



ISLE *of*
WIGHT
C O U N C I L

**SOCIAL SERVICES AND HOUSING
DIRECTORATE**

**SERVICE USERS' RIGHT TO ACCESS THEIR
PERSONAL RECORDS**

STAFF POLICY STATEMENT

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SERVICE USERS RIGHT TO ACCESS THEIR PERSONAL RECORDS – POLICY STATEMENT

We have to keep personal records on people who use our services and this policy document will explain the service user's right to see their records and how this can be arranged.

WHY DO WE KEEP SERVICE USER RECORDS?

We have to keep details of service user's needs and circumstances to make sure they receive the help they require. We also keep a record of the work we do with service users so that when, for example, their key worker or home help leaves, we can continue to provide the same service.

WHAT INFORMATION IS KEPT ON OUR SERVICE USERS' RECORDS?

We can only legally ask service users for information we need to provide them with services. However, if a service user feels they are being asked for information that is not appropriate, they have been advised in the [**YOUR RIGHT TO ACCESS YOUR PERSONAL RECORDS**](#) leaflet to ask why. So be prepared to answer why you are asking for personal information, make sure it is relevant and be able to justify wanting certain information if challenged.

Information given to us by other people, such as the service user's doctor, is also kept on their personal file. This is called third party information and is treated separately from information received directly from the service user. Service users can only see third party information if the 'third party' agrees to them seeing it. Otherwise it must be removed from the file and stored in a separate file clearly labelled.

HOW ARE THESE RECORDS KEPT?

As you are aware we retain both written and electronic files, the electronic files are maintained on the ACCISS database. By law, service users have rights regarding the records we keep about them. We also have responsibilities that we take very seriously. One of our legal responsibilities is to keep service user records confidential. This means that we must keep these records in a safe and secure place. It also means that nobody can see service user records without the service user's explicit consent.

WHO HAS ACCESS TO SERVICE USER RECORDS?

Social services and housing' directorate information service team manages access the electronic database; ACCISS and only authorised users can access this system. Who is an "authorised user"? This is any social services and housing or mental health worker who has received the necessary training together with an access login and password.

Key workers manage written files. Access should be kept on a 'need to know' only basis and therefore it is expected that only the Keyworker, their line manager, service manager and colleagues within their own team have access to their records.

ALL personal records should be securely put away each night and no personally identifiable information should be kept on the top of desks where visitors or non social work staff can see the file.

WHAT SECURITY MEASURES ARE IN PLACE TO STOP THE MISUSE OF CONFIDENTIAL INFORMATION?

The directorate information service team is responsible for the security of ACCISS and has set up a security process called the keystroke audit.

Keystroke audit reports can be produced randomly on a regular basis or at the request of managers for any staff member using ACCISS. This report highlights what service users have been accessed during a requested timescale. The audit report is then compared to the worker's caseload and both reports are sent to their line manager. It is then the responsibility of the line manager to ensure that anyone who does not appear on the worker's caseload is a 'justified access'.

To access a service user's records without a justified reason is considered a breach of confidentiality and is gross misconduct. Where such breaches are discovered staff will face disciplinary action and could be dismissed from their employment with the Isle of Wight council.

ACCISS should also not be used as part of the short-listing process for employment with the Council and staff undertaking a search of potential candidates without the applicants explicit consent (like the consent sought for medical information) will also face disciplinary action.

CONSENT

Service Users must be asked to sign and return the consent form at the end of the **YOUR RIGHT TO ACCESS YOUR PERSONAL RECORDS** leaflet. This seeks the service user's agreement for us to share some of the information in their records with others in certain circumstances. Information should not be given out without the service user's consent, unless in the interest of public safety.

HOW DO SERVICE USERS ARRANGE TO SEE THEIR RECORDS?

If a service user would like to see their records they ask their current social services and housing worker for a request form (please see attached) or they can write to the strategic director of social services and housing, social services and housing headquarters, 17 Fairlee Road, Newport, Isle of Wight, PO30 2EA.

They need to include in their letter the following details about themselves:

- Their full name and address (including any change of name or address since they were last in contact with us).
- Their date of birth.

- The service they received from us

As a directorate we have to make sure that all legal requirements are followed. For example, if their record contains information about other people we must check that this 'third party' agrees to the service user seeing that information.

After the service user has asked to see their records (both hard copy and electronic files), it can take up to 40 days before the records are available.

A letter should be sent asking the service user to contact the office to arrange a mutually convenient time when they can see their records. Service users should be invited to one of our offices and a Social Worker (not necessarily their own key worker) needs to stay with them while they look at their records. It is an expectation of the directorate that the social worker will also explain how the records are arranged and answer any straightforward questions the service user may have.

Service users can bring someone else with them to see their records if they want to. If the service user needs their records in a different language or format they are again advised to let us know at the time of their request.

WHAT IF THE SERVICE USER THINKS INFORMATION IN THEIR RECORDS IS WRONG?

They need to let us know, by contacting the person they have been dealing with. The service user must be clear about exactly what is wrong and what they think should be done about it. You must talk to the service user about what the options are.

- A formal written request by the service user explaining what is incorrect and what they would like to happen to rectify this error. Find out if they need help with this and arrange (if necessary) some advocacy on their behalf.

What would they like to see happen?

- A new diary entry onto ACCISS detailing the error, or
- THE INCORRECT DIARY ENTRY TO BE DELETED FROM THE SYSTEM

CAN ANYONE ELSE SEE SERVICE USER RECORDS?

Nobody else can see service user records, without the service user's explicit consent. If the service user wants someone else to see their records or to see them on the service user's behalf, they must make this clear, in writing. We must make sure that the service user is willing for this to happen.

CAN SERVICE USERS HAVE A COPY OF THEIR RECORDS?

Yes, we can provide copies.

IS THERE A CHARGE FOR ACCESSING THEIR PERSONAL RECORDS?

Service users can access their records free of charge once a year. However there will be an administrative charge of £10 for any additional request during a one-year period following their first request.

IS THERE ANY INFORMATION THEY CANNOT SEE?

Yes. In some cases we cannot or do not have to let service users see information held. This includes information that:

- Could cause serious harm to service user or anyone else's physical or mental health.
- Could reveal another person's identity.
- Is being held to help prevent or detect crime.
- Adoption records. There are very strict legal rules about keeping adoption records confidential.

WHAT IF THE SERVICE USER IS TOLD THEY CANNOT SEE THEIR RECORDS?

The service user will be advised of their rights under the complaints policy and asked to write to our designated complaints receiving officer at social services headquarters.

WHAT IF THE SERVICE USER HAS ANY QUERIES REGARDING THEIR RIGHTS?

If service users have any questions about the [YOUR RIGHT TO ACCESS TO YOUR PERSONAL RECORDS](#) leaflet or about any other issues to do with service user records, they have been advised to contact their key worker. So please ensure you are fully aware of the leaflet and understand this directorate policy.

WHAT IF I HAVE ANY QUERIES REGARDING THIS POLICY STATEMENT?

If you are unsure about any aspect surrounding service user right to access their records please contact the head of policy, performance and resources at social services and housing headquarters on 520600.

Su Holman
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