



**Nottingham and Nottinghamshire**  
Clinical Commissioning Group

# **Information Rights Procedure**

## **June 2020 – 2023**

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<b>Title</b>	Information Rights Procedure		
<b>Amendments</b>	Supersedes Data Subject Access Request Procedure to include Information Rights as set out in the General Data Protection Regulation (GDPR)		
<b>Purpose</b>	Ensure that all staff are aware of their obligations and responsibilities in relation to individuals Information Rights.		
<b>Superseded Documents</b>	Data Subject Access Request Procedure – (Greater Nottingham CCP and Mid Nottinghamshire CCG) May 2018 - 2021		
<b>Audience</b>	All staff		
<b>Consulted with</b>	CCG Data Protection Officer.		
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<p><b>This is a controlled document and whilst this procedure may be printed, the electronic version available on the CCG's document management system is the only true copy. As a controlled document, this document should not be saved onto local or network drives.</b></p>			

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## **1. Introduction**

- 1.1 This procedure applies to the Nottingham and Nottinghamshire Clinical Commissioning Group.
- 1.2 Individuals have a number of rights under Data Protection legislation to enable them to understand how their data is being processed and to ensure it is managed appropriately by organisations, or where appropriate, that processing cease. Many of these rights are qualified and the CCG may be able to refuse to comply with a request from a data subject where an applicable lawful exemption can be applied.

## **2. Purpose**

- 2.1 The purpose of this procedure is to:
  - Describe the process for receiving, processing and responding to Information Rights requests including Data Subject Access and Access to Health Records requests.
  - Ensure all staff are aware of their responsibilities and the process for meeting legal obligations under Data Protection legislation.

## **3. Scope**

- 3.1 This procedure applies to all employees (permanent, seconded, contractors, management and clinical trainees, apprentices, temporary staff and volunteers) of the CCG, including Governing Body and Lay Members, hereafter referred to as 'staff'.
- 3.2 This procedure applies to all personal data held by the CCG about patients, members of the public and CCG staff.
- 3.3 This procedure covers the rights set out in the Data Protection Act 2018, General Data Protection Regulation 2016 and the Access to Health Records Act 1990 as follows:

- **General Data Protection Regulation**

Applies only to living individuals

- The right to be informed
- The right of access (Subject Access)
- The right to rectification
- The right to erasure
- The right to restrict processing
- The right to data portability
- The right to object
- Rights in relation to automated decision making and profiling

- **Access to Health Records Act**

The right to request access to the health records of deceased patients.

## 4. Definitions

### 4.1 This section

Term	Definition
Data Protection Legislation	<b>Data Protection Legislation</b> means the Data Protection Act (DPA) 2018, the General Data Protection Regulation (GDPR) 2016 and the Access to Health Records Act 1990.
Data Subject	The identified or identifiable living individual to whom personal data relates
Information Asset Administrator	Ensure that policies and procedures are followed and are in place to support the information assets they administrate.
One Month	A month starts on the same day the request is received, even if that day is a weekend, and ends on the corresponding calendar date of the next month. If the end date falls on a Saturday, Sunday or bank holiday, the calendar month ends on the next working day. If the corresponding calendar date does not exist because the following month has fewer days, it is the last day of the month.
Recipient	Under the Data Protection Act, a recipient is defined as any person to whom the data are disclosed, including any person to whom they are disclosed in the course of processing the data for a Data Controller (for example, an employee of the data controller, a data processor or employee of the data processor).

## **5. An Individual's Rights under the GDPR**

### **5.1 The Right to be Informed**

Individuals have the right to be informed about the collection and use of their personal data. This is a key transparency requirement under GDPR. The CCG meet their obligations through the publication of a Privacy Notice which can be found on individual CCG public website which covers:

- Name and contact details of the CCG (Data Controller).
- Data Protection Officer contact details
- Purpose/s of processing activities.
- Lawful bases for processing activities
- Legitimate interests for processing (if applicable)
- Categories of personal data processed
- Recipients or categories of recipients of the personal data
- Details of transfers of the personal data to any third countries or international organisations (if applicable).
- Retention periods for the personal data (how long we will hold the information)
- Rights available to individuals in respect of the processing
- Details regarding the right to withdraw consent (if applicable)
- The right to lodge a complaint with the Information Commissioners Office.
- Source of the personal data (if the personal data is not obtained directly from the individual it relates to).
- Details of whether individuals are under a statutory or contractual obligation to provide the personal data (if applicable)
- Details of the existence of any automated decision-making, including profiling (if applicable)

### **5.2 The Right of Access**

All individuals have the right to obtain access to the personal data that the CCG hold about them.

