



Data Protection Act

ACCESS TO PERSONAL RECORDS

BACKGROUND INFORMATION

The Highland Council may hold personal information about you. The Council believes it is very important to work in partnership with you and that you should play a part in what is recorded about you.

Information about you may be recorded in several ways – e.g. in a personal file, in a project file, or on a Computer Information Database. Both systems are treated confidentially and are kept in a secure manner.

Under the Data Protection Act 1998 you have rights to be informed and to see what information is held about you.

To ask for personal information held about you please contact the Council by:

- Picking up, completing and returning a Subject Access Request form. These can be found at Council Service Points, Libraries or Council Offices.
- Writing to the Data Protection Officer giving as much information about your request as possible along with your name, date of birth and address; or
- Visiting the Council's Web Site www.highland.gov.uk and downloading a Subject Access Request form for completion and posting to the Information Manager.

On receiving your Subject Access Request form or letter the Council will:

- Acknowledge receipt of your request within 10 days.
- Contact you if any more information or clarification is required from you in order to respond to your request.
- Respond to your request in writing within 40 days.

Relevant Legislation

The Data Protection Act 1998

Age of Legal Capacity (Scotland) Act 1991(Section 21 (1b))

Looked After Children (Scotland) Regulations 1996

Access to School Pupil Records Regulations, 1990

The Human Rights Act 1998

Freedom of Information (Scotland) Act 2002

Who can get access

The responsibility for requesting access rests with you. You do not have the right to know what is written about someone else. You can get access if:

1. You are an adult, have been, or are receiving, services from the Council.
2. You are a child or young person under the age of 16 and you can understand what it means to exercise the right. (a young person aged 12 or over is assumed to be sufficiently mature)

3. You are the person who has parental responsibilities or rights over a child or young person and that either the child does not have sufficient understanding, or has authorised the application.
4. You are the parent, carer or advocate of an adult who lacks the capacity to understand their rights in relation to access.

What will you get access to

You will get access to all information held about you within the Council, both manually and computerised. However, there are exemptions, and these are to third party information where the author has refused to consent to access, and where there may be a serious risk of harm.

Each service provided by the Council has a destruction policy and unless there are Legal reasons for keeping information the Council will destroy information within agreed guidelines.

What can you do if you are refused access?

If access has been refused the reasons will be given to you and an appointment will be made through the appropriate Service Director.

If you are still not satisfied then you may appeal to the Information Commissioner or apply to the Court for an order granting access.

IF YOU WISH TO MAKE A SUBJECT ACCESS REQUEST, PLEASE COMPLETE THE ATTACHED FORM & RETURN IT AS DIRECTED ON THE FORM