

Standard Operating Procedure (SOP) Individual's Rights / Subject Access Procedure	
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1 Purpose

- 1.1 The Leeds GP Confederation has a legal duty to comply with Individual's Rights and requests for access to personal information that it holds. It is a legal requirement that all requests for personal information held by the Leeds GP Confederation are handled in accordance with General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA).
- 1.2 This Standard Operating Procedure (SOP) defines a process for achieving legislative requirements and ensuring effective and consistent management of such requests.

2 Scope

- 2.1 This procedure covers access to personal data as defined within the Data Protection Act 2018 and the General Data Protection Regulation.
- 2.2 Freedom of Information Act requests are outside the scope of this procedure and follow a separate process.

3 Definitions

- 3.1 Health Record - Consists of information relating to the physical or mental health or condition of an individual and has been made aware by or on behalf of a health professional in connection with their healthcare.
- 3.2 Redaction - is the process of blocking selected information within a record to make it unavailable to be viewed by the recipient.

4 Responsibilities

4.1 Staff

All staff employed by the Leeds GP Confederation NHS Confederation, must work in accordance with the Leeds Safeguarding Multi-agency Policies, Procedures and local guidelines in relation to any safeguarding concerns they have for children or adults they are in contact with.

4.2 Quality, Performance and Finance Committee

The Quality, Performance and Finance Committee is responsible for the production and maintenance of this procedure and monitoring compliance with the Data Protection Act 2018.

- 4.3 Service / Business Unit senior management are responsible for the implementation of this procedure within their specific areas and adhering to the statutory timeframes set within the DPA.

5 The Rights of an Individual under the DPA

5.1 The right to be informed

The Leeds GP Confederation will provide information to individuals about how their personal data is processed and held and for what purpose.

5.2 The right of access – (subject access requests Appendix A)

The Leeds GP Confederation will provide access to individuals, or their personal representatives, if data is being processed; the individual has the right to be given: a description of the data; the purposes of the processing; if the information has been/will be shared, to whom it has been/will be disclosed. The individual is also entitled to have the information communicated to them in an intelligible form. Section 6 of this document details the procedure of the management of subject access requests.

5.3 The right to restrict processing.

The individual has the right to request the restriction or suppression of their personal data. This is not an absolute right and will only apply in certain circumstances.

5.4 The right to erasure

The individual has the right to request erasure (to be forgotten). This is not an absolute right and will only apply in certain circumstances.

5.5 The right to data portability

The right to data portability allows individuals to obtain and reuse their personal data across different services for their own purposes. This right only applies

- To personal data an individual has provided the Leeds GP Confederation
- Where the processing is based on the individuals consent or for the performance of a contract; and
- Where the processing is automated

The right allows individuals to move copy or transfer personal data easily from one Information Technology (IT) environment to another in a safe and secure way, without affecting usability.

5.6 The right to object

The individual has the right to object to the processing of their personal data in certain circumstances. Individuals have an absolute right to stop their data being used for direct marketing.

5.7 The right to automated decision making and profiling

If any of the Confederation's processing activities is constituted by automated decision making including profiling, individuals have the right not to be subject to a

decision and must be able to obtain human intervention, express their point of view, and obtain an explanation of the decision or challenge it. The right does not apply if the automated decision is a contractual necessity between the Confederation and the individual, if it's authorised by law, or if it's based on explicit consent.

6 Managing Requests Procedure

6.1 Application Requests

6.1.1 An application for access to personal data may be made to the Leeds GP Confederation by any of the following. This list is not exhaustive:

- An individual
- A person authorised by the individual to make the application on that individual's behalf
- In the case of a child, a person with parental responsibility for that child may exercise the child's rights (until such time as the child's level of maturity is such that they can understand their rights, see 8.1 for further information)
- A person appointed by a court to manage the affairs of the individual
- To manage the affairs of an individual who lacks capacity
- Where the individual has died, the personal representative and any person who may have a claim arising out of the individual's death
- Any organisation applying for legitimate access under the exemption schedules of the DPA

6.1.2 The Individual's Rights / Subject Access Procedure contain a number of safeguards and exceptions that are designed to ensure the following:

- The identity of the applicant has been verified and the applicant falls within the criteria set out in the form. (Appendix A – Subject Access Request Form (SAR1)), this is available on the Leeds GP Confederation website – [\[placeholder for link once procedure published\]](#)
- Individuals have a right to access information held about them, although there are exceptional reasons and tightly defined situations where this can be denied upon clear justification by a relevant registered health professional, i.e. on grounds of potential harm to the physical or mental health of the patient.
- The identity of an individual who provided/recorded information should not be disclosed, nor should the identity of any other person/s referred to in the record(s) of the individual requesting access, unless explicit consent has been given or if the information is already available or known to the individual. This does not include entries by a registered health professional who has compiled or contributed to the health records, or who has been involved in the care of the patient.