Individuals have the right to obtain the following information:

- confirmation that the CCG is processing their personal data;
- a copy of their personal data; and
- other supplementary information – this largely corresponds to the information provided in the CCG's privacy notice.

Requests for access may be managed by the Continuing Health Care (CHC) Team for CHC records and by the HR Team for staff requests for employee data. All other requests must be sent to the IG Team immediately. Further details on dealing with access requests can be found section 7.

### 5.3 **The Right to Rectification**

Individuals have the right to have inaccurate personal data rectified or completed if it is incomplete. The GDPR does not define accuracy however the Data Protection Act 2018 states that personal data is inaccurate if it is incorrect or misleading as to any matter of fact.

If a request for rectification is received steps must be taken to rectify the data if deemed appropriate. Where a request for rectification is received the applicable information should be restricted from processing until any applicable corrections are completed.

Where the data refers to a mistake that has subsequently been resolved the record itself is not inaccurate and should not be rectified. Where the data refers to an opinion, this is subjective and should not be subject to rectification, however a note can be added to the data to document the individual's opinion.

Where any information is rectified that the CCG has shared with other recipients, steps must be taken to inform each recipient of the rectification or completion of the personal data - unless this proves impossible or involves disproportionate effort. If requested the CCG must also inform the individual about these recipients.

The CCG can refuse to comply with a request to rectification if the data is found to be accurate, if an exemption applies or if the request is found to be manifestly unfounded or excessive.

The Information Governance Team should be contacted immediately if this type of request is received.

### 5.4 **The Right to Erasure**

Individuals have the right to have personal data erased. This is also known as the 'right to be forgotten'. The right is not absolute and only applies in certain circumstances. Individuals have the right to have their personal data erased if:

- the personal data is no longer necessary for the purpose for which the CCG originally collected or processed it;
- the lawful basis for holding the data is consent and the individual withdraws their consent;
- the CCG is relying on legitimate interests as the legal basis for processing, the individual objects to the processing of their data, and there is no overriding legitimate interest to continue this processing;
- the personal data is being processed for direct marketing purposes and the individual objects to that processing;
- the data is being processed unlawfully (i.e. in breach of the lawfulness requirement of the 1st principle);
- there is a duty to comply with a legal obligation; or
- the personal data is being processed to offer information society services to a child.

There is an emphasis on the right to have personal data erased if the request relates to data collected from children. This reflects the enhanced protection of children's information, especially in online environments, under the GDPR.

The right to erasure does not apply if processing is necessary for one of the following reasons:

- to exercise the right of freedom of expression and information;
- to comply with a legal obligation;
- for the performance of a task carried out in the public interest or in the exercise of official authority;
- archiving purposes in the public interest, scientific research historical research or statistical purposes where erasure is likely to render impossible or seriously impair the achievement of that processing; or
- for the establishment, exercise or defense of legal claims.

The GDPR also specifies two circumstances where the right to erasure will not apply to special category data:

- if the processing is necessary for public health purposes in the public interest or
- if the processing is necessary for the purposes of preventative or occupational medicine

For any requests to erase personal data the CCG IG Team must be contacted immediately.

### **5.5 The Right to Restrict Processing**

Individuals have the right to request the CCG to restrict the processing of their personal data in the following circumstances:

- the individual contests the accuracy of their personal data and the CCG is in the process of verifying the accuracy of the data;
- the data has been unlawfully processed (i.e. in breach of the lawfulness requirement of the first principle of the GDPR) and the individual opposes erasure and requests restriction instead;
- the personal data is no longer needed but the individual needs you to keep it in order to establish, exercise or defend a legal claim; or
- the individual has objected to the CCG processing their data under Article 21(1) (the right to object), and consideration is taking place as to whether there are legitimate grounds that override the individual's objection.

Where this happens the CCG is permitted to continue to storing the personal data, unless the individual also invokes their right to erasure.

Should this type of request be received the Information Governance Team must be contacted immediately.



## 5.6 **The Right to Data Portability**

The right to data portability allows individuals to obtain and reuse their personal data for their own purposes across different services. It allows them to move copy or transfer personal data easily from one IT environment to another in a safe and secure way, without hindrance to usability. The right to data portability applies when;

- The lawful basis for processing the information is consent or for the performance of a contract; and
- Processing is being carried out by automated means.

This is unlikely to apply to the information held by the CCG. However, if this type of request is received further guidance should be sought from the Information Governance Team.

