



Name of Local Mind	Carrick Mind
Policy	Access to Information Request Policy
Version	1
Date when last reviewed	
Date when next review due	Nov 2020
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This policy is for:	Staff, Trustees, Volunteers (also see Section 3.1)

1. Introduction & Background

1.1. Carrick Mind aims to operate in an open and accountable way and recognises the importance of making information available about its activities and services. As an organisation, Mind receives requests from individuals and organisations to access certain information. At times, Mind receives specific requests to access the personal data held about individuals.

1.2. The opportunity to see, comment on and correct personal data held by Carrick Mind helps to ensure that the information is complete, accurate, clear and unbiased.

1.3. Personal data is any information about an identifiable living individual and in some circumstances we also process sensitive personal data (for example, health information). For the purposes of this policy, references to personal data shall include sensitive personal data or special categories of personal data unless stated otherwise. Information held in a manner purely for statistical purposes, which is anonymous or does not otherwise identify individuals, is not considered to be personal data.

1.4. Some of the personal data that we process includes:

- The reason that someone is using Mind's services
- Medical conditions
- Lived experiences

2. Purpose and aims of policy

- 2.1. The aim of this Policy is to ensure that the information held by Carrick Mind is:
- a) processed fairly, lawfully and in a transparent manner by providing individuals with the opportunity to access their personal data;
 - b) to support best practice with regards to compliance with the Data Protection Legislation (including the General Data Protection Regulation) and other relevant legislation, guidance and requirements; and
 - c) to ensure that Carrick Mind has the legal justification to disclose personal data to third parties that request information that contains such personal data.

3. Scope

- 3.1. This Access to Information Request Policy applies to all staff, volunteers, Board members, contracted third parties and members of consultative fora. If there is any doubt about the applicability of this Policy, guidance should be sought from the Chief Executive.

4. Policy Statement – Access to Personal Data (SARs)

- 4.1. Under the Data Protection Legislation, individuals have a right to understand how an organisation is processing their personal data and have access to their information. This is called a Subject Access Request or 'SAR'. In exercising this right, an individual can contact us at any point to request copies of the personal data we hold about them, why we are processing it, whether it will be shared with any third parties and request details of the source of the data.
- 4.2. A SAR can be made in different forms, but in most instances must be in writing. A request sent by post, email or fax is equally as valid as one sent in hard copy and requests made by means of social media are also valid (this includes requests made through any Carrick Mind Facebook page or Twitter account). Verbal requests to access personal data should generally be followed up by with a request in writing. However, in some instances (for example where a disabled person who finds it difficult to make a SAR in writing), a verbal SAR can be treated as though it was a valid SAR, to ensure we comply with the Equality Act 2010.
- 4.3. A SAR must be in relation to personal data relating to the individual requesting the SAR. Occasionally we may receive a SAR from a third party acting on behalf of an individual (an **agent**). These agents may include parents, guardians, legal representatives and those acting under a power of attorney or other legal authority. The agent must provide sufficient evidence that he or she is authorised to act on behalf of the individual.

- 4.4. If you receive a request, you must forward it immediately to the Data Protection Officer who will determine how to respond to it. It is important that you do this because we must deal with these requests within certain mandatory time limits. Do not respond or reply to the SAR without the Data Protection Officer's authority.
- 4.5. Further information in relation to SARs and the procedure for dealing with SARs is included as Appendix One, guidance on dealing with individuals who have made SARs is at Appendix Two and a form to be completed when Mind has received a SAR is included as Appendix Three.
- 4.6. When considering the provision of personal data about an individual to the individual concerned or their agent, Carrick Mind will always act in accordance with the requirements of the Data Protection Legislation and advice and guidance about the right of subject access issued by the Information Commissioner's Office (ICO).
- 4.7. Any individual who feels that this policy has been unfairly applied, or who has suffered loss or damage as a result of actions by Carrick Mind may appeal by using the complaints/grievance procedure.

5. Policy Statement – Personal Data requested by third parties

- 5.1. Mind shares personal data with certain third party organisations where there is an information sharing agreement and protocols in place. Please see the Data Sharing Policy for further information.
- 5.2. Mind may get ad-hoc requests for information which contains personal data. Whilst we have a duty to co-operate with the police, regulators and other third parties, we also have duties under the Data Protection Legislation to safeguard personal data we hold and we may only disclose it if permitted by law.
- 5.3. For example, we may disclose personal data which is not sensitive personal data to third parties:
 - To comply with the law
 - To comply with a court order or in connection with legal proceedings
 - Anonymously for bona fide statistical or research purposes, provided it is not possible to identify the individuals to whom the information relates
- 5.4. We may be able to disclose an individual's sensitive personal data such as their health data in certain circumstances for example to the extent it is necessary to protect the vital interests of the individual or another person.
- 5.5. You must forward requests from the police, regulatory bodies or any other third parties to the Chief Executive immediately. Carrick Mind will co-

operate as fully as possible with such requests as outlined in Appendix Four.

