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About you - Personal Information



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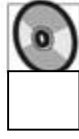
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Text



أود أن يكون هذا المستند باللغة العربية.

ARABIC



لطفاً اكتب لنا به زبان فارسی در اختیار من قرار دهید.

FARSI



ئەم وەرەقیەم بە کوردی دەریئت

KURDISH



Chciał(a)bym otrzymać ten dokument w języku polskim.

POLISH



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TIGRINI



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URDU



Another language (write in the box)

For more information call us on 0800 915 1600.



Data Protection Act

Information about yourself

You have a right of access to information about yourself under the Data Protection Act 1998. The right gives access to various records about you, such as those held by government departments, employers and companies that you have done business with.

How do I gain access?

Find out who holds the information you want access to.

This should normally be quite easy. A company name or address on a letter, statement or bill you have received should give you the information you need to make a request for access.

In other cases, for example where you want access to your police or medical record, you will need to contact your local police station or medical practice to find out how to make your request.

Make a written request for access

State clearly in the letter, fax or e-mail you send that you want the information that you are entitled to under the Data Protection Act (DPA) 1998.

It is a good idea to send any letters by recorded delivery and to keep a copy of them. You will need to prove your identity and could quicken the process by providing your proof of identity at this stage.

It would also be useful to give the record holder any information you have that would help to find the information. This might mean saying if you were an employee or customer of the record-holder, or giving

relevant reference numbers, such as your NHS number when accessing your health record.

What happens next? You should receive a reply to your access request within 40 days. The record holder may ask you to send a fee. This is normally £10, but different fees apply to health and educational records.

Once you have provided the fee, if one is required, proof of your ID and any information needed to find the information, the record holder must comply with your request. This should normally be done by giving you a copy of the information held.

What happens if I'm not happy with the result of my request?

If you're not satisfied that you've been given all the information there is about you, you should first take your complaint up with the record holder.

Remember that records that once existed may, quite probably, have been deleted since.

Where you're concerned about the content of information, for example where you believe it's inaccurate, out of date or doesn't make sense, you should also take this up first with the record holder. Remember that some information can be withheld when you make a subject access request. This would be the case where to give access would prejudice law enforcement or certain similar purposes.

If you are still dissatisfied with the outcome of your request you can complain to the Information Commissioner. He will ensure that you receive all the information that you are legally entitled to.

Is the information 'personal data'?

To determine whether you have any rights under the Data Protection Act ('DPA') you must first ask whether the information being held is the sort of information covered by the DPA.

Rights will only arise for information if:

- it relates to you, and
- you can be identified from the information itself or from that information and other information which is, or is likely to come into, the possession of the data controller (see below), and
- the information is held electronically (for example, on computer), or it's intended to be held electronically, or it's in paper form held in certain specified types of manual / paper-based filing systems.

This information is called 'personal data'.

Who must observe my rights?

Your rights must be observed by the 'data controller', that is to say, the legal person (individual, company or organisation) who decides what the personal information is held for and how that information is to be processed.

If information is processed it is, among other things, held, obtained, organised, adapted, retrieved, consulted, disclosed or deleted.

Exemptions

Some data controllers don't have to comply with the DPA and, therefore, don't have to observe your rights, for example, where the

data controller is an individual who only uses your information in connection with their personal, family or household affairs.

Data controllers do not need to observe certain specified individual rights where an exemption applies.

- to safeguard national security
- for taxation
- to enable the prevention and detection of crime and the apprehension or prosecution of offenders
- for discharging a regulatory activity, such as protecting members of the public against dishonesty, malpractice or seriously improper conduct of professional persons, or for securing the health, safety and welfare of people at work
- to processing only for journalism, literature or art or for research, history or statistics
- to information available to the public under enactment
- to confidential references given by the data controller
- to prevent prejudice to the combat effectiveness of the armed forces
- to processing for the appointment of judges, Queen's Counsel and honours, for management forecasting, or in connection with a corporate finance service
- to prevent prejudice to negotiations
- to examination scripts and marks
- to information covered by legal professional privilege
- to avoid self-incrimination



Exemptions can apply:

There are also certain cases in which other data controllers are not obliged to observe all your rights.

You have these rights that you can enforce through any county court.

- Right of subject access

This is the right to find out what information about you is held on computer and in some paper records.

- Correcting inaccurate data

You have the right to have inaccurate personal data rectified, blocked, erased, or destroyed.

If you believe you've suffered damage or damage and distress due to the processing of inaccurate data you can ask the court to award you compensation.

- Preventing junk mail

You have the right to ask in writing that a data controller does not use your personal data for direct marketing by post (sometimes known as junk mail) or by telephone.

Your request must be complied with. There are no exceptions to this.

You can also register with the Mailing Preference Service tel: 020 7766 4410 or by fax or email them.

Your rights

Their website is www.mpsonline.org.uk, the telephone preference service tel: 0845 070 0707 and the fax preference service tel: 0845 070 0702.

