

Abbey Medical Centre
General Practitioners
1 Harpour Road
Barking
Essex IG11 8RJ

Also at
Vicarage Field Health Centre
Vicarage Drive, Barking, Essex IG11 7NR

Telephone 020 8090 8106
Fax: 020 8594 2660

ACCESS TO INFORMATION POLICY AND PROCEDURE

DATE	04.01.2020
AUTHOR	DR. ANJU GUPTA
PURPOSE	This document explains the procedures to follow when dealing with requests for access to information.
VERSION	V4
REVIEW	04.01.2020
TARGET AUDIENCE	ALL STAFF

Purpose

- To comply with statutes, regulations and quality standards.
- To comply with the Data Protection Act 1998, the Freedom of Information Act 2000, General Data Protection Regulation 2016 (“GDPR”), Data Protection Act 2018 , and later statutes.
- To manage requests for information from an attorney where the person lacks capacity to make a request.

Scope

- All employee and Patient information.

Policy

- Abbey Medical Centre aims to fulfil its obligations under the Data Protection Act 1998, the Freedom of Information Act 2000, General Data Protection Regulation 2016 (“GDPR”), Data Protection Act 2018 and successor legislation to the fullest extent.
- If personal information is held relating to any person, it is highly likely that registration under the regulations is necessary. Contact the Information Commissioner's Office (ICO) (<http://www.ico.gov.uk/>). In April 2014, the annual registration fee was £35 per year for organisation with a turnover of less than £29.5m and 250 employees. Above that size the fee is £500 per year.
- Abbey Medical Centre is registered the Commissioner's Office (ICO) (http://www.ico.gov.uk) and annual fee is updated . A copy of the certificate can be found in the Practice Managers Office notice board. In accordance with the statements of Information Commissioner Abbey Medical Centre abides by the following :

The Information Commissioner states that:

- Anyone processing personal data must comply with the eight enforceable principles of good practice. This guidance says that data must be:
 - Fairly and lawfully processed;
 - Processed for limited purposes;
 - Adequate, relevant and not excessive;
 - Accurate;
 - Not kept longer than necessary;
 - Processed in accordance with the data subject's rights;
 - Secure;
 - Not transferred to countries without adequate protection.
- Personal data covers both facts and opinions about the individual. It also includes information regarding the intentions of the data controller towards the individual, although in some limited circumstances exemptions will apply. With processing, the definition is far wider than before. For example, it incorporates the concepts of ‘obtaining’, ‘holding’ and ‘disclosing’.

- The Act applies to personal data that are subject to 'processing'. For the purposes of the Act, the term 'processing' applies to a comprehensive range of activities. It includes the initial obtaining of personal data, their keeping and use, accessing and disclosing them through to their final destruction.

Examples of personal data likely to be covered by the Act

- Details of a worker's salary and bank account held on an organisation's computer system or in a manual filing system.
- An email about an incident involving a named worker.
- A supervisor's notebook containing sections on several named individuals.
- A supervisor's notebook containing information on only one individual but where there is an intention to put that information in the worker's file.
- A set of completed application forms.
- A patient's health record

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- A Patients health record

Examples of information unlikely to be covered by the Act

- Information on the entire workforce's salary structure, given by grade, where individuals are not named and are not identifiable.
- A report on the comparative success of different recruitment campaigns where no details regarding individuals are held.
- A report on the results of "exit interviews" where all responses are anonymous and where the results are impossible to trace back to individuals.
- Manual files that contain some information about workers but are not stored in an organised way, such as a pile of papers left in a basement.

In practice, therefore, nearly all usable information held about individual workers will be covered by the Code.

Procedure

Notification on the Register of Data Controllers

To register go to <https://ico.org.uk/>

- Review data collection, recording and storage at the Management Meeting once per year, checking policy and practice against the eight principles stated above.
- Employees and Patients have access to all personal data about them under the Data Protection Act. This Act requires the organisation to respond to requests for access to personal data within 1 month. However, it is good practice for current Patients to have open access to their s without having to go through formal Data Protection Act procedures. s are regarded as "owned" by the Patient in the sense that they are fully involved in their development and sign them to indicate their agreement, therefore there is no reason to restrict access.
- The right of access to personal data includes the right to be given a copy of the personal data.
- In most cases you cannot charge a fee to comply with a subject access request.
- However, as noted above, where the request is manifestly unfounded or excessive you may charge a "reasonable fee" for the administrative costs of complying with the request.
- You can also charge a reasonable fee if an individual requests further copies of their data following a request. You must base the fee on the administrative costs of providing further copies.
- Employees and Patients are asked to read this information carefully and inform the organisation at the earliest opportunity if they believe that any of their personal data is inaccurate or untrue, or if they are dissatisfied with the information in that way.
- The Data Protection Act gives data subjects the right to have access to their personal data at reasonable intervals. For further guidance on access to personal data requests you should consult the Information Commissioner's Code of Practice which is downloadable at:
http://ico.org.uk/for_organisations/data_protection/~media/documents/library/Data_Protection/Detailed_specialist_guides/subject-access-code-of-practice.PDF
- Reasonable adjustment should be made where the person making the request for access

to their personal data has a disability (that for example prevents them reading the records in the form in which they are kept).

- Should Employees and Patients require access to their personal data at any time, the request must be addressed to the manager Mr Nasir-uddin Hoque .
- The request will be judged in the light of the nature of the personal data and the frequency with which it is updated if for example a person has made a request to see their records within a short period of time after a previous request.
- If the access to the records is agreed, the information will be provided within 40 days of the date of the request. Again, you should consult the Information Commissioner's Code of Practice for guidance on any possible exemptions regarding access for personal data.
- In the event of a disagreement between an employee and the organisation regarding personal data, the matter should be taken up under the organisation's formal grievance procedure.
- If information on any employees or Patients is requested by a third party, other than CQC, the information will not be shared unless the relevant employee or Patient has given specific written permission for the data to be released.
- Where a Patient does not have the mental capacity to be able to authorize a request to access personal data, Information Commissioner's guidance on this should be followed, that is that an attorney with authority to manage the individual's property and affairs, or a person appointed by the Court of Protection in England and Wales or the Public Guardian in Scotland to make decisions about such matters, will have the appropriate authority to make such a request on behalf of the Patient.
- The Care Quality Commission has the legal right to request and inspect any records held by the organisation in the normal course of its business. However, it is considered good practice, and demonstrates awareness of confidentiality requirements to request and obtain the permission of Patients and employees before opening their records to the Care Quality Commission. If the data subject refuses permission to the organisation to open their records, then the CQC inspector must be asked to request and obtain the data personally and directly. If the employee or Patient is not present to give permission, request that the inspector look at the record of someone who is present. However, this request cannot be enforced.
- The CQC has the legal right to take copies of or remove original data and/or records from the normal place in which the records are held, with due cause. However the Provider should ensure that a written acknowledgement of the copying or removal is obtained, stating in sufficient detail of the data copied or removed.
- In the event of the death of a Patient, the Executor to the estate of that Patient may be given access to the Patient's records (usually the), if they request access and produce evidence of their status as Executor.

Access to Information Permission

Data subject name:	
Date of data request:	
Data requested by:	
Specific data requested:	
Reason for request:	
Time limit on data share:	
Authorised (data subject signature):	
Date authorised:	

Key Lines of Enquiry Table

Key Line of Enquiry	Primary	Supporting	Mandatory
G.E5 - Do staff have all the information they need to deliver effective care and treatment to people who use services?	✓		✓