5.6. Unless prohibited from doing so under applicable law Carrick Mind will always inform the individual when, and why, disclosure without informed consent has taken place and will keep a central log of all such disclosures.

6. Roles and responsibilities

6.1. The Board of Trustees is responsible for gaining assurance that confidentiality is managed appropriately within Carrick Mind and that adequate resources are made available to implement this policy.

6.2. The Chief Executive is responsible for ensuring that access to information is handled in line with this policy and associated procedures and for providing assurance of such to the Board. The Data Protection Officer will be responsible for responding to SARs.

6.3. On a day-to-day basis the Chief Executive is responsible for implementing and managing this Policy and its related good working practices.

6.4. Line Managers will be responsible for ensuring that all Carrick Mind staff working in a service delivery role have read the Confidentiality Policy and this Access to Information Request Policy and are working to the required standard. They will ensure that a high standard of record keeping is maintained by conducting regular audits and will provide training for staff.

6.5. All Carrick Mind staff who have access to personal data and charity information have responsibilities to ensure that they comply with this policy and with any guidance subsequently produced.

Appendix One

Procedures for dealing with SARs

The following sets out the procedure the DPO will follow when responding to a SAR.

1. Individuals are entitled to ask:

Whether Carrick Mind is processing any personal data about them and, if so, to be given:

- confirmation that their personal data is being processed
- access to their personal data and told:
 - why Carrick Mind processes it
 - the categories of personal data processed
 - who Carrick Mind shares it with
 - how long Carrick Mind stores it or Carrick Mind's retention criteria
 - their rights to rectification, erasure, to restrict processing and to object to processing
 - their right to lodge a complaint
 - if Carrick Mind did not get the data from them directly, any available information as to the source
 - whether Carrick Mind carries out automated decision-making which has legal or significant effects for the individual, the logic involved, as well as the significance and consequences of the processing for the individual

Such requests are called Subject Access Requests (SARs).

2. Subject Access Requests should ideally be made in writing, using Carrick Mind's Subject Access Request Form; however requests in writing by other means will still be valid as long as sufficient information is provided for Carrick Mind to be able to process the request.
3. The individual may be asked to provide evidence as to their identity, in the form of a current passport/driving licence, and the signature on the identity must be cross-checked to that on the Subject Access Request Form.
4. Note that the individual is entitled to ask for all personal data that Carrick Mind holds on them, without specifying that personal data.
5. The date the identification evidence and the specification of the personal data sought are received must be recorded on the application; Carrick Mind then has one month from this date to provide the requested information. Failure to provide the requested information within the month is a breach of

the Data Protection Legislation unless Carrick Mind have a justifiable reason for an extension.

6. The SAR should be immediately notified to the Data Protection Officer who will ensure that the request is logged and the requested data collected and authorised for release within the time frame. If it is not possible to complete the request fully the Data Controller will write to the requestor explaining why it is not possible to process the request and record this accordingly. Collection will entail:

- Searching all relevant databases and all relevant filing systems (manual files) held by or on behalf of Carrick Mind, including all relevant back-up and archived files, whether computerised or manual, and including all relevant email folders and archives. The Data Protection Officer maintains an information asset register that should identify where all personal data is stored; and
- Collecting the data specified by the requestor.

7. The Data Protection Officer maintains a central record of requests for data and of its receipt, including dates. Note that personal data may not be altered or destroyed in order to avoid disclosing it.

8. The Data Protection Officer is responsible for reviewing all provided documents, to identify whether any third parties are identified in it and for either obtaining written consent from the third party for their identity to be revealed or redacting identifying third party information from the documentation (where it is not reasonable to disclose the information without the third party's consent) or.

9. Personal data does not need to be provided to the extent that one of the exemptions under Data Protection Legislation applies. These include:

- crime prevention and detection
- negotiations with the requester
- management forecasts
- confidential references given by Mind (but not ones given to Mind)
- information used for research, historical or statistical purposes
- information covered by legal professional privilege

It is not always clear the extent to which these exemptions apply and the Data Protection Officer should make the final decision.

10. The release of any personal data should be authorised by the Data Protection Officer.

11. The information is provided to the data subject in printed format or (if they made the request electronically) in electronic format and all the items

provided are listed on a schedule that shows the data subject's name, the date on which the information is delivered, and the signature of the data subject to indicate that the information has been received or a copy of a record of posting should be attached.

Appendix Two

Subject Access Request Form

Carrick Mind Confidential

Note: This form can be provided to individuals if they wish to make a request. However, it is not mandatory to complete it.

