

# NORTHUMBERLAND

Northumberland County Council

## Subject Access Information Pack

The Data Protection Act 1998 gives you, the individual, the right to see what information an organisation holds about you. This information note will explain your general rights in respect of access to your data, and how to exercise your right to see what information Northumberland County Council holds about you.

### What is a Subject Access Request?

Under Section 7 of the Data Protection Act 1998 you are entitled to be told by a data controller if any personal data is held about you AND, if so:

- to be given a description of the data;
- to be told for what purposes the data are processed and
- to be told the recipients or the classes of recipients to whom the data may have been disclosed.

You are also entitled;

- to be given a copy of the information with any unintelligible terms explained;
- to be given any information available to the controller about the source of the data;

### What Information am I entitled to see?

You are entitled to see information of which you are the Data Subject and which comprises your personal data.

For information to be your personal data you have to be identifiable from the data and you should also be the focus of it.

You are not entitled to see information about third parties. In some circumstances third party details may be removed from your personal data.

Where we have a duty of confidentiality to those third parties we may contact them to obtain their consent for us to disclose their information to you.

If you are requesting information about your children aged between 12 and 17, we require their consent to share their personal data with you.

### How much does a request cost?

A Data Controller is entitled to request a fee of up to £10.00 per request (1 person per request). However, it is important to note that different fee structures apply to some 'accessible records' such as health, education or social services files.

### How long does a subject access request take?

The 1998 Act requires Data Controllers to comply with subject access requests, within 40 calendar days from receipt of the request or, 40 calendar days from the day on which the Data Controller has the required fee, the necessary information to confirm your identity and to locate the data and consents where appropriate.

### What information do I need to provide?

Data Controllers may ask you for any information they reasonably need to verify your identity and to locate the data.

This means you should provide the Data Controller with proof of your identity and information which will assist the data controller in locating your personal data. For instance any relevant reference numbers, account numbers, dates of correspondence and details of employees you have dealt with.

It is important to note that a Data Controller does not have to respond to a request until they are provided with sufficient information necessary to confirm your identity and to locate the information you seek, so it is important to provide this information from the outset.

### Can a third party make a subject access request on my behalf?

Yes, but only with your written authorisation. There is no reason why an individual cannot make a request through a representative; however, it is the representative's responsibility to provide satisfactory evidence that he has the authority to make a request on behalf of the individual.

### Information provided to the Council by other people

The Council may have been provided information by other people or organisations, such as NHS bodies or family members. Where this is the case consent will be need to be sought from them. Where consent has not been granted, information held may not be provided.

### How do I make a request to Northumberland County Council?

1. If you are making a request to Northumberland County Council, you should use the 'Subject Access Request Form'. You will find it enclosed in this pack.
2. You should provide a £10 fee per request (1 person per request) in the form of cash, a cheque, or a postal order made payable to Northumberland County Council. Please attach the payment to the Subject Access Request Form.

3. You should provide two original official forms of identification, 1 photographic and one to show your current address (this should be dated within the last 2 months). In cases where sensitive personal data is involved, you may be required to provide further identification. Examples of identification are your passport or driving licence and a recent utility bill or council tax letter.
4. If a representative is making a request on your behalf then you will also need to complete appendix 1 or 2 of the Subject Access Request Form. We will not respond to third party requests unless this form is completed. In order to ensure confidentiality we reserve the right to make further enquires to check the authorisation given.
5. All completed forms should be returned to the: Information Governance Office, Northumberland County Council, County Hall, Morpeth, Northumberland, NE61 2EF.
6. Alternatively, the completed form, documents and fee can be placed in a sealed envelope marked for the attention of the Information Governance Office. This can be handed in at our Customer Information Centres who will then forward the sealed envelope to the Information Governance Office for processing.

## **Subject Access Request Form**

The Data Protection Act gives you the right to be told whether or not Northumberland County Council holds any information about you and the right to be provided with a copy of that information within a 40 day period. This is known as **Right of Subject Access**.

If you want to use these rights please complete this form carefully, and follow the instructions regarding payment of charges, proof of identity and ways to return the form to Northumberland County Council.

Please be aware that sometimes Northumberland County Council may not be able to provide you with all the information you request, for example if the information identifies other individuals.