- In the case of a deceased individual's health records, access to any part(s) of the record(s) which is relevant shall only be given to the personal representative and to anyone with a legitimate claim which may arise out of the individual's death.
- If the third party information has previously been provided to, or is known by, the applicant, or it is generally available, it would be considered reasonable to disclose the information without consent.
- Should it be decided that the disclosure would be harmful to the individual or any other person; the reasons must be clearly documented. The individual or their representative might subsequently request a court order seeking disclosure.
- A solicitor acting on behalf of an individual can request copies of any records held about that individual. The solicitor must provide adequate evidence of authorisation from the individual that they have permission to access the data requested.
- Individuals who hold a Lasting Power of Attorney (for Property and Affairs or Health and Welfare) or an Enduring Power of Attorney (created before the 1st October 2007) can also make a request on behalf of an individual. This is where one or more persons', who do not have to be the next of kin, can make decisions regarding an individual who is no longer able to consent for their self.
- The police may, on occasion, request access to personal data of individuals. Whilst there is an exemption in the DPA which permits the Leeds GP Confederation to disclose information to support the prevention and detection of crime, the police have no automatic right to access; however they can obtain a Court Order.
- Other organisations may also request personal information of individuals under the DPA and disclosure will have to be reviewed and assessed under the relevant legislation on a case by case basis.

6.1.3 The Leeds GP Confederation is a Data Controller and can only provide information it is responsible for. Data controllers in their own right must be applied to directly, the Leeds GP Confederation will not transfer requests from one organisation to another e.g. to / from an Acute Hospital and the applicant will be advised accordingly.

6.1.4 There is no statutory requirement to complete an application form, however an application form is provided to all applicants as it is useful in ensuring all relevant information is identified and supplied. If the application form is completed and all relevant information including the identity verification is provided then the Leeds GP Confederation must confirm if the personal data is held relating to that individual and then provide them with a copy of the requested data, in the preferred format of the requestor (paper or electronic). If a preference is not chosen the most appropriate format will be selected by the Confederation.

6.1.5 The DPA places a statutory obligation on organisations to respond to such requests within one month; the Leeds GP Confederation will endeavour to respond to a request within 28 calendar days. However, the response times outlined above only commence once the necessary paperwork have been received and relevant identity checks completed. For complex cases an extension can be granted of up to a further 2 months to complete the request, contact the IG Team for further assistance. Note that this will only be applicable in exceptional circumstances.

6.1.6 There is no charge for providing information for the 1st time to an individual as a Subject Access Request. There are exceptional circumstances that may apply where a charge can be made. These could be if the request is repetitive or if it's an excessively large data file; in these situations the Confederation may charge a reasonable fee to support the production of request. If these circumstances arise please contact the Head of Governance immediately to discuss further.

6.1.7 All information rights / subject access requests must be sent to:-

The Leeds GP Confederation
Stockdale House
Victoria Road
LS6 1PF
leeds.confed@nhs.net

6.2 What constitutes a valid individuals rights / subject access request

6.2.1 Whilst in rare circumstances it is permissible to receive information rights / subject access request verbally, it is recommended where possible it is in writing. It must contain the following elements

- Enough information so that the Confederation can locate the information being requested
- Sufficient information to satisfy the Confederation of the individuals identity
- A valid consent from either:
 - The individual
 - The person with parental responsibility, if the request relates to a child under the age of 13
 - A person who has been granted Power of Attorney
 - An agent appointed by the Court
 - Where the individual has died, the personal representative and any person who may have a claim arising out of the individual's death
- If a solicitor is requesting data on behalf of an individual identification must still be verified by the Leeds GP Confederation

6.3 Details required to locate information held

6.3.1 Details about the individual whose records are being requested should include:

- Full name, including previous name(s) if applicable
- Full address, including previous address(s) if applicable
- Date of Birth

- NHS number/Employee number/National Insurance number (optional)
- A brief description of the information that is required
- The name and address of the individuals representative (if applicable)
- Evidence of identity (Appendix C – Guidance on providing ID)

6.4 Information Governance (IG) Team Duties

- 6.4.1 A request for individual's rights or subject access must be received by the IG team either via post (this must be date stamped) or email.
- 6.4.2 The IG team will log the request, allocate a reference number and create an electronic folder where correspondence in relation to that particular request will be held.
- 6.4.3 If the request is not for the Leeds GP Confederation, the IG team will contact the requestor to advise, Appendix D – Incorrect Data Controller Response.
- 6.4.4 A request will require an individual's identity to be verified using Appendix C – Guidance on providing ID. If appropriate ID has been received Appendix E - Acknowledgement Letter should be sent to the requestor. If appropriate ID has not been received with the request or the request is not clear enough, the IG team will acknowledge using the Appendix F - Acknowledgement Letter and ID / Further Information Request to the requestor and ask for relevant ID / information allowing us to process the request.
- 6.4.5 If after 28 days the requestor has not provided the required ID / information a letter should be sent Appendix G - Information not provided, waiting a further 10 days for a response. If no response is received the request can be closed.
- 6.4.6 For all requests once the requestor provides the appropriate ID and there is enough information to process, this can be sent to the relevant Service/Business unit for collation. The email to the service contact must contain the:
- Reference number,
 - Where the completed request must be sent to
 - The date of when the request is due by, and
 - Attaching Appendix H – Inspection by a Health Professional Form (SAR3), for completion once the records have been reviewed

- 6.4.7 If the individual has been involved in a wide range of services, IG will confirm with the requestor if all the information is necessary.
- 6.4.8 If identified that multiple services are required to respond to a single request. It will be highlighted to the requestor which services to expect responses from in the acknowledgement letter. Services will process and respond to their part of the request independent of each other.
- 6.4.9 The IG team will monitor the response timeline to assist the services and a reminder email will be sent 20 days after the request is received and if necessary a further reminder after 26 days. This will allow opportunities for the services to advise the IG team if there is going to be a compliance issue.

