



Requesting information about yourself or a loved one

This document can be made available on request in other languages and in other formats.

Introduction

The Trust uses information about our residents, clients, volunteers, employees, and visitors. Individuals have rights to access personal data and information. This leaflet explains what information you can access, how to make a request, and how long it will take. Individuals who are the subjects of the data are known as 'data subjects'.



What sort of data about myself am I entitled to request?

The General Data Protection Regulation (GDPR) gives living individuals a right to access data that relates to them, known as a 'subject access request'. As long as the information relates to you, and doesn't negatively impact on the privacy of another person, you can access the data.



Can I request data on behalf of someone?

Yes, you can exercise rights on behalf of someone if you have appropriate authority, such as:

- Signed consent, or witnessed verbal consent provided by the data subject who has capacity to consent.
- A lasting power of attorney (LPA).
- An appointment by the Court of Protection as a deputy.

If you have an LPA, or are a court appointed deputy you may only act on behalf of someone where the conditions of the LPA are met, for example an attorney for health and welfare cannot act on behalf of an individual with capacity.

If you have an LPA you may only access data that is relevant to the scope of the LPA, or the appointment of the Court. For example, an individual with LPA for property and finance would be usually unable to access data that relates to a resident's health and welfare.

We may ask you about the reason for the request, which will help us decide what information to provide. All information requests will be assessed on a case by case basis.



Can I access information relating to someone who has died?

When someone passes away they are no longer protected by data protection law. However the Trust still has a legal duty to maintain the deceased's confidentiality.

The Access to Health Records Act 1990 allows access to some information when an individual has passed away. The information may be accessed if:

- a)** The records relate to physical or mental health, **and**
- b)** The records are made by, or on behalf of, a health professional.

A 'health professional' includes nurses, doctors, and pharmacists, but does not include carers. If a resident received nursing care from the Trust then the care records may meet this criteria. Information about a resident who received only residential care do not meet this criteria.

Health records can only be accessed by certain individuals who are either:

- a)** The executor of the will, administrator of the estate
- b)** Someone with a claim arising from the individual's death.

If you have a claim arising from the individual's death, the Trust has a duty to disclose only information that is relevant to the claim. We will ask you for information about the claim which you will need to give us so that we can provide information that is necessary and relevant to your claim. As with all information requests, if no information about the claim is given the Trust will have no grounds for disclosing the information you have requested.



The Common Law of Confidentiality

Confidentiality is part of common law. Unlike acts of Parliament, common law is built up over time as the result of court judgements. Due to the nature of the Trust's work, much of the information that the Trust holds is confidential. The Trust continues to have a legal duty of confidence even after an individual's death.

The Trust has appointed what is known as a Caldicott Guardian to uphold the right of confidentiality across the Trust and to authorise disclosures of information relating to our residents and clients.

Confidentiality is not absolute and there are situations in which it is appropriate to disclose confidential information:

- Where the individual has consented (or an authorised individual acts on their behalf).
- Where there is a legal obligation (such as the Access to Health Records Act 1990).
- When there is a public interest in disclosure.

Lasting powers of attorney cease when the donor passes away. If you had a power of attorney for an individual during their lifetime, you are not entitled to information once that individual has died.

The Trust will consider disclosure where we feel there are sufficiently reasonable and compelling grounds for disclosing the information. We will ask you about the reason for your request which will help us decide what information to provide.





How long will it take?

The Trust aims to acknowledge all requests within five working days of receipt.

The Trust must respond to subject access requests within a month. For example, if a request is received on 10th February (day 1), the deadline would be 10th March, or the next working day if 10th March is a Saturday, Sunday, or bank holiday. The law allows the Trust to extend this deadline by up to two months where requests are complex. We will let you know as soon as possible if we think the deadline will need extending.

The Trust will respond to all other requests within 30 calendar days of receiving them.

When we acknowledge your request we will provide information regarding your specific request and the process that it will follow.



When can't information be supplied?

There may be cases where providing the information could affect another person's right to privacy or confidentiality. Information may be withheld where:

- The information is confidential.
- The information relates to another individual.



Other information rights

Alongside the right of access to personal data, the GDPR provides other rights including:

- The right to rectification – correction of incorrect or inaccurate information.
- The right to withdraw consent where consent is the legal basis for the processing of personal data.
- The right to erasure of personal data under certain circumstances.



How do you protect my information?

We have published information in our Privacy Policy to keep you updated about how we use your personal data, www.osjct.co.uk/privacy-policy. If you would like a paper copy of the Privacy Policy, please contact the Information Governance Officer.



How do I make request?

To make a request, visit: osjct.co.uk/information-request

The Trust is dedicated to making sure that personal data is used properly according to the law, and that confidential information entrusted to us is safe. The Trust has appointed an Information Governance Officer (IGO) and their job is to help safeguard the way your information is used, and to uphold your information rights. If you have any concerns or questions about how your information is being used, the IGO would like to hear from you, and can be contacted on the details below:



informationgovernance@osjct.co.uk

Information Governance Officer
Operations Centre
1 Des Roches Square
Witney
Oxfordshire, OX28 4BE

You also have the right to contact the Information Commissioner's Office (ICO) if you have a complaint about the way your information is being used. The ICO can be contacted on the details below:



casework@ico.org.uk



0303 123 1113

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow Cheshire
SK9 5AF