



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 the information is about are known as 'data subjects'.



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

The UK General Data Protection Regulation (UK 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 someone else request information about me?

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.
- Being named on an appropriate lasting power of attorney (LPA).
- Being appointed by the Court of Protection as a deputy, if there is a law that allows them to do so.

When there is 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 for information about the claim so that we can provide information that is necessary and relevant to the claim.

As with all information requests, if no information about the claim is given, the Trust will have no grounds for disclosing the information requested.

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?

UK data protection law does not apply to people who have, sadly, passed away. 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 may not meet this criteria.

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

- a)** A personal representative of the deceased, such as the executor of the will or administrator of the estate
- or*
- b)** Someone with a claim arising from the individual's death.

When there is 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 for information about the claim so that we can provide information that is necessary and relevant to the claim.

As with all information requests, if no information about the claim is given, the Trust will have no grounds for disclosing the information 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 someone 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 aims to respond to all other requests within 30 calendar days.

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

Apart from the right to be informed of what we do with people's personal data; and the right to access that data, there are some other information rights, including asking us to:

- correct any inaccuracies (rectification);
- delete data in certain circumstances (erasure);
- limit data we process and how we process it (restriction);
- make personal data available to others (portability);
- stop processing data in a certain way (objection);
- ensure that decisions about data are always made by human beings (automated decision-making and profiling).



How do you protect my information?

We have published information in our Privacy Notice to keep people updated about how we use their personal data, which is available at www.osjct.co.uk/privacy-notice. If you would like a paper copy of our Privacy Notice, please contact the Data Protection Officer using any of the contact details below.



How do I make request?

To make a request, please contact the Information Governance Team (see contact information below).

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 a Data Protection Officer (DPO) and their job is to help safeguard the way we use people's information and how we uphold their information rights.

Any concerns or questions about how we use people's personal information, should be brought to the attention of the DPO, using any of the contact details below.



Data Protection Officer

The Orders of St John Care Trust
Eyre Court, Whisby Way, Lincoln LN6 3LQ



informationgovernance@osjct.co.uk



0330 460 2251

People also have the right to contact the Information Commissioner's Office (ICO) if they have a complaint about the way we have used their information.

The ICO can be contacted using the details below:



Information Commissioner's Office

Wycliffe House, Water Lane,
Wilmslow, Cheshire SK9 5AF



casework@ico.org.uk



0303 123 1113