Once you've done this, you shouldn't receive any direct marketing unless you've asked for it or you're an existing customer of the organisation.

- Preventing automated decision making

You can write to a data controller to ask that they don't take any decision that significantly affects you based solely on an automated process. For example, many banks have a computerised system of credit scoring.

Where a decision has already been taken on this basis you can ask the data controller to reconsider or to make the decision in a different way.

- Preventing processing that may cause damage or distress

If you think that certain processing is, or is likely to, cause you or someone else to suffer substantial damage or distress that is not justified, you can ask the data controller to stop that processing.

What can you do to enforce your rights?

If you believe that a data controller is not processing in accordance with your rights you should ensure that you've made every effort to resolve this directly with them.

What can the Information Commissioner do to enforce your rights?

The Information Commissioner can't award any compensation to you where there has been a breach of the Data Protection Act.

The commissioner can, however, provide you with more information to enable you to enforce your rights or can consider your complaint and make an assessment.

In some cases where the Information Commissioner believes the Data Protection Act has not been complied with, the Information Commissioner will issue an enforcement notice to the data controller. Failure to comply with that notice is a criminal offence.

The Information Commissioner will not take enforcement action in every case.

For more information please visit:

www.informationcommissioner.gov.uk



Freedom of Information (FOI)

The Freedom of Information Act 2000 gives you the right to access 'recorded' information held by public authorities including:

- Central Government
- Local councils
- National Health Service
- Schools
- Police

It doesn't apply to personal information.

If you want information about yourself, you should make a subject access request under the Data Protection Act 1998.

Staged Implementation

Public authorities have to make information available through a Publication Scheme approved by the Information Commissioner.

The difference between FOI and DPA

There are 2 routes to accessing information via FOI.

You can obtain information from a public authority from its approved Publication Scheme. However, if the information isn't in the Publication Scheme, you can make a separate request.

Publication Schemes

Definition

A Publication Scheme is a guide to the types of information the authority routinely publishes, the format the information is available in and how much it will cost if there are any charges.

The information is in the form of classes (categories) of information. The Commissioner may also approve model schemes for groups of similar bodies, for example schools.

Using a Publication Scheme

A person can contact the authority by phone, email, fax or in writing and ask to see its Publication Scheme. They can then ask in writing for any of the information in it.

General Right of Access

Anyone has a right to ask public authorities for any information they hold. Some of the records requested may contain exempt information which doesn't have to be provided.

Retrospective

The Act allows you access to information held by public authorities regardless of when that information was created or how long it has been held by the public authority.

Requesting Information

Public authorities must provide advice and help to people who've made or who are thinking of making a request. This will help you understand your rights under the Act and identify the information you want.

Written Request

Requests for information must be made in writing, which includes e-mails. The request must state your name and address (as the person applying for the information and the information you want.

Timescale

Public authorities generally have to respond to the request within 20 working days.

Charges

Public authorities can charge you a fee for responding to your requests. If it charges a fee, it must tell you in writing. The 20 days for responding to requests is put on hold until the fee is paid. If the fee isn't paid within 3 months, it's assumed you no longer want the information.

Response

You can ask for a copy of the information you need, the chance to inspect the records, or even to be provided with a summary of the information. The public authority should try and provide the information in the form requested unless it is unreasonable to do so. If any of the information requested is exempt, it must tell you which of the exemptions applies.

Exemptions

There are 23 exemptions from the general rights of access.

These include certain information relating to national security, information that would prejudice international relations, commercially sensitive information, confidential information.

Environmental Information can be accessed through the Environmental Information Regulations.

An applicant wishing to access information about themselves should use their rights under the Data Protection Act.

Personal data about other people can't be released if to do so would breach the Data Protection Act.

If you already have reasonable access to the information you want, you should use that means. Therefore, if information is available through a Publication Scheme, the public authority can simply direct you to its Scheme.

Some of the exemptions require the public authority to consider whether it is in the public interest to withhold information.

Exemptions that don't have a public interest test are known as absolute exemptions.

Consideration of the public interest may take longer than the 20 days normally allowed for responding to requests.

In these cases the public authority must give you an estimate of when it will have reached a decision on where the public interest lies within 20 days of receiving the request.

Complaints

If you're not happy with the response you get, you must first complain to the public authority. If you're still unhappy, you can complain to the Information Commissioner who'll decide whether the request has been handled properly.

Enforcement

Both you and the public authority are informed of the Commissioner's decision in a Decision Notice. Where appropriate the Notice will instruct the public authority what steps it needs to take to comply with the Act. This may include releasing information.

Both you and the public authority may appeal to the Information Tribunal against a Decision Notice.

The Commissioner can also issue a public authority with an Enforcement Notice stating what it should do to comply with the Act. Although it's similar to a Decision Notice in some respects, the Commissioner doesn't need to wait to respond to a complaint that a request has been incorrectly handled before taking this form of enforcement action. Only the public authority may appeal to the Information Tribunal against such a Notice.



About You - Personal Information

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