6.5 Service / Business Unit Duties

- 6.5.1 The nominated Service/Business Unit contact will receive the request via email from the IG team and cascade to the appropriate service / team to process the request, ensuring that the IG Team is copied into emails to maintain a central audit trail of the request. Where a verbal request is received, the Service should ask the individual to complete a SAR1 form, (Appendix A – Subject Access Request Form (SAR1)), this is available on the Confederations intranet and the Leeds GP Confederation website – [\[placeholder for when policy is published\]](#) this form enables us to process an individual's request for their own information.
- 6.5.2 The service / team will acknowledge with the IG Team within 3 days if the information is held by the service.
- 6.5.3 The service / team will locate and gather the required information, if a paper copy is being provided this must be single sided, clear and legible.
- 6.5.4 All request for health records with the exception of Court Orders, before being released to the requestor, the information is required to be checked by an appropriate registered health professional to ensure that their release will not cause either or both of the following:
- Serious harm to the physical or mental health or condition of the patient or any other person by disclosure of the information or;
 - Where access would disclose information relating to or provided by a third person who has not consented to disclosure. (This does not include entries by a registered health professional who has complied or contributed to the health records or who has been involved in the care of the patient.)

If in the judgement of the reviewing clinician any of the above would be applicable to information within the record, see 7.4.

- 6.5.5 Once the review has been concluded the Reviewer must complete Appendix H – Inspection by a Health Professional Form (SAR3), this must be returned to the IG team once the records have been sent.
- 6.5.6 A letter of confirmation that the request has been completed should be sent with a copy of the information to the requestor, Appendix I – Information Provided Letter and ensure to specify the reasons for the data processing.
- 6.5.7 If the physical records are being sent to the requestor this should be sent by recorded delivery. To utilise this option the records must be:-
- Secured in an appropriate envelope, see the information handling policy
 - Marked private and confidential and sent to a named individual, where known
 - Return to sender information on the back of the envelope
 - The recorded delivery number must be entered onto the SAR3 form, to ensure the records can be tracked.
- 6.5.8 If the records are being sent via email these should be sent to secure email domains (nhs.net leeds.gov.uk etc.). If none of these options are available or the request is being sent to a member of the public, the email can be manually encrypted.
- 6.5.9 If the records are to be collected in person from the service / team, picture ID from the requestor is required to be presented in order to allow the release of information. A confirmation of collection form should be completed with the signature of the collecting individual. See Appendix J.

7 Disclosures of Information

7.1 Disclosures

- 7.1.1 The DPA identifies justifiable circumstances that allow the Leeds GP Confederation to release personal information to relevant organisations.
- 7.1.2 Any requests for information disclosures should follow the same receipt and logging procedure as detailed in section 6.4.1 – 6.4.3 above.
- 7.1.3 In addition to the DPA, personal information is also protected by the common law duty of confidentiality. This duty requires that confidential information may only be disclosed:
- With the consent of the individual to whom the information relates
 - If there is a legal requirement e.g. court order, statute (another legal basis)
 - If it is in the public interest e.g. the public interest in the specific circumstances outweigh the individual's right to privacy. An example of this would be where information may have safeguarding

consequences; consideration must be made whether to contact Head of Safeguarding team for further advice, or Police requests – further information section 7.2.

7.1.4 the Leeds GP Confederation must comply with a sealed court order requiring the release of personal information – further information section 7.3.

7.1.5 Formal recording of the decision taken must be made using the template in Appendix K – Disclosure Log.

7.2 Police Requests

7.2.1 There is no legal obligation for the Leeds GP Confederation to disclose information without a court order to the Police for requests without the individuals consent. However, the Leeds GP Confederation may consider releasing the information following a request made under the DPA Schedule 2 (1) 2 without the individuals consent for the purposes of the prevention or detection of crime or apprehension or prosecution of offenders.

7.2.2 It is essential that prior to releasing personal information without consent, the Head of Governance in correlation with the Caldicott Guardian are assured that the public interest outweighs the individual's right to privacy. The factors that should be considered are:

- Whether there is a threat to public health and safety
- Whether there is a risk of death or serious harm to the individual concerned or other individuals
- The circumstances and seriousness of the matter under investigation

7.2.3 Requests should be submitted by the police containing full details of the data subject and reason for requiring the information. It should be signed by the senior police officer of the minimum rank of Detective Inspector. It should also be clear whether the police have consent of the individual.

7.3 Court Orders

7.3.1 A Court Order can be received by another organisation e.g. local authority or solicitors; these are legal documents and are usually received in draft form. A draft order is where the local authority is awaiting for the Court to legally stamp the Order; this is considered a sealed Order. Information can be collated on the draft order but can only be released once the sealed Order has been received.

7.3.2 The Order may specify a date of when the information should be provided by and adhered to. If there is not a date on the Order, the information should be provided within 14 days.