## 5.7 **The Right to Object**

Individuals have the right to object to the processing of their personal data at any time. This effectively allows individuals to stop or prevent the CCG from processing their personal data.

An objection may be in relation to all of the personal data held about an individual or only to certain information. It may also only relate to a particular purpose the CCG is processing the data for. The individual must have an objection on “grounds relating to his/her particular situation”

The right to object only applies in certain circumstances. Individuals have the absolute right to object to the processing of their personal data if it is for direct marketing purposes.

Individuals can also object if the processing is for:

- a task carried out in the public interest;
- the exercise of official authority;
- legitimate interests (not generally applicable to CCG)

In these circumstances the right to object is not absolute.

Where the data is being processed for scientific or historical research purposes and has appropriate safeguards in place ( e.g. data minimisation and pseudonymisation where possible) and is necessary for the performance of a task carried out in the public interest, the patient does not have the right to object.

However, to comply with the common law duty of confidentiality explicit consent is required or a section 251 under the NHS Act 2006 is required where patient data is to be used for research purposes or planning. Patients can register an opt-out with NHS Digital to prevent their information from being used when a section 251 applies.

The Information Governance Team must be contacted where this type of request is received.

#### **5.8 Rights Related to Automated Decision Making and Profiling**

Individuals have the right not to be subjected to a decision when it is based on automated processing, without human intervention, which produces a legal effect or a similarly significant effect on the individual.

The CCG do not process information about individuals which would affect them in this manner. However should there be a query relating to automated decision making and profiling, guidance should be sought from the Information Governance Team.

### **6. Receiving a Request**

To be valid, requests can be made either verbally or in writing. This includes letter, email, fax, or even via social media. There are template forms at Appendices 1 and 2. These forms are there to assist in setting out the request but are not mandatory. Where a verbal request is received this should be documented and a copy sent to the requester in order to ensure that the request has been interpreted correctly.

All written requests received will be date stamped upon receipt. All requests, including verbal requests, must be recorded on the tracking spread sheet.

Where requests are processed by CHC and HR separate tracking spread sheet must be held by those teams. A template tracking spread sheet can be found at Appendix 3.

### **7. Identification**

In order for the CCG to process a request the requester must provide appropriate identification documentation as set out in Appendix 4. However where the requester is already known to the CCG e.g. a staff member, identification is not required. Where the request has been submitted by a third party, the requester must provide their own identification and identification documents for the data subject. Third party requests must also be accompanied by a consent form signed by the Data Subject. Where the Data subject lacks capacity to consent the requester must provide an appropriate lasting power of attorney. Or when acting on behalf of a child under 12 proof of parental responsibility. Where the third party is a solicitor the solicitor's details must be checked against the Solicitors Regulation Authority Register <https://www.sra.org.uk/consumers/choosing/>

## 8. Refusing a Request

If an exemption applies, the CCG can refuse to comply with a request either wholly or partly. Not all of the exemptions apply in the same way. Information can be found on the ICO website - [Exemptions](#).

The CCG can also refuse to comply with a request if it is

- manifestly unfounded; or
- excessive

In order to decide if a request is manifestly unfounded or excessive each request will be considered on a case-by-case basis by the CCG's Information Governance Team, in conjunction with the applicable Information Asset Administrator.

A request may be manifestly unfounded if the requester has no clear intention to exercise his/her rights under Data Protection legislation or is malicious in intent and is using the request to harass the CCG with no real purposes other than to cause disruption.

Factors that **may** indicate malicious intent include:

- the individual has explicitly stated, in the request itself or in other communications, that they intend to cause disruption;
- the request makes unsubstantiated accusations against specific individuals or employees;
- the individual is targeting a particular employee against whom they have some personal grudge; or
- the individual systematically or frequently sends different requests to you as part of a campaign with the intention of causing disruption, e.g. once a week.

The requester will be informed without undue delay and within one month of receipt of the request. The requester will be informed of;

- the reasons the CCG is not taking action;
- the requester's right to make a complaint to the ICO or another supervisory authority; and
- the requester's ability to seek to enforce this right through a judicial remedy.

## 9. Responding to a Request

Where possible and appropriate the information and or correspondence will be provided to the requester using the same medium as the request.

When sending confidential personal information via post it must sent using a method proportionate to the quantity and sensitivity of the information. Any personal confidential information sent via Email must be in line with the CCG Email Policy and the NHS mail

[Email Encryption Guide](#), which includes guidelines on how to send information securely to patients and third parties.

## **10. Fees**

In most cases the CCG cannot charge a fee to comply with a request. However, a “reasonable fee” can be charged for the administrative costs of complying with a request for rectification, erasure, restriction, portability, objection and access when the request is manifestly unfounded or excessive.