### **Will there be a charge?**

Your Subject Access request usually costs £10.00 per request (1 person per request). However, for some type of records, such as those that relate to education, the maximum charge is £50.00. You will be advised as soon as possible if your request requires a payment of more than £10.00. **If you are in receipt of a means tested benefit we may waive the charge.**

Please pay by cash, cheque or postal order. Cheques and postal orders should be made payable to: **'NORTHUMBERLAND COUNTY COUNCIL'**.

### **Proof of identity**

Northumberland County Council needs to be satisfied that you are who you say you are. Consequently you must provide evidence of your identity by supplying original official documents that provide sufficient information to prove your **name, address and date of birth**. Please see page 6.

### **Returning this form**

The completed form, with appropriate payment and proof of identity documents should be sent to:

**Information Governance Office  
Northumberland County Council  
County Hall  
Morpeth  
Northumberland  
NE61 2EF**

Please be advised that Northumberland County Council will not be held responsible for any identity documents or monies lost in the post.

If you would prefer this form in another language, an alternative format, or you need guidance or assistance in completing this form, please telephone **0345 600 6400**.

## Section 1 - Who is the person that you want information about?

Please use block letters.

Title (tick box if appropriate): Mr  Mrs  Ms  Miss  Master

Other title (eg Dr, Rev'd etc): \_\_\_\_\_

Surname/family name: \_\_\_\_\_

First name(s): \_\_\_\_\_

Maiden/former names: \_\_\_\_\_

Gender (tick box): Male  Female

Date of birth: \_\_\_\_\_

Address: \_\_\_\_\_

Postcode: \_\_\_\_\_

Previous address(s): \_\_\_\_\_  
(if the person has lived at the above address for **less than 2 years** please tell us their previous address)  
\_\_\_\_\_

Home Telephone number: \_\_\_\_\_

Mobile Telephone number: \_\_\_\_\_

Email Address: \_\_\_\_\_

## Section 2 - Are you the person named above?

Yes.

No, I am applying for access to the personal information held about the above person.

## Section 3 – Proof of Identity

### If this application is for yourself:

Your application must be accompanied by **2** original official documents which between them must show your name, date of birth and current address. One document must have your photograph on. If this is not possible please provide a note of explanation and another form of identity.

Acceptable documents include: passport, valid driving licence, medical card, birth certificate/adoption certificate, recent utility bill confirming current address dated within the last 2 months. **Now proceed and complete sections 5 & 6.**

### If you are making a request on behalf of another adult (aged 18 or over):

Please note you can only request information about another adult if you have their permission. If they are happy to do this they need to sign a declaration on appendix 1 of this form. In addition the application must be accompanied by **4** original official documents, 2 for you and 2 for the other adult, which between them show the name, date of birth and current address (one document must have their photograph on. If this is not possible please provide a note of explanation and another form of identity).

Acceptable documents include: passport, valid driving licence, medical card, birth certificate/adoption certificate, recent utility bill confirming current address dated within the last two months. **Now proceed and complete sections 4, 5 & Appendix 1.**

### If you are making a request on behalf of a child (aged 12 to 17):

Please note you can only request information about a child if you have parental responsibility for that child. **Also children aged between 12 and 17 are required to give their permission\***. If they are happy to do this they must sign the declaration in appendix 2 of this form. In addition the application must be accompanied by **3** original official documents, 1 of which must prove your relationship to the child. (We will accept a birth/ adoption certificate or documentary evidence of an approved child benefit award). The other 2 documents should confirm your name, date of birth and current address (one document must have your photograph on – if this is not possible please provide a note of explanation and another form of identity).

Acceptable documents include: passport, valid driving licence, medical card, birth certificate/adoption certificate, recent utility bill confirming current address dated within the last two months. **Now proceed and complete sections 4, 5 & Appendix 2.**

\*Requests for children's records aged between 12 and 17 should be accompanied by the young person's consent. If this is not possible please enclose a letter explaining the circumstances and the Council's Information Governance Officer will consider if we can accept your application.

**If you are making a request on behalf of a child (aged under 12):**

Please note you can only request information about a child if you have parental responsibility and the child is not capable of understanding the nature of this request. The application must be accompanied by **3** original official documents, 2 for you, which between them show the name, date of birth and current address (one document must have their photograph on (if this is not possible please provide a note of explanation and another form of identity) and the birth certificate of the child.

