

# Your Records Your Rights

June 2019

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## 1. Introduction

Adult Social Care aims to help residents stay independent and safe in the community for as long as possible and to improve their well-being. We do this by working with a number of agencies in the public, private and voluntary sector to organise the appropriate level of care.

Working with a range of agencies means we can personalise the care and support you receive, and offer you flexibility, choice, and control.

We keep records on you so we can:

- plan and provide appropriate care and support
- work with you and our colleagues to deliver high quality care
- provide you with safe and effective care.

## 2. Your rights

Under the Data Protection Act 2018 you have a right to:

- have a copy of your assessment and support plan. If you are not happy with what has been recorded, please let us know.
- be told what we plan to record about you.

- know with who we have shared identifiable information about you.

To provide effective care and support, it's important that records we keep about you are accurate. If you discover any mistakes when checking your information, please let us know. This includes details such as your date of birth, address and contact details, and the spelling of your name.

If you are unhappy with an opinion or observation in your records, or if you believe that information is incorrect or out of date, please let us know.

Customer Engagement Team  
Westminster City Hall,  
64 Victoria Street,  
London, SW1E 6QP  
Phone: 0800 587 0072  
Email: [HSSCustomerCare@rbkc.gov.uk](mailto:HSSCustomerCare@rbkc.gov.uk)

### **3. Who has access to your records**

For us to provide services we work with a number of agencies including other local authorities, NHS colleagues, and specific contracted services. We may share assessments of your situation to ensure your care is safe and effective. This means that if colleagues in other agencies are undertaking an assessment of your needs to provide support to you, they might have confidential access in strictly agreed circumstances to our systems and to the information we keep about you. If you are concerned about this, please discuss it with the person you are in contact with.

Examples of services who can access your records are:

- GPs and district nurses
- Other local authorities with whom we provide shared services, for example, if you are being discharged from hospital in another borough.
- Local NHS trusts, on discharge from hospital, and for Community Independence Services and Reablement services
- Mental Health services
- Voluntary organisations, private care providers and day centres who we commission to provide a service on our behalf.

### **So that you don't have to repeat what you tell us.**

As part of the 'Whole Systems Integrated Programme' we are working with the NHS to be able to offer you a seamless service so that you do not have to repeat your information. A portion of your information is used by the Whole Systems Programme and the information held by the programme can be accessed by Health and Social Care workers who are involved in your care. For more information please see the website: <https://www.healthiernorthwestlondon.nhs.uk/news-resources/information-sharing>

### **Our legal responsibility to you**

We will not share your personal data with anyone who isn't involved in your direct care, unless we are legally obliged to do so. We aim to give people only the information they need to play their part in your care. They must keep your information confidential.

We might use your data for checking the quality of care we provide to you, or if we are investigating concerns that you have raised with us.

Services who have access to your records in the way we have mentioned above will only do so in order to commission and deliver your care or to make sure that it is delivered appropriately and to a high standard. Your information is kept in a secure database to which access is tightly controlled.

### **Using your data anonymously**

We might use data for research, planning new services, and improving existing services. When we do this we will make sure that you can't be identified, we call this 'anonymised'.

Adult Social Care is required to provide statistics to the government every year. This information is always anonymised, so your name and personal details will not be shared.

Examples of how we use anonymised data:

- West London Whole Systems for service mapping and service development
- Commissioners and senior managers for service planning and development purposes
- Health and social care research

From time-to-time, we might contact you to ask if you would like to participate in specific social care research that will identify you. You can say No - it is your decision if you wish to participate or not.

### **If you do not wish to share your information**

You can ask us not to share your information or records but there may be times we may have a legal duty to share. If we do, we will inform you. This won't stop you from receiving care but it might limit how we can support you. We will discuss with you the options you have and how not sharing records could affect our ability to provide effective care and support.

## **4. Accessing your records**

Under the Data Protection Act 2018 you have the right to request to see or receive a copy of your records, including full and accurate details of the care we organise for you; you do not have to tell us why. If you ask to see your records, we are legally obliged to remove information on other people who may be mentioned in them, and we have a 'duty of care' to withhold information that we believe will cause harm or

distress to you or others. Where we have removed information, we will tell you that we have done so.

To see your records, please send your request by writing to:

Customer Engagement Team  
Westminster City Hall,  
64 Victoria Street,  
London, SW1E 6QP  
Phone: 0800 587 0072  
Email: [HSSCustomerCare@rbkc.gov.uk](mailto:HSSCustomerCare@rbkc.gov.uk)

Please include:

- Your name and address
- Previous addresses
- Other names you are known by or previous names
- If there is a specific piece of information you would like
- As much detail as possible if services were provided a long time ago (this will help us to find your records).

If you need assistance to request your records, we will make sure we can offer support.

If you have a Lasting Power of Attorney for your care, we'll treat this person as if they are you. They will be able to view your records and decide who else can see them, for example, a third party or solicitor.

If you want to know more about your rights, please see the Information Commissioners Website. [ico.org.uk](http://ico.org.uk)

## **5. Keeping your records secure and sharing confidential information**

We are obliged, under the Data Protection Act 2018 and Human Rights Act 1998 to keep your records confidential and secure. We do this by storing your information in secure systems where access is strictly controlled.

In exceptional circumstances we may share information about you for reasons which may not be directly connected to your care. This is only when you or someone else is at serious risk, or following our legal duty. For example:

- For child and adult safeguarding issues
- If a crime is being committed, including risks to the public, our staff or other professionals
- To comply with our responsibilities for the prevention of fraud
- In emergency situations where emergency services need information on you.

Where sharing your personal information, we will do this in strict accordance with Data Protection Act 2018.

## **6. If you have any concerns, want to make a complaint, or see your records**

If you want to make a complaint or have any concerns, including if you think your records aren't being kept securely, our Customer Engagement Team can give you information and advise you on how to do this. Making a complaint or raising a concern won't affect the services you receive. Please contact the team at the address below.

Customer Engagement Team  
Westminster City Hall,  
64 Victoria Street,  
London, SW1E 6QP  
Phone: 0800 587 0072  
Email: [HSSCustomerCare@rbkc.gov.uk](mailto:HSSCustomerCare@rbkc.gov.uk)

## **7. Contacting us**

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

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London, SW1E 6QP  
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Email: [HSSCustomerCare@rbkc.gov.uk](mailto:HSSCustomerCare@rbkc.gov.uk)