A fee can also be charged for access requests where an individual requests further copies of their data following a request already recently received.

The fee will be based on the administrative costs of providing the information. Where a decision is made that a fee is required the requester will be contacted promptly to inform them.

## **11. Timescales**

All requests must be responded to within one month of receipt within the CCG and/or fee payable or identity documents received.

The time frame to respond can be extended by a further two months if the request is complex or if the CCG has received a number of requests from the requester. Where this is the case the requester will be informed as soon as possible within one month of receiving their request and an explanation will be provided as to why the extension is necessary.

## **12. Subject Access Requests**

### **12.1 Responding to a Request**

- Every reasonable effort will be made to locate the requested information.
- If held, and a copy has been requested, the information will be given to the data subject, or their representative in an intelligible form.
- If the request is made electronically, the CCG will provide the information in a commonly used electronic format.
- Where possible, the CCG will provide remote access to a secure self-service system to provide the individual with direct access to their information.
- The use of jargon, abbreviations, or codes contained within the information will be explained, or a summary will be provided.
- The CCG will take into account the provisions of the Equality Act 2010.

- In cases where the records may be very large and would require a disproportionate effort to provide in paper form the CCG will work with the requester to find a compromise, or may offer a summary of the record.
- In circumstances where the personal data is not held by the CCG, the requester will be informed as quickly as possible. The CCG will wherever possible, offer support to identify which organisation is the data controller.

## 12.2 SAR Disclosure Exemptions

Circumstances where information may be withheld from release are:

- where it has been assessed by an appropriate healthcare professional that disclosure would be likely to cause serious harm to the physical or mental health of the patient or any other person.
- where the CCG is permitted to withhold information, for example if the disclosure would prejudice the prevention or detection of crime.
- where the information contains personal information about a third party the information will be redacted, removed or refused unless:
  - the information identifies an organisation not an individual and the data is therefore not personal.
  - the individual in question is a health professional who has provided the information as part of the health/medical record
  - the other individual has given their explicit consent; or
  - it is reasonable to release without gaining consent.

Where the redaction involves clinical information the CCG's Caldicott Guardian must be contacted. Where the SAR is complicated and or contentious the information must be reviewed by the CCG's Associate Director of Governance or appropriate Director.

## 12.3 Other Supplementary Information

In addition to the personal data itself, the requester is entitled to receive further information which includes:

- purposes for processing;
- categories of personal data processed;
- recipients or categories of recipient we will be disclosing the personal data to (including recipients or categories of recipients in third countries or international organisations);

- retention period for storing the personal data or, where this is not possible, the criteria for determining how long you will store it;
- the individual's right to request rectification, erasure or restriction or to object to processing;
- the individual's right to lodge a complaint with the Information Commissioner's Office (ICO) or another supervisory authority;
- information about the source of the data, if it was not obtained directly from the individual;
- the existence of automated decision-making (including profiling) and information about the logic involved, as well as the significance and envisaged consequences of the processing for the individual; and
- the safeguards the CCG has provided where personal data has or will be transferred to a third country or international organisation.

This can be provided to the requester by sending a link to the CCG Privacy notice or providing a copy of the CCG Privacy notice.

## **13. Access Request for the Record of a Deceased Patient**

### **13.1 Receipt of a Request**

An amendment within the Data Protection Act 2018 means that there is no longer the right to charge standard fees for accessing records include those of deceased patients.

Unless the patient requested confidentiality while alive, their personal representative and any other person who may have a claim arising out of their death has a right of access to information in their records, which is directly relevant to a claim.

Information should not be disclosed if:

- it identifies the personal data of a third party without that person's consent unless that person is a health professional who has cared for the patient; or
- in the opinion of the relevant health professional, it is likely to cause serious harm to a third party's physical or mental health; or
- The patient disclosed information on the understanding that it would be kept confidential. No information at all can be revealed if the patient requested non-disclosure.

### **13.2 Identification**

In order for the CCG to process a request the requester must provide appropriate identification documentation as set out in Appendix 4. In addition the requester must also provide supporting documentation as set out Appendix 2 Section 5C

## 14. The Right to Lodge a Complaint

If an individual or their representative is not satisfied with the outcome of their request, for example, if they feel information has been withheld or recorded incorrectly, or that they have not been allowed sufficient time to view the information, they should contact the CCG Complaints Team in the first instance.