Acceptable documents include: passport, valid driving licence, medical card, birth certificate/adoption certificate, recent utility bill confirming current address dated within the last two months. **Now proceed and complete sections 4, 5 & Appendix 3.**

**Section 4 – Complete this if you are applying on behalf of someone else**

Please indicate why you are entitled to receive detail of their personal information.

- They are a competent adult (aged 18 and over) and they have completed the form in Appendix 1 stating that I can act on their behalf.
- They are a competent young person (aged 12 to 17) completed the form in appendix 2 stating that I can act on their behalf. (It is recommended that a young person should make decisions regarding Data Protection together with their parents/carers.) (Please provide the young person's birth certificate)
- I am a person acting on behalf of the subject under an order of the Court of Protection.
- I am a person acting on behalf of the subject within the terms of an Enduring Power of Attorney.
- I am a making the application on behalf of a child for whom I have parental responsibility and the child is not capable of understanding the nature of this request (please provide the child's birth certificate).

Please provide evidence to support your choice above.

**Section 5 – Which parts of the Council do you believe hold the information?**

The Council does not have a single central filing system and each Team or Service may hold separate records. Therefore, our search for the information about the person named in Section 1 will be based on the information you provide below.

- (a) Please specify the period and the office that you would like us to search for your information.

**Service you have had contact with**

**Period you had contact with the Service**

**Office(r) you dealt with**

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(b) **Information required.** This will assist us in searching for the personal information.

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**Section 6 – Declaration**

**Declaration if you are applying for your own personal information**

I request that you provide me with a copy of the personal data about me which you hold for the purposes I have indicated above. I confirm that I am the person listed in Section 1.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

If you intend to use a Solicitor/or other advocate on your behalf, please give us the following contact details:-

Solicitor/Advocate Name: \_\_\_\_\_

Telephone number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Postcode: \_\_\_\_\_

**Please advise how you would like us to respond to your request:**

Secure post  Collected by hand

## Appendix 1

### Declaration if you are applying on behalf of an Adult (18 or over)

I confirm that I am acting on behalf the person identified in Section 1 and have enclosed forms of identification for both them and myself, as listed in Section 3.

My details are as follows:-

Full Name \_\_\_\_\_

Address \_\_\_\_\_

Postcode \_\_\_\_\_

Telephone Number \_\_\_\_\_

Relationship to Adult \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

### Please advise how you would like us to respond to your request:

Secure post  Collected by hand

You must also prove that you have consent to request information about this person on their behalf by them completing the following:-

### To be completed by the Adult whose information is being requested.

#### Declaration

I understand that the person named above has asked on my behalf for details of information held on me by Northumberland County Council and hereby authorise its disclosure.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

If for any reason this is not possible please enclose a letter explaining the circumstances and the Council's Information Governance Office will consider if we can accept your application.

## Appendix 2

### Declaration if you are applying on behalf of a Young Person (aged 12 to 17)

I confirm that I am acting on behalf of the young person identified in Section 1 and have enclosed forms of identification and proof of relationship as listed in Section 3.

My details are as follows:-

Full Name \_\_\_\_\_

Address \_\_\_\_\_

Postcode \_\_\_\_\_

Telephone Number \_\_\_\_\_

Relationship to Child \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

### Please advise how you would like us to respond to your request:

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Information requests for young people aged 12 to 17 also require the consent of the young person by them completing the following:

### To be completed by the young person (aged 12 to 17) whose information is being requested

Declaration

I understand that my parent/carer has asked on my behalf for details of information held on me by Northumberland County Council:

Yes  No

I give consent / I do not give consent for my parent/carer to have access to information held about me by Northumberland County Council

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

If for any reason this is not possible please enclose a letter explaining the circumstances and the Council's Information Governance Office will consider if we can accept your application.

### Appendix 3

#### Declaration if you are applying on behalf of a Child (aged under 12)

I confirm that I am acting on behalf of the child identified in Section 1 and have enclosed forms of identification and proof of relationship as listed in Section 3.

My details are as follows:-

Full Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Postcode \_\_\_\_\_

Telephone Number \_\_\_\_\_

Relationship to Child \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**Please advise how you would like us to respond to your request:**

Secure post  Collected by hand