7.4 CCG Requests

7.4.1 Requests submitted by the CCG require inspection by an appropriate health professional to check whether relevant exemptions may exclude some of the information, and where there is redacted information the CCG should be notified stating what information cannot be released. See 6.5.6.

7.4.2 Information can be sent via email to the CCG, please ensure a read receipt is applied.

7.4.3 A letter of confirmation that the request has been completed should be sent with a copy of the information to the requestor, Appendix I – Information Provided Letter and ensure to specify the reasons for the data processing.

7.5 Redactions

7.5.1 If it is identified that there is information that needs to be redacted prior to being sent to the requestor this can be completed in the following ways

7.5.2 To redact paper records by using a black marker pen to neatly remove the necessary information, ensuring that the information cannot be seen.

7.5.3 To redact electronic records – see Appendix L – Guide for redacting PDF documents.

7.5.4 An explanation should be provided detailing why information has been redacted.

8 Consent Issues

8.1 Children

8.1.1 Any child 13 years old or above must consent to share their personal information. For children under the age of 13, those with parental responsibility for the child can apply on the child's behalf.

Parental responsibility is defined as

- The mother
- The father if both parents are or have been married to each other at the birth of the child
- For births after 1 December 2003 the unmarried father if included on the birth certificate.
- Civil partners at the time of the treatment

8.1.2 If the Child is subject to a Care Order, parental responsibility is shared between the Parents and the Local Authority.

8.1.3 The Court may award parental responsibility to a nominated individual; this can be amended by the Court at any time.

8.1.4 Where a child has given information specifically on the basis that it will not be released to those with parental responsibility, this should not be disclosed to the parents requesting access to a child's record.

8.1.5 The Safeguarding team should be consulted about the release of information where there is a mention of

- Safeguarding children
- Child protection
- Directions from the Court in relation to those areas

8.2 Patients who lack capacity

- 8.2.1 Where an individual is unable to consent to the release of their personal information, this can be made on their behalf by a Power of Attorney or Court Appointed Agent, who will manage their affairs in these circumstances.
- 8.2.2 Persons who do not have these granted powers would not normally be able to consent on behalf of the patient who lacks capacity. Decisions can be made to release a patient's information to relatives or carers by Health Professionals where this can be justified. This must be within the best interests of the patient and only necessary information should be released that will support their health and aid decision making.
- 8.2.3 Decisions should be made on a case by case basis, taking into account
- Impact on the patient and the relatives / carers
 - Any known views of the patient when they were able to consent
 - The patients' health needs
 - Any decision regarding disclosure should be documented stating the justification, what has been disclosed, when and to whom

9 Complaints

- 9.1 If the requestor is dissatisfied with the information provided or the manner the request has been handled by the Leeds GP Confederation, they are entitled to complain following the Confederation complaints process.

Complaints should be addressed to:

The Leeds GP Confederation
2nd Floor, Stockdale House
Victoria Road
Leeds
LS6 1PF

10 Claims

- 10.1 Where it is identified that there is a potential claim against the Confederation, a second copy of the information along with the request must be provided to the Confederation.

11 Training Needs

- 11.1 Refer to the Statutory and Mandatory Training Policy including Training Needs Analysis. Up to date information is available on the Intranet for course details.
- 11.2 Awareness and access to this procedure will form part of staff induction, and awareness will be raised with existing staff, including when changes have been made via the Confederations intranet.
- 11.3 The Confederation will provide training sessions to all staff that managing requests.

12 References

Information Governance Policy & Framework

Confidentiality Code of Conduct

Information Handling Policy

[Information Commissioners Office: Subject Access Code of Practice](#)

[Records Management NHS: Code of Practice for Health and Social care](#)

[Information Security: Code of Practice](#)

Appendix A – Subject Access Request Form (SAR1)

SAR1

Subject Access Request Form

General Data Protection Regulation (EU) 2016/679
and Data Protection Act 2018

Section 1: Details of the individual

Title:

First names:

Surname:

Former Surname (if applicable):

Date of Birth:

NHS Number (if known):

Current Address:
.....
.....

Section 2: Applicant details (if making a request on behalf of the individual)

Name:

Address:
.....
.....

Relationship to individual in section 1:

Section 3: Further Information

It will be helpful if you can describe the specific information you wish to see and provide as many details as possible so that we can identify your records quickly.

If patient records are being requested, please provide details such as service(s) attended, dates, treatments, hospitals, etc.

If staff records are being requested, please indicate if current or previous member of staff and give payroll number if known.

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Section 4: Provision of information

Please confirm the format you wish to receive the information by specifying below. If a preference is not chosen the most appropriate format will be selected by the Confederation.

Details	Paper	Electronic
Photocopy or Printout Paper: Sent via Royal mail recorded/special delivery Electronic: Sent via email (Provide email address below)		
Photocopy or Printout collection at a Confederation base		

Email Address (If applicable):

Section 5: Consent

Please tick **one** of following boxes and sign below:

a) I confirm I am the person mentioned in section 1 and I require access to my personal records.	
b) I confirm I am the person mentioned in section 1 and I authorise the release of copies of my personal records (described in section 3) to the person mentioned in section 2.	
c) I confirm that I am the person mentioned in section 2 and I have parental responsibility for the child in section 1.	
d) I confirm I am the person mentioned in section 2 and have been authorised to an act as an agent/power of attorney for the person in section 1. The applicant must provide evidence to support this.	
e) The patient's personal representative (this will be the executor of the will, or the administrator of the estate).	
f) An applicant who may have a claim arising out of the patient's death. The applicant must specify what claim is being made and only information that is relevant to the claim is considered for release.	