An individual can escalate their concerns to the CCG's Data Protection Officer on the following details:

Loretta Bradley – Head of Information Governance  
[ncccg.ig.greater-nottingham@nhs.net](mailto:ncccg.ig.greater-nottingham@nhs.net)

Or by writing to  
Loretta Bradley  
Head of Information Governance  
Nottingham and Nottinghamshire Clinical Commissioning Group  
1 Standard Court  
Park Row  
Nottingham  
NG1 6GN

Where an individual is not satisfied with the CCG response to a request falling under the Data Protection Act an individual can escalate their concerns to the ICO using the following contact details

The Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
Tel: 01625 545 745  
E-mail: [mail@ico.gsi.gov.uk](mailto:mail@ico.gsi.gov.uk)

## 15. Communication, Monitoring and Review

This procedure will be highlighted to staff via the CCG's staff bulletin and during face to face Information Governance Training sessions. The final version of this procedure will be held by the Information Governance Team, a copy of which will be published on the CCG's intranet site.

The effectiveness of this procedure will be monitored by the CCG's Information Governance Steering Group. The Group will receive an update as part of the CCG compliance report which is a standing item and will include compliance with the legal timeframes for responding to Information Rights Requests.

Any individual who has queries regarding the content of this procedure, or has difficulty understanding how this procedure relates to their role, should contact the CCG's Information Governance Team via email -

## **16. Staff Training**

Specific training will be provided to staff that process subject access requests. This includes the following

- Continuing Healthcare.
- Human Resources.

Staff belonging to these teams will be required to complete training modules as identified within the CCG Training Needs Analysis.

## **17. Equality and Diversity Statement**

- 17.1 The Nottingham and Nottinghamshire CCGs pay due regard to the requirements of the Public Sector Equality Duty (PSED) of the Equality Act 2010 in policy development and implementation, both as commissioners and as employers.
- 17.2 As a commissioning organisation, we are committed to ensuring our activities do not unlawfully discriminate on the grounds of any of the protected characteristics defined by the Equality Act, which are age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 17.3 We are committed to ensuring that our commissioning activities also consider the disadvantages that some people in our diverse population experience when accessing health services. Such disadvantaged groups include people experiencing economic and social deprivation, carers, refugees and asylum seekers, people who are homeless, workers in stigmatised occupations, people who are geographically isolated, gypsies, roma and travellers.
- 17.4 As employers, we are committed to promoting equality of opportunity in recruitment, training and career progression and to valuing and increasing diversity within our workforce.
- 17.5 To help ensure that these commitments are embedded in our day-to-day working practices, an Equality Impact Assessment has been completed for, and is attached to, this procedure.



## **18. Further Information**

Information Commissioner's Office (ICO)

<https://ico.org.uk/>

ICO – Subject Access Code of Practice

<https://ico.org.uk/media/for-organisations/documents/2259722/subject-access-code-of-practice.pdf>

## Appendix A: Equality Impact Assessment

Date of assessment:				
For the policy, and its implementation, please answer the questions against each of the protected characteristic and inclusion health groups:	Has the risk of any potential adverse impact on people in this protected characteristic group been identified, such as barriers to access or inequality of opportunity?	If yes, are there any mechanisms already in place to mitigate the adverse impacts identified?	Are there any remaining adverse impacts that need to be addressed? If so, please state any mitigating actions planned.	Are there any positive impacts identified for people within this protected characteristic group? If yes, please briefly describe.
Age <sup>1</sup>	No	n/a	n/a	n/a
Disability <sup>2</sup>	Yes	Yes	no	no
Gender reassignment <sup>3</sup>	No	n/a	n/a	n/a
Marriage and civil partnership <sup>4</sup>	No	n/a	n/a	n/a
Pregnancy and maternity <sup>5</sup>	No	n/a	n/a	n/a

<sup>1</sup> A person belonging to a particular age (for example 32 year olds) or range of ages (for example 18 to 30 year olds).

<sup>2</sup> A person has a disability if she or he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

<sup>3</sup> The process of transitioning from one gender to another.

<sup>4</sup> Marriage is a union between a man and a woman or between a same-sex couple.

Same-sex couples can also have their relationships legally recognised as 'civil partnerships'.

<sup>5</sup> Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

Date of assessment:				
For the policy, and its implementation, please answer the questions against each of the protected characteristic and inclusion health groups:	Has the risk of any potential adverse impact on people in this protected characteristic group been identified, such as barriers to access or inequality of opportunity?	If yes, are there any mechanisms already in place to mitigate the adverse impacts identified?	Are there any remaining adverse impacts that need to be addressed? If so, please state any mitigating actions planned.	Are there any positive impacts identified for people within this protected characteristic group? If yes, please briefly describe.
Race <sup>6</sup>	No	n/a	n/a	n/a
Religion or belief <sup>7</sup>	No	n/a	n/a	n/a
Sex <sup>8</sup>	No	n/a	n/a	n/a

<sup>6</sup> Refers to the protected characteristic of race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

<sup>7</sup> Religion refers to any religion, including a lack of religion. Belief refers to any religious or philosophical belief and includes a lack of belief. Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

<sup>8</sup> A man or a woman.

