

## **Data Protection Act 1998**

### **Your Rights to get details about your Personal Data (Subject Access Requests)**

#### **1. Introduction**

1.1 One of your most important rights under the Data Protection Act, is your right of access to your personal data.

#### **2. What are my legal rights of access?**

2.1 Personal data means data about you, where you can be identified from that data, or from that data and other information which is in (or likely to come into) our possession.

This includes expressions of opinion about you, and any indication of East North East Homes Leeds (or any other person's) intentions towards you.

2.2 Broadly, the right of access means we have to:

- Tell you whether or not personal data about you are being processed, by or on behalf of East North East Homes Leeds

If so we have to:

- Give you a description of the data, and the purposes for which they are being processed
- Give you a description of the people or organisations, to whom we've disclosed, or might disclose the data.
- Give you copies of the data.
- Give you any information which is available to us, about where we got the data from.

#### **3. Can I just ask for all information East North East Homes Leeds has about me?**

3.1 Sometimes people make a subject access request, asking for "all the information East North East Homes Leeds has about me." However, the Act says we needn't comply with a request, unless we're supplied with such information as we may reasonably require to "locate the information" which you're seeking. Because East North East Homes Leeds is a very large organisation, providing many different services, it would take up too much of its resources to try and search all of its computer and filing systems. This is why we ask people to give us some very basic details about the information they're seeking.

3.2 The Request Form which goes with this document should help you with this (please see question 5 on the Form), as it explains how you can describe the information you want.

#### **4. How do I prove who I am?**

4.1 We're also entitled to ask you for some information, so that we can be certain you are who you say you are.

4.2 Clearly, it's important that we only give the information to the right person. Again, the Request Form will help you with this, as it says how evidence of identity can be given (please see question 3). In the event that someone else is making a request on your behalf, it also says what's needed to give your consent etc. (please see questions 3 and 4).

#### **5. Do I have to use the Request Form?**

5.1 Yes. This means we'll be able to deal with your request more quickly, because it should save us having to write to you, to ask for details about what information you're seeking, and for proof of identity.

5.2 Our experience shows that people often make these requests when they've got a concern or complaint about a service they're getting from East North East Homes Leeds. We would much rather deal with these matters in as informal and personal a way as we can. This means that even where you make a formal request, departments may get in touch with you informally, to see if this is related to a problem you're experiencing with our services. Again, where a request relates to a very personal matter, such as an education or social services issue, we may well get in touch, to see if your request can be dealt with in a more personal, informal way.

5.3 Your legal right of access to your personal data, doesn't affect your rights to use East North East Homes Leeds complaints procedure, or to complain to the local government Ombudsman, and is in addition to those rights.

#### **6. How long has East North East Homes Leeds got to deal with my request?**

6.1 Generally, we've got to comply with a request "promptly" and in any event within 40 days (not working days) of receiving the request. However, if we need to ask for more information to help us locate the information, or to prove your identity, the 40 day period only starts once we get that information.

6.2 Generally, we're able to deal with straightforward requests well within the 40 day period. If we think we might not be able to give you a full answer within the 40 day period, we'll get in touch to say why, and to let you know how long it will take us to give you a full answer.

6.3 There are special rules for requests for an "education record." We've got to comply within 15 school days. Broadly, an education record is any record of information processed by or on behalf of a governing body or teacher, relating to a present or former pupil, originating from or supplied by a Council/Education (Leeds) employee, a school teacher/employee, the pupil or a parent.

## **7. How much do I have to pay?**

7.1 At the moment, East North East Homes Leeds could generally only charge a maximum fee of £10, but it doesn't charge a fee.

## **8. What if the information has details about other people?**

8.1 Where giving you the information will also mean disclosing information about someone else, who can be identified from that information, we don't have to give you the information unless the other person says we can, or "it is reasonable in all the circumstances" for us to comply with your request without their agreement.

8.2 This rule won't apply where we can delete other names, or other identifying particulars.

8.3 This rule also applies, where another person could be identified from a combination of the information we'd be disclosing, and information which we reasonably think you already have, or may get.

8.4 The Act says in deciding whether to disclose without the other person's agreement, we've got to have regard to any duty of confidentiality, whether we've asked for their agreement, whether they've expressly refused to agree, and whether the other person's capable of agreeing.

8.5 If we think there could be any risk to the safety or welfare of the other person, we wouldn't disclose without their agreement.

## **9. Does East North East Homes Leeds always have to comply with my request?**

9.1 There are a small number of cases where we don't have to give you the information you've asked for.

9.2 If we're using data for the purposes of preventing or detecting crime, or apprehending or prosecuting offenders, or for assessing or collecting East North East Homes Leeds Tax, we don't have to comply if doing so "would be likely to prejudice" those purposes.. In cases where it's known the Police are investigating, or prosecuting offences, we will ask for their view whether providing you with the information would "prejudice" their activities.

9.3 There are exemptions for health, and education. Broadly, these apply to personal data processed by a court, where this consists of a report or other evidence given by us, and where complying with your request would be likely to cause serious harm, to the physical or mental health or condition of you, or someone else.

9.4 There's also an exemption for social work. Broadly, this applies to social services data, where complying with a request would be likely to prejudice the carrying out of social work, again by reason of the fact that serious harm would be likely to be caused, to the physical or mental health or condition of you, or someone else.

## 9.5 Other exemptions include

- data processed for research, statistical or historical purposes
- data which is statutorily available to the public
- references given to us in confidence, for the purposes of education, training or employment
- management forecasting or management planning
- records of intention in relation to negotiations
- exam scripts, and
- advice given by Legal and Democratic Services.

## 9.6 We don't have to supply you with copies of the information where:

- ◆ you agree you don't want printed copies or
  - ◆ the supply of copies isn't possible, or would involve "disproportionate effort."
- Please note however, that East North East Homes Leeds will still provide the information, for example by email if you want the information given to you in this way.

## 10. Can I make more than one request?

10.1 We don't have to comply with an identical or similar request, by the same person, unless a "reasonable interval" has elapsed.

10.2 The Act says in deciding what is a "reasonable interval" we've got to consider the nature of the data, what we're using it for, and how often it's altered.

10.3 Basically, if the answer will be the same, we will tell you but we won't provide identical copies of it a second time.

## 11. What happens if East North East Homes Leeds doesn't comply with your request?

11.1 The Information Commissioner can give you advice about your request, and if they think East North East Homes Leeds hasn't dealt with it properly, they will tell us, and help you to get the information. The Information Commissioner's details are:

Information Commissioner's Office,  
Wycliffe House,  
Water Lane,  
Wilmslow,  
Cheshire,  
SK9 5AF  
Telephone: 01625 545700 Fax: 01625 524510  
Email: [data@dataprotection.gov.uk](mailto:data@dataprotection.gov.uk)  
Website: [www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)

11.2 If you think we haven't complied properly with your request, you could ask the courts to order us to comply.

11.3 If you suffered damage as a result of us not complying, you could get compensation, including compensation for distress.

## 12. Who do I contact to make my request?

Graham Curling

E-mail – [graham.curling@enehl.org.uk](mailto:graham.curling@enehl.org.uk)

Address:

Human Resources

Tribeca House

71 Roundhay Road

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