


ACCESS TO RECORDS AND FILES

VERSION No	4	
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1. Policy Statement

This organisation adheres fully to the Data Protection Act 1998 which states that: all records required for the protection of service users and for the effective and efficient running of the organisation should be maintained accurately and should be up-to-date; that service users should have access to records and information about them held by the organisation; and that all individual records and organisation records should be kept in a confidential and secure fashion.

2. The Policy

This policy is intended to set out the values, principles and policies underpinning this organisation's approach to access to records. The organisation aims to ensure that residents can be assured that the protection of their privacy and confidentiality are given the highest consideration.

3. Access to Records, Files and Care Plans Policy

a) This organisation believes that access to information, security and privacy of data is an absolute right of every resident, and that residents are entitled to see a copy of all personal information held about them, with the opportunity to correct any error or omission therein. Therefore, in this organisation:

- ✓ Residents should have access to their records and information about them held by the organisation, as well as opportunities to help maintain their personal records in the case of records kept in the home
- ✓ Individual records and organisation records required for the protection of residents should, at all times, be kept in a secure fashion and should be constructed, maintained and used in accordance with the *Data Protection Act 1998* and other statutory requirements.
- ✓ Any resident requiring access to their files should contact the manager or deputy manager of the home to make arrangements to view. Residents with sensory or other disabilities should be given appropriate help and support from an independent source as required, e.g. an advocacy service.

b) The viewing of certain records may only be refused in the following circumstances, as consistent with the *Data Protection Act 1998*:

- ✗ Where disclosing the personal data would reveal information that relates to and identifies another person, unless that person has consented to the disclosure or it is reasonable to comply with the request without that consent
- ✗ Where permitting access to the data would be likely to cause serious harm to the physical or mental health or condition of the data subject or any other person
- ✗ Where the request for access is made by another on behalf of the data subject, access can be refused if the data subject had either provided the information in the expectation it would not be disclosed to the applicant or had indicated it should not be so disclosed, or if the data was obtained as a result of any examination or investigation to which the data subject consented on the basis that information would not be so disclosed.

c) *Before deciding whether the above restrictions apply, the manager or deputy manager of the home should consult the health professional responsible for the clinical care of the resident; if there is more than one, the most suitable available health professional should be consulted; if*

there is none then the head of organisation should consult a health professional with the necessary qualifications and experience to advise on the matters to which the information requested relates.

- d) Residents who have a complaint about the way that the organisation keeps files about them, or who are refused access to files that they believe they should have access to, should be referred to the Data Protection Information Commissioner.

4. Related Policies

Data Protection / GDPR

Record Keeping

Record Keeping

5. Training Statement

All new staff should be encouraged to read the policies on data protection, confidentiality, access to files and record keeping as part of their induction process. Training in the correct method for entering information in service users' records should be given to all care staff. The nominated data user and data controller (the manager or the deputy manager), for the home should be trained appropriately in the Data Protection Act 1998. All staff requiring use of the computer system should be thoroughly trained to do so.