## Appendix 1 Subject Access Request: Application Form

Please complete this form if you would like copies of **your own** records.

If you are asking for information on behalf of someone else, please do not complete this form. Instead, please complete the form '**Subject Access Request – Form for Representatives**'.

### How We Will Use Your Information

The information you provide will only be used to progress your request and for related administrative purposes. All of your information is treated with respect and in accordance with the Data Protection Act 2018 and the General Data Protection Regulation.

#### Section 1: Proof of Identity

Before we can process your request we must establish your identity. This helps to ensure that we never release information to anyone who should now have access to it.

To establish your identity your application must be accompanied by photocopies of one or more official document(s) which show your **name, date of birth, current address** and **signature**. **Appendix 5** of this procedure contains a list of valid identity documents

If you have changed your name during the period your request covers, proof of your name change must also be provided.

Failure to provide proof of identity will delay your application.

#### Section 2 Subject Access Request Form: *(Please use capital letters)*

<b>Name:</b>	<b>Date of Birth:</b>	<b>Sex:</b>
<b>Current Address:</b>		
<b>Postcode:</b>	<b>Tel No:</b>	
<b>Email address:</b>		
<i>By providing your email address, you consent to being contact via email with regards to this request.</i>		

If your name and/or address have changed during the periods to which your application relates please give details below and refer to Section 1 regarding proof of identity:

<b>Previous surname:</b>
<b>Previous address:</b>
<b>Applicable dates:</b>

**Details:**

Please provide as much information as possible. Give full details of all information you are interested in and if you only wish to receive information relating to a specific aspect, please specify in the section below (continuing on a separate sheet if necessary):

<b>CCG Service</b>	<b>Relevant dates</b>	<b>Details of any specific information you do or <u>do not</u> require</b>

**Section 3: Declaration**

I wish to have copies of my own records and enclose the relevant identification.

The information I have supplied on this form is correct to the best of my knowledge.

<b>Signed:</b>	<b>Date:</b>

**What Happens Next?**

Please ensure that you have completed all sections of the form, provided as much detail as possible and signed the form. Failure to do so will result in a delay to your request being processed.

We will send you an acknowledgement upon receipt of your request. We will then apply for the records from the relevant department.

## **Sending Records**

Once we are in receipt of your records from the relevant service we will dispatch your records to you via a suitable method which is proportionate to the quantity and sensitivity of the information.

If you made the request via email we will send the information to you via encrypted email, unless we are otherwise requested to do so.

Please send completed forms to:

Information Governance Team  
Nottingham and Nottinghamshire Clinical Commissioning Group  
1 Standard Court  
Park Row  
Nottingham  
NG1 6GN

Or [ncccq.ig.greater-nottingham@nhs.net](mailto:ncccq.ig.greater-nottingham@nhs.net)

## Appendix 2 - Subject Access Form for Representatives

### Requesting Information

Please complete this form if you wish to access the records of someone you are acting on behalf of and are authorised to do so. Please see **Section 5** to confirm that you have authority.

Please do not use this form if you are requesting copies of your own records, instead complete the '**Subject Access Request: Application Form**'.

### How We Use Information

The information you provide will only be used to progress your request and for related administrative purposes. All of your information is treated with respect and in accordance with the Data Protection Act 2018 and the General Data Protection Regulation.

### Section 1: Proof of Identity

Before we can process your request, we must establish both your identity and the identity of the subject of the request. This helps to ensure that we never release information to anyone who should not have access to it.

To establish identity, your application must be accompanied by photocopies of one or more official document(s) for each person, which show **name, date of birth, current address and signature**. **Appendix 5** of this procedure contains a list of valid identity documents

**Please see Appendix 3 for Access to Deceased Patient Records.**

If there has been a name change by either you (the requester) or the individual to whom the records (the subject) relate during the period your request covers, proof of the name change must also be provided.

Failure to provide proof of identity will delay your application.