Please note that your request will not be processed unless two forms of identification are received and verified. Approved forms of identification are available on our website.

Print Name:

Signature:

Date:

Please return the form to the:

The Leeds GP Confederation
2nd Floor, Stockdale House
Victoria Road
Leeds
LS6 1PF

Or email : leeds.confed@nhs.net

For further information about how we process your data, please view our Privacy Notice here: [\[placeholder under privacy notice is published\]](#)

Appendix B – Individual Rights Request Form (IRR)

IRR

Individual Rights Request Form

Section 1: Details of the individual

Title:

First names:

Surname:

Former Surname (if applicable):

Date of Birth:

NHS Number (if known):

Current Address:
.....
.....

Section 2: Applicant details (if making a request on behalf of the individual)

Name:

Address:
.....
.....

Relationship to individual in section 1:

Section 3: Further Information

Information for Deletion/amendment:

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Reason for Deletion/Amendment:

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.....

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.....

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Desired outcome:

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Section 4: Consent

Please tick **one** of following boxes and sign below:

a) I confirm I am the person mentioned in section 1.	
b) I confirm I am the person mentioned in section 1 and I authorise the person mentioned in section 2 to act on my behalf.	
c) I confirm that I am the person mentioned in section 2 and I have parental responsibility for the child in section 1.	
d) I confirm I am the person mentioned in section 2 and have been authorised to an act as an agent/power of attorney for the person in section 1. The applicant must provide evidence to support this.	

received and verified. Approved forms of identification are listed on our website.

Print Name:

Signature:

Date:

Please return the form to the:

Leeds GP Confederation
2nd Floor Stockdale House
Victoria Road
Leeds
LS6 1PF

Or email : leeds.confed@nhs.net

For further information about how we process your data, please view our Privacy Notice here: [\[placeholder until privacy notice is published\]](#)

Appendix C – Guidance on Providing ID

Guidance on providing ID

The Data Protection Act 2018 gives you a statutory right of access to your personal records (manual or computer). In certain circumstances your records or part of your records may be withheld under the terms of the Act, but if that is the case this will be discussed with you.

- You may wish to authorise someone else to make an application on your behalf.
- If you have parental responsibilities you may make an application to see your child's notes, if they are less than 13 years old.

Proof of Identity

You must provide two types of identification. These may be:

- Birth Certificate
- Passport
- Driving License
- Staff ID badge (for members of staff only)

In addition, proof of address must be provided e.g. bank statement, utility bill, and Tax certificate. If you wish to have information sent out to you, photocopies of identification information must be sent to the Leeds GP Confederation

Timescale

The Leeds GP Confederation will deal with your request promptly, and in any event the records will be sent to you within one month of receipt of your accurately completed form (if submitted). If we encounter any difficulties in locating your data we will keep you informed of our progress.

Complaints

If you wish to complain about any aspect of the manner in which your access request was handled, in the first instance you should submit your complaint in writing to the address below where it will be dealt with through the Complaints Procedure:

Leeds GP Confederation
2nd Floor, Stockdale House
Victoria Road
Leeds
LS6 1PF

If you are still not satisfied with the response you receive you may refer your complaint to the Information Commissioner

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
K9 5AF
Telephone: 0303 123 1113
Email: casework@ico.gsi.gov.uk
Website: www.ico.gov.uk

Identification documents to receive personal information:

An applicant should provide:

- One form of personal photo ID and one document confirming their address must be provided from different sources.

Acceptable Photo Personal Identity Documents

- Current UK, EU / other nationalities passports.
- Passports of non-EU nationals containing UK stamps, a visa or a UK residence permit showing the immigration status of the holder in the UK*
- Current UK (or EU/other nationalities) Photo-card Driving Licence (providing that the person checking is confident that non-UK Photo-card Driving Licences are genuine)
- A national ID card and/or other valid documentation relating to immigration status and permission to work*.

Where the applicant is not able to provide acceptable photographic ID the following must be provided:-

- One form of non-photographic personal identification and one document confirming the address must be provided from different sources.
- A passport sized photograph, endorsed on the back with a signature of a 'person of standing' who has known them for at least 3 years (e.g. magistrate, medical practitioner, officer of the armed forces, teacher, lawyer, civil servant)

Any document not listed above is not an acceptable form of identification e.g. organisational ID card.

