Act 1998, Human Rights Act 1998 and other relevant law obliges us to keep records and information about you confidential and secure.

Under the Data Protection Act 1998, you are entitled to:

- a copy of the information we hold on you
- not tell us why you would like to see it
- full and accurate records of the care we provide to you
- have discussed with you what we plan to record about you
- be asked your permission when we want to share your information with others
- choose someone to make decisions about your care on your behalf if you are not able to do so (called 'a lasting power of attorney').

How you can see your records

You can see your records either through contacting your social worker (if you have one) or another member of the department or by contacting the details below. In all cases you must put your request in writing. This written request is called a Subject Access Request or SAR.

When requesting information, include your name and address, and any previous or alternative names you are or have been known by, or

addresses where you have lived, if relevant. We can help you make the request if you wish.

Please send your request to:

Royal Borough of Kensington and Chelsea

By email: dataprotection@rbkc.gov.uk

By post to: Information Governance Team,
Kensington Town Hall, Hornton Street, London, W8 7NX

Website: www.rbkc.gov.uk/dataprotection

You will be asked to provide proof of identity. Once we have all the information we need from you to conduct our search we will provide you with access to your file within 40 days or explain why we are withholding any information.

If there is a specific piece of information you would like, please let us know as this may be quicker to arrange.

If services were provided for you a long time ago, please include as much detail as possible to help us find your records.

What you can see

We usually share with you what we record about you, including whenever we assess your needs or provide services. If you ask us, we will also let others see your care record.

If we do hold information about you we will:

- give you a description of it,
- tell you why we are holding it,
- explain to you who it could be shared with and
- let you have a copy of the information if we are able to do so

What you cannot see

Under the Data Protection Act, we cannot share with you any parts of your record / information held about you which contain:

- confidential information about other people (unless their explicit consent has been obtained)
- information a care professional thinks will cause serious harm to you or someone else's physical or mental well-being
- information we hold from third parties that we don't have permission to share.

This applies to both paper and electronic records about you.

Who can act for you

If you are not able to ask for your records in writing, we will make sure there are other ways you can apply. We can arrange help for you if you cannot read your records, for example where you may have a serious sight problem or English is not your first language.

If you have appointed someone with lasting power of attorney for your care, we treat this person as if they are you. They will be able to see your records and decide for you who else can see them, for example a third party or a solicitor.

If you are not able to make decisions about sharing information, professionals involved in your care may decide that sharing the information will be in your best interests. They must take into account your relatives' and carers' views.

Who can share or see information about you

When you ask us to provide care, we will make your social care record available to the people providing care or checking its quality, where you have agreed we can do this.

People providing care can include:

- social workers and occupational therapists
- care workers, including those employed by private care providers, who are working on our behalf
- your GP
- nurses, health visitors and other health professionals who work for the NHS
- people from voluntary organisations who may visit you, arrange trips or support you in other ways
- teachers and education support workers who have been asked to support you
- housing officers.

They must keep the information confidential, whether it is on their computer system or in another format, such as on paper. We aim to only give people the information they need to play their part in your care.

What happens if you choose not to share information about yourself

You can refuse permission to share your records. This will not stop you from receiving care but may limit how we are able to support you. To help you decide, we will discuss with you how this may affect our ability to provide you with care and any other options you have.

When we cannot share information about you to others

We will not share information that identifies you, unless:

- you ask us to
- we ask and you give us permission
- we have to do this by law (see the information on the next page)
- we have good reason to believe that not sharing the information would put someone else or yourself at serious risk.

When we might use or share information about you without asking you

If we share information without your consent, we will make sure that we follow national guidelines on what is called ‘best practice’ and only when you or someone else is at serious risk. Sometimes we are asked to confirm if we have records about you, without sharing any further details, for example, for a person living alone who has a fall and then falls into unconsciousness, the hospital may ask for information about you.