<p><b>Please add a note here if you are unable to provide the requested proof of identity. We may need to contact you about this before we can process your request.</b></p>

**Section 2: About You (The Requester)** *(Please use capital letters)*

<b>Name:</b>	
<b>Current Address:</b>	
<b>Postcode:</b>	<b>Tel No:</b>
<b>Email address:</b>	
<i>By providing your email address, you consent to being contact via email with regards to this request.</i>	
<b>What is your relationship with the subject of the request?</b> E.g. Partner, parent, legal guardian, main carer, legal representative, advocate etc.	

**Section 3: The Subject of the Request** *(Please use capital letters)*

<b>Name:</b>	<b>Date of Birth:</b>	<b>Sex:</b>
<b>Current Address (if different from above):</b>		
<b>Postcode:</b>	<b>Tel No (if different from above):</b>	

If the subject's name and/or address changed during the periods to which your application relates, please give details below and refer to Appendix 4 regarding proof of identity:

<b>Previous surname:</b>
<b>Previous address:</b>
<b>Applicable dates:</b>

**Section 4: Proof of Consent or Authority**



Finally, you need to demonstrate that you have the appropriate consent or authority to make this request for someone else’s personal information. To do this, please complete the relevant part of **Section 4**.

- **Section 4A** if you are acting on behalf of a child under 12 or any other person who lacks capacity to make their own request.
- **Section 4B** if you are acting on behalf of an adult or young person over 12 with sufficient capacity to make a request themselves

**Section 4A:** Acting on behalf of a child under 12 or other person who lacks capacity  
 A parent or guardian does not have an automatic right to information held about their child. The right belongs to the child and the parent acts on their behalf, providing the parent has parental responsibility.

In England and Wales the age at which the child reaches sufficient maturity to exercise their own right to access their information is normally 12 but this may vary according to factors particular to that child. Once the child reaches sufficient maturity the parent may only act with the child’s consent.

When deciding whether information about a child can be released consideration is also given to the best interests of the child in releasing information to the requester.

<b>Declaration</b>	
I confirm that I am undertaking this subject access request on behalf of the individual named as the subject of this form and enclose the relevant identification.	
I confirm that I can act on behalf of the subject and will send relevant proof to you:	
<ul style="list-style-type: none"> <li>• For a child under 12 or a young person lacking capacity, proof of responsibility over them. OR</li> <li>• For an adult who lacks capacity, a photocopy of my personal Welfare Power of Attorney for the subject. OR</li> <li>• Other.....</li> </ul>	
The information I have supplied on this form is correct to the best of my knowledge.	
<b>Signed:</b>	<b>Date:</b>

What next?

Please return this form to the address at the end of this form, checking you have enclosed:

- photocopies of proof of identity for the requester (you)
- photocopies of proof of identity for the subject of the request

- if the subject is a child, proof of the responsibility of the adult for the child
- if the subject is a person lacking capacity, proof that you may act on their behalf

**Section 4B: Acting on behalf of an adult or young person over 12 with capacity to make their own request**

NB: If you are making a request on behalf of a **young person of 12 or over**, they must sign below in the **'declaration by the subject'** box to confirm they are happy for you to act on their behalf.

<p><b>Declaration by the Requester</b>          I, the requester, confirm I am making this request for personal information on behalf of the person named in the declaration below.</p> <p>I enclose the requested identification to confirm my identity.</p> <p>The information I have supplied on this form is correct to the best of my knowledge.</p>	
<b>Signed:</b>	<b>Date:</b>

<p><b>Declaration by the Subject</b>          I, the subject of this request, confirm that I am happy for the person named above as requester to request access to my personal information on my behalf.</p> <p>The information supplied on this form is correct to the best of my knowledge.</p>	
<b>Signed:</b>	<b>Date:</b>

**What next?**  
 Please return this form to the address at the end of this form, remembering to enclose:

- photocopies of proof of identity for the requester (you)
- photocopies of proof of identity for the subject of the request

## Appendix 3 – Request For Access To Deceased Patient Records

### Requesting Information

Please complete this form if you wish to access the records of a deceased patient. Please do not use this form if you are requesting copies of your own records, instead complete the **'Subject Access Request: Application Form'**.

### How We Use Information

The information you provide will only be used to progress your request and for related administrative purposes. All of your information is treated with respect and in accordance with the Data Protection Act 2018 and the General Data Protection Regulation.

### Section 1: Proof of Identity

Before we can process your request, we must verify your identity this helps to ensure that we never release information to anyone who should not have access to it.

To establish identity, your application must be accompanied by photocopies of one or more official document(s) which show **name, date of birth, current address and signature**. **Appendix 5** of this procedure contains a list of valid identity documents

### Section 5C: Requesting Records for a Deceased Patient

Access to deceased patient notes is controlled by the Access to Health Records Act 1990, which allows for copies of information to be disclosed in some circumstances.