Acceptable Non-Photo Personal Identity Documents

- Full UK Birth Certificate – issued within 6 weeks of birth;
- Current Full Driving License (old version); (Provisional Driving Licenses are not acceptable);

- Residence permit issued by Home Office to EU Nationals on inspection of own-country passport;
- Adoption certificate;
- Marriage/Civil Partnership certificate;
- Divorce or annulment papers;
- Police registration document;
- Certificate of employment in HM Forces;
- Current benefit book or card or original notification letter from the Department of Work and Pensions (DWP) confirming legal right to benefit;
- Most recent HM Revenues and Customs (previously Inland Revenue) tax notification;
- Current firearms certificate;
- Application Registration Card (ARC) issued to people seeking asylum in the UK (or previously issued standard acknowledgement letters, SAL1 or SAL2 forms);
- GV3 form issued to people who want to travel in the UK without valid travel documents;
- Home Office letter IS KOS EX or KOS EX2;
- Building industry sub-contractor's certificate issued by HM Revenues and Customs (previously Inland Revenue)

To confirm address, the following documents are acceptable:

- Recent utility bill or a certificate from a supplier of utilities confirming the arrangement to pay for the services on pre-payment terms (note: mobile telephone bills should not be accepted as they can be sent to different addresses).
- Utility bills in joint names are permissible;*
- Local authority tax bill (valid for current year);*
- Current UK photo card driving license (if not already presented as a personal ID document);
- Current Full UK driving license (old version) (if not already presented as a personal ID document);
- Bank, building society or credit union statement or passbook containing current address;
- Most recent mortgage statement from a recognised lender;*
- Current local council rent card or tenancy agreement;
- Current benefit book or card or original notification letter from Department of Work and Pensions (DWP) confirming the rights to benefit;
- Confirmation from an electoral register search that a person of that name lives at the claimed address;*
- Court Order.

*The date on these documents should be within the last 6 months (unless there is a good reason for it not to be e.g. clear evidence that the person was not living in the UK for 6 months or more) and they must contain the name and address of the applicant

Appendix D - Redactions of Personal Data Guidance

Editing exempt information from paper and electronic documents prior to release

Redaction of health records is made only in limited circumstances whereby restricting the rights to access to 'protect the data subject or the rights and freedoms of others' [DPA Article 23(i)]

Redaction can only be made by an 'appropriate health professional', one who is currently or was most recently, responsible for the care/treatment of the data subject, and where there is more than one health professional, the one who is most suitable in relation to the request.

The lawful reasons for redaction are:

Third Party Information

Third Part information - disclosing information about another individual who can be identified from that information [GDPR Schedule 2 (Part 3(16))], except if:

- the other individual has consented to the disclosure; or
- it is reasonable to comply with the request without that individual's consent.

In determining whether it is reasonable to disclose the information, you must take into account all of the relevant circumstances, including:

- the type of information that you would disclose;
- any duty of confidentiality you owe to the other individual;
- any steps you have taken to seek consent from the other individual;
- whether the other individual is capable of giving consent; and
- any express refusal of consent by the other individual.

further factors to be considered:

- Is the information already known to the requestor?
- The circumstances relating to the individual making the request: the need to preserve a third party's confidentiality must be weighed against the requestor's right to access the information;
- Need to distinguish between a third party's personal information and information about a third party that is also about the data subject: for example:

- A. His mother suffers from depression – is personal information about a third party that cannot be released without their explicit permission
- B. He was voluntarily accommodated as his mother is unable to cope as she is suffering from depression – is personal information about a third party and the data subject that must be redacted appropriately
- C. He was voluntarily accommodated as his mother is unable to cope as [REDACTED] [REDACTED] – is acceptable for release as it provides context without disclosing the third party's personal information

So, although you may sometimes be able to disclose information relating to another individual, you need to decide whether it is appropriate to do so in each case. This decision will involve balancing the data subject's right of access against the other individual's rights. If the other person consents to you disclosing the information about them, then it would be unreasonable not to do so. However, if there is no such consent, you must decide whether it would be appropriate to disclose the information anyway.

For the avoidance of doubt, you cannot refuse to provide access to personal data held about an individual simply because you obtained that data from a third party. The rules about third party data apply only to personal data which includes both information about the individual who is the subject of the request, and information about someone else [ICO Guide to GDPR (March 2018)].

Consideration should also be given to the nature of the third party and their proposed use of the information.

Contrary to a requestor's expectations and wishes [GDPR Schedule 3- Part 2(4)(2)] – disclosing information when the data subject has said not to. We must respect the wishes of the data subject therefore we are unable to disclose health records if they identify information that was:

- provided by the subject in the expectation that it would not be disclosed to the person making the request;
- which was obtained as a result of any examination/investigation to which the data subject consented in the expectation that the information would not be disclosed; or
- which the subject has expressly indicated should not be so disclosed.

Serious Harm

Serious Harm [GDPR Schedule 3 (Part 2(2)(2)] – disclosing the information 'would be likely to cause serious harm to the physical or mental condition of the data subject, or any other person';

Deceased Data Subjects

Note: Data protection and confidentiality only apply to living individuals; however, it is Department of Health and Social Care/GMC policy to treat records of the deceased with same level of confidentiality as those for the living so all applicable guidelines above must be followed.

Staff Names

These should be disclosed as they will only be contained within the health records within their professional capacity, although unless there is a risk to their health and safety. Their names may be released to the data subject as they are probably already known to them. Consideration should be given to any consequences or detriment of releasing staff names to third party requestors.

Names of staff from other agencies may be released if they are held by the Confederation in the context of providing a complete care package. If telephone numbers are requested, switchboard numbers should be released rather than direct lines.

Special Category Data (Sensitive Personal Data)

Consent must be obtained before releasing sensitive personal information about the data subject that is not relevant to the request. Special category data consists of information pertaining to:

- Physical / mental health or condition
- Racial or ethnic origin
- Political opinions
- Sexual life
- Trade Union membership
- Biometric data
- Genetic data
- Criminal Convictions
- Religious beliefs or other beliefs of a similar nature.