To enable us to process your request more efficiently please complete the following form:

PLEASE PROVIDE THE FOLLOWING INFORMATION ABOUT YOURSELF:		
Full name:		
Address:		
Post Code:		
Tel No: No:	Mobile:	Fax
E-mail:		
Are you requesting information about yourself?		
If so, you are the data subject and documentary evidence of your identity is required, i.e. driving licence, birth certificate (or photocopy) and a stamped addressed envelope for returning the document. (Please go to 3 below.)		
If not, please supply the written consent of the data subject and provide their details below:		
Full name:		

Address:

Post Code:

Tel No:
No:

Mobile:

Fax

E-mail:

3. Please describe the information you seek together with any other relevant information to help us identify the information you require:

ALL APPLICANTS MUST COMPLETE THIS SECTION

[Please note that any attempt to mislead may result in prosecution].

I confirm that the information given on this application form to Mind is true, and I understand that Mind may need more information to confirm my identity/that of the data subject and to locate the information that I am requesting.

Signature:

Date:

Please return the completed form to the Data Protection Lead, or email enquiries@carrickmind.org.uk along with the following:

a) Evidence of your identity.

- b) Evidence of the data subject's identity (if different from (a)).
- c) Stamped addressed envelope for return of proof of identity/authority document.

Whilst Carrick Mind must respond to your request for information within one month, please note this time period does not begin to run until all of the above have been received.

Office Use Only:

SAR form received by (employee name):

Date:

Please specify how identity was confirmed:

(if individual is unknown to the worker please provide identity details i.e. passport number or photographic ID number and attach a copy)

Request Processed by:

Date:

Request Authorised by:

Date:

Details (i.e. copy of file given to client, viewing arranged, reasons for withholding any information):

Appendix Three

Procedure for requests for information from other organisations and individuals.

The following sets out the procedure which the Chief Executive and Management Team will follow in relation to receiving requests from other organisations and individuals.

1. General principles

- Check that the request details the information (including any personal data) required and why it is required
- Check that, where relevant, authorisation to disclose this personal data has been given or that the request falls into one of the exception categories. If not, explain Carrick Mind's policy
- Establish, where relevant, that there is a genuine need to know
- Verify the identity of the person making the request and/or the authority of the organisation making the request on the individual's behalf
- Remember that you must comply with the Data Protection Legislation at all times

2. General callers

- No matter how plausible the request is, explain that Carrick Mind does not give out any personal data
- Offer to forward a letter, or in genuine emergencies pass on a telephone message, if we know the person the caller is trying to contact

3. Written requests and letters

- Letters from lending institutions (banks, building societies or loan companies) requesting a reference must be accompanied by signed and dated letter of authorisation from the person concerned. If not, write to the firm explaining that written authorisation is required before a reference can be given
- Forward letters with a covering letter confirming that no information has been disclosed

4. The police

- Whenever the police ask for information, try to obtain the request in writing (by letter or fax) and establish what information is required and why it is required
- Such requests for information must be referred to the Data Protection Officer and a detailed note of what has been disclosed retained on file
- Refer any requests for access to Carrick Mind property to the Chief Executive.

- Where a personal relationship exists with local community police, care must be taken to avoid divulging information that the police would otherwise require a court order to obtain
- Guidance should be sought from the Chief Executive or Chair of Trustees when the police have been called in response to an assessed health and safety risk against an individual or a third party about the amount of information that should be disclosed

5. The press

- Refer all press enquiries to the Chief Executive or Chair of Trustees.

6. Procedures for dealing with requests for organisational information (excluding personal data)

Our procedures are designed to make it as easy as possible for interested parties to have access to information about Carrick Mind's activities. Our service standard is to provide information within five working days of receiving a request.

Requests for information should be dealt with as follows:

Information that is not readily available

- Ask why the information is required
- Offer any similar information that is readily available
- Refuse any requests that are unreasonable
- Refer requests for research purposes to your line manager (Carrick Mind may wish to co-operate with the research)

Guidelines on information to be made available

Information to be published annually:

- Summary performance information
- Summary of activity that demonstrates that access has been fair
- Summary business plan
- A financial report that demonstrates future financial viability and continuity
- A report on relations with service users and the opportunities that have been given to service users to participate
- Information about the Trustees that includes:
 - The name, length of service, age, occupation and other directorships of all members (members have agreed to their personal data being disclosed for these purposes).
 - The gender and ethnic balance.
 - General recruitment and selection procedures for new members.

- A customer care commitment that includes contact details for anyone who wishes to comment or to make a complaint

Information to be publicly available

- Membership policy
- Confidentiality policy
- Equal opportunities statement and policy
- Arrangements for consultation and participation
- Complaints procedure

Information to be available on request

- Non-confidential Board papers and minutes

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