We have a legal duty to give information about people including:

- child protection issues
- court orders
- cases under mental health law
- adult protection issues.

We may also share your personal information when we think doing so is more important than protecting your confidentiality. This does not happen often, but we may share your information:

- if a serious crime has been committed
- if there are serious risks to the public, our staff or to other professionals
- to protect a child
- to protect adults who are thought to be at serious risk, for example if they are frail, confused or cannot understand what is happening to them
- to protect public funds, recover debt and both detect and prevent fraud
- for law enforcement, regulation and licensing, criminal prosecutions and court proceedings
- if there is an emergency incident that requires you to be evacuated or to remain at home where emergency services and other responding agencies require limited information to give you additional support to cope with the incident.

Where the councils can use information about you

All of the personal information collected, used and shared by Adult Social Care will be kept securely and comply with the Data Protection Act 1998. In addition to using your personal information to give you Adult Social Care services, we and Hammersmith & Fulham Council and Westminster City Council may use your information for the following four purposes:

To improve services that we deliver

We use the information you give us to maintain and improve the services which we deliver. This includes developing and upgrading the computer and systems which we use to process your information.

To contact you about other council services you may benefit from

In accordance with the law, we may share anonymised information you give us with other council services and service delivery partners for research and analysis purposes. This is to help us design the services we provide and to identify and contact residents who may benefit from them.

To prevent and detect fraud

We may share and compare your information with other council services and other organisations to make sure the information is accurate, to protect public funds, recover debt and/or prevent or detect fraud. These other organisations include government departments, other local authorities and private sector organisations.

To obey the law

We will use all information held by us for the purposes of law enforcement, regulation and licensing, criminal prosecutions and court proceedings, where required by law.

How you can correct information recorded about you

We make sure the information we have about you is accurate and say where it comes from. When checking your records or information we hold about you, you can tell us about any mistakes. This includes details such as your address, date of birth or the spelling of your name. If you are not happy with an opinion or observation that is in your records, or believe any of the information provided in response to your request is factually incorrect and/or out of date please contact the relevant department to inform them. They will update your records accordingly. You can also tell us in writing to the address below, where we may ask you for proof of who you are. We will then add your comments to our records.

Royal Borough of Kensington and Chelsea

By email: dataprotection@rbkc.gov.uk

By post to: Information Governance Team,
Kensington Town Hall, Hornton Street, London W8 7NX

Website: www.rbkc.gov.uk/dataprotection

Permission to see information held about you

If we find that someone has deliberately accessed information about you without permission or good reason, we will take action. This can include disciplinary action, ending a contract, dismissing an employee or criminal charges being brought. We will tell you if this happens.

Complaints

We will use what we learn from complaints to improve our services. Making a complaint will not affect services delivered to you. Our Customer Care Team can answer your questions, give you information, advice and support and tell you how to make a complaint.

If you make a complaint, are your details kept confidential?

Yes, if it is about your records. We keep confidential personal information that we have about you such as your name and address. In other situations, for example, where we may need to take legal action, you may be asked to disclose your personal details if you want the case to go to court.

Tick below if you would like a copy of this leaflet in:

Large print

Braille

Name:

Address:

Postcode:

Telephone:

Please return this section to:

Sensory impairment team

Town Hall, Hornton Street,
London W8 7NX

Telephone

Social Services:

020 7361 3013

Voicemail: 020 7361 2968

Minicom 020 7937 7232

Email:

sensoryteam@rbkc.gov.uk

Fax: 020 7361 214

Contacting us

If you have any further questions about your records or would like to make a comment or complaint, please contact:

Customer Feedback Team,
Adult Social Care,
Floor 4,
77 Glenthorne Road,
Hammersmith,
London W6 0LJ

Telephone:

0800 587 0072 or
020 7361 2661/2552

Email:

HSSCustomerCare@rbkc.gov.uk

or email

dataprotection@rbkc.gov.uk



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