Third Party Opinion

If a non-Confederation professional gives an opinion it should not be released without consent from that person/ their organisation; however, we may consider releasing it without consent if it influenced the Confederation's provision of treatment and care. If the data subject is already aware of the opinion it can be released.

Legal Privilege

Advice provided by Confederation solicitors/ legal advisors must not be disclosed. Court documents, including statements ordered by the court, are court property and cannot be released: anyone wishing to obtain them should apply directly to the appropriate court.

Appendix E - Incorrect Data Controller Letter

Ref:

Dear

Thank you for your request dated XXXXXX regarding your personal information under The Data Protection Act 2018.

the Leeds GP Confederation NHS Confederation can only provide information held by this organisation, as the registered Data Controller.

As the information you require is held by **INSERT – Names / Addresses on possible data controllers**, a request will have to be sent to these organisation(s) individually, following their Subject Access process, as they are Data Controllers in their own right.

I hope this information is helpful. If you have any questions please do not hesitate to contact us on the address below:

The Leeds GP Confederation
2nd Floor, Stockdale House
Victoria Road
Leeds
LS6 1PF

Email: leeds.confed@nhs.net

Please quote the reference number - **XXXXXX** in any future communications.

Yours sincerely,

For further information about how we process your data, please view our Privacy Notice here: [\[placeholder until privacy notice is published\]](#)

Appendix F - Acknowledgement Letter

The Leeds GP Confederation
2nd Floor, Stockdale House
Victoria Road
Leeds
LS6 1PF
leeds.confed@nhs.net

Ref:

Dear:

Thank you for your request dated XXXXXX regarding the personal information under The Data Protection Act 2018.

Please accept this letter as acknowledgement of your request, which will now be processed in accordance with the timescales set within the Data protection Act 2018.

I hope this information is helpful. If you require any further information, please do not hesitate to contact us using the postal address or telephone number at the top of this letter.

Please remember to quote your reference number XXXXXX in any future correspondence.

Thank you for contacting the Leeds GP Confederation.

Name, Job Title

Address

Email

Telephone number

For further information about how we process your data, please view our Privacy Notice here: [\[placeholder until privacy notice is published\]](#)

Appendix G – Acknowledgement Letter and ID / Further Information Request

The Leeds GP Confederation
2nd Floor, Stockdale House
Victoria Road
Leeds
LS6 1PF
leeds.confed@nhs.net

Ref:

Dear:

Thank you for your request dated XXXXXX regarding the personal information under The Data Protection Act 2018.

Please find enclosed with this letter a Subject Access Request Form and guidance notes to assist you in providing the necessary identity / address documentation to enable the information to be sent to you.

While you are not obliged to complete the form, it would be useful to us to have the requested information to assist with the processing of your request.

Once you can provide the required identity / address documentation, and application form (if completed), please return them to the postal or email address above and include your reference number XXXXXX.

I hope this information is helpful. If you require any further information, please do not hesitate to contact us using the postal address or telephone number at the top of this letter.

Please remember to quote your reference number XXXXXX in any future correspondence.

Thank you for contacting the Leeds GP Confederation.

Name, Job Title

Address

Email

Telephone number

Enc. SAR1 Form & Guidance Notes: Guidance on providing ID.

For further information about how we process your data, please view our Privacy Notice here: [\[placeholder until privacy notice is published\]](#)

Appendix H – Further Information Not Received

The Leeds GP Confederation
2nd Floor, Stockdale House
Victoria Road
Leeds
LS6 1PF
leeds.confed@nhs.net

Ref:

Dear:

Dear Sir/Madam

Request for information:

Your ref:

Our Ref:

Dear Sir/Madam

Request for information:

Your ref:

Our Ref:

I refer to your request for personal information under the Data Protection Act 2018.

I am writing to advise you that the Leeds GP Confederation has not yet received a response to the request for further information.

If the information is still required, can you please return the missing documentation or the previously sent application form completed to me.

If no further communication is received within 10 days of the date of this email, the Leeds GP Confederation will assume the information is no longer required and close this request.

If you have any queries about this email, please contact me. Please remember to quote the reference number above in any future communication.

Thank you for contacting the Leeds GP Confederation.

Yours sincerely

Name, Job Title

Address

Email

Telephone number

For further information about how we process your data, please view our Privacy Notice here: [\[placeholder until privacy notice is published\]](#)

**Appendix I – Inspection by a Health Professional Form
(SAR3)**

SAR3	<p>INSPECTION OF RECORDS BY HEALTH PROFESSIONAL</p> <p>(complete and return by post to Stockdale House or via email to leeds.confed@nhs.net)</p>
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Patient initials:	SAR REF:	Date:
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Summary of Records (e.g. type of records, speciality, start and finish date of records)

The following information cannot be released

Reason for non-release of the above information

If a claim is being made against the Confederation then 2 exact copies of the records are needed, 1 for the requestor e.g. solicitor and 1 copy MUST be sent to the Head of Governance at Stockdale House, Victoria Road, Leeds LS6 1PF. Please contact the head of Governance if unsure

It is mandatory that information is sent by recorded delivery and noted within this document as well as noted within the team, this should help if we need to trace any sent information.