Any person making such a request satisfies one of the following criteria:

- a) They must be the patient's personal representative – this must be proven with papers of administration or award of probate, or
- b) They have a formal claim arising out of the death on behalf of the estate or as a dependent of the deceased's estate.

As not all estates go to probate, we will also accept copies of the deceased's will where the requestor is named as executor.

#### Declaration by the Requester

I, the requester, confirm I am making this request for access to the afore-mentioned deceased patient's records.

I enclose the requested identification and documentation.

The information I have supplied on this form is correct to the best of my knowledge.

<b>Signed:</b>	<b>Date:</b>

### **What Happens Next?**

Please ensure that you have completed all sections of the form, provided as much detail as possible and signed the form. Failure to do so will result in a delay to your request being processed.

We will send you an acknowledgement upon receipt of your request. We will then apply for the records from the relevant department.

### **Sending Records**

Once we are in receipt of your records from the relevant service we will dispatch your records to you via a suitable method which is proportionate to the quantity and sensitivity of the information.

If you made the request via email we will send the information to you via encrypted email, unless we are otherwise requested to do so

Please send the completed forms to:

Information Governance Team  
Nottingham and Nottinghamshire CCG  
1 Standard Court  
Park Row  
Nottingham  
NG1 6GN  
[ncccg.ig.greater-nottingham@nhs.net](mailto:ncccg.ig.greater-nottingham@nhs.net)

## Appendix 4 – Subject Access Request Tracking Template

CCG Ref no	Date of Initial Request	Deadline Date	Revised Deadline Date (due to further information requested)	Date information disclosed	Request (What information has been requested?)	Subject(s) ( Name)	Requester's name	Solicitor (if applicable)	Reference Number (solicitor ref no or other ref)	Basis for disclosure	Outcome (was the information disclosed? If not why not)	Update

## **Appendix 5 - Valid Identity documents**

This page lists those documents which are accepted as confirming your identity. You will normally need to provide three documents, one from Group 1, and two from Groups 1, 2a or 2b, one of which must include your current address.

### **Group 1: Primary Identity Credentials**

- Current valid passport
- Biometric Residence Permit (UK)
- Current driving licence photocard, full or provisional (UK, Isle of Man, Channel Islands and EEA)
- Birth certificate (UK, Isle of Man and Channel Islands), issued within 12 months of birth
- Adoption Certificate (UK and Channel Islands)

### **Group 2a: Trusted Government Documents**

- Current driving licence photocard, full or provisional (All countries outside the EEA)
- Current driving licence, full or provisional - paper version if issued before 1998 (UK, Isle of Man, Channel Islands and EEA)
- Birth certificate - issued more than 12 months after time of birth (UK and Channel Islands)
- Marriage/civil partnership certificate (UK and Channel Islands)
- Immigration document, visa or work permit issued by a country outside the EEA. Valid only for roles whereby the applicant is living and working outside of the UK. Visa/permit must relate to the non EEA country in which the role is based
- HM Forces ID card (UK)
- Firearms Licence (UK, Isle of Man and Channel Islands)

### **Group 2b: Financial and Social History Documents**

- Mortgage statement issued in last 12 months (UK or EEA)
- Bank/building society statement issued in last 3 months (UK and Channel Islands or EEA)
- Bank/building society statement issued in last 3 months (Countries outside EEA - branch must be in the country where the applicant lives and works)
- Bank/building society account opening confirmation letter issued in last 3 months (UK)
- Credit card statement (UK or EEA) issued in last 3 months
- Financial statement, for example pension or endowment (UK) issued in last 12 months

- P45/P60 statement (UK and Channel Islands) issued in last 12 months
- Council Tax statement (UK and Channel Islands) issued in last 12 months
- Letter of sponsorship from future employment provider (non-UK/non-EEA only – valid only for applicants residing outside of the UK at time of application)
- Utility bill (UK) (mobile telephone bill not acceptable) issued in last 3 months
- Benefit statement, for example Child Benefit, Pension issued in last 3 months
- A document from central/local government, government agency or local council giving entitlement, for example from the Department for Work and Pensions, the Employment Service, HM Revenue and Customs (UK and Channel Islands) issued in last 3 months
- Valid EU National ID Card.
- Valid Cards carrying the PASS accreditation logo (UK, Isle of Man and Channel Islands)
- Letter from head teacher or college principal - UK for 16 to 19 year olds in full time education - only used in exceptional circumstances if other documents cannot be provided