Recorded delivery number	Date
Sent via St Marys post room Y/N	
Name (please print):	
Designation:	
Signature:	
Date:	

Appendix J - Information Provided Letter

The Leeds GP
Confederation
2nd Floor,
Stockdale House
Victoria Road
Leeds
LS6 1PF
leeds.confed@nhs.net

Ref:

Dear

Re: Subject Access Request

In relation to your recent subject access request for information received at this office on XX
XXXXXXXX XXXX pertaining to the above named individual, please find enclosed a copy of the
required record: The information provided has been redacted, this is because (delete
this sentence if not applicable)

Your personal information is processed by the Leeds GP Confederation for the following
purposes (include as appropriate from options below)

- **Provision of Health care**
The provision of care in NHS hospitals or community services
- **Healthcare administration**
The administration of health care services in the NHS
- **Personnel/employee administration**
- **Occupational health services**

If you wish to complain about any aspect of the manner in which your access request was
handled, in the first instance you should submit your complaint in writing to, or contact:

The Leeds GP Confederation
2nd Floor, Stockdale House
Victoria Road
Leeds
LS6 1PF

Where it will be dealt with through the Complaints Process.

If you are still not satisfied with the response you receive, you may refer your complaint to the Information Commissioner:

The Information Commissioner's Office Wycliffe House

Water Lane
Wilmslow
Cheshire
K9 5AF
Telephone: 0303 123 1113
Email: casework@ico.gsi.gov.uk
Website: www.ico.gov.uk

Yours sincerely

Name, Job Title
Address
Email
Telephone number

For further information about how we process your data, please view our Privacy Notice here: [\[placeholder until privacy notice is published\]](#)

Appendix K – Confirmation of collection

CONFIRMATION OF COLLECTION

I confirm that I collected patient records in the name of.....

Ref:

from:

the Leeds GP Confederation NHS Confederation

.....
.....
.....
.....

Name:

Agency (if applicable):

Date:

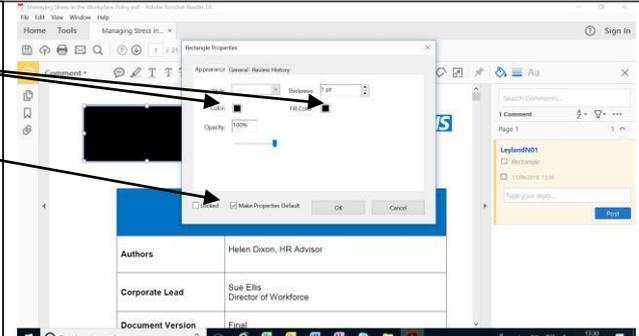
Appendix L – Disclosure Log

Date Received	Login Reference	Name	Request Details	Comments	Which Team?	Deadline	Reminder	Date closed	Decision/Outcome	Approver

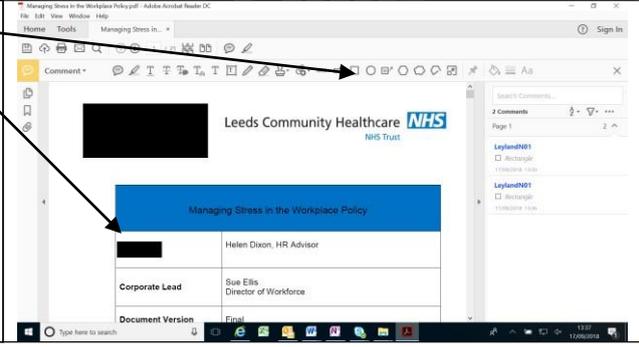
Appendix M – Guide for redacting PDF documents

Steps	
1. Convert the document in PDF	
2. Click Comment	<p>A screenshot of the Adobe Acrobat Reader interface. The 'Tools' menu is open, and the 'Comment' option is highlighted. An arrow points from the text 'Click Comment' to the 'Comment' menu item. The background shows a PDF document titled 'Managing Stress in the Workplace Policy' with a table of authors and corporate lead.</p>
3. Select the rectangle tool	<p>A screenshot of the Adobe Acrobat Reader interface. The 'Comment' toolbar is visible, and the rectangle tool is selected. An arrow points from the text 'Select the rectangle tool' to the rectangle tool icon. The background shows the same PDF document as in the previous step.</p>
4. Highlight the section that you wish to redact	<p>A screenshot of the Adobe Acrobat Reader interface. A red rectangle is drawn around a section of the document, specifically the 'Leeds Community Healthcare NHS Trust' logo. An arrow points from the text 'Highlight the section that you wish to redact' to the red rectangle. The background shows the same PDF document.</p>
5. Right click on that section and select Properties	<p>A screenshot of the Adobe Acrobat Reader interface. A right-click context menu is open over the red rectangle, and the 'Properties' option is selected. An arrow points from the text 'Right click on that section and select Properties' to the 'Properties' menu item. The background shows the same PDF document.</p>

6. Change the Colour and Fill colour to black. Tick – Make Properties Default and OK



7. Click the rectangle and highlight the next section, this should now be solid black. Continue until all redactions are made



8. Print final version and either post or re-scan for emailing