

Data Protection Act 1998/ General Data Protection Regulation

Subject access request procedure

1. Introduction

This procedure explains how you can access personal information that the Care Inspectorate may hold about you.

2. The Data Protection Act 1998

The Data Protection Act 1998 (the 'Act') came into force on 1 March 2000. It sets down rules for processing personal information and applies to some paper records as well as those held electronically. The Act will be replaced by the General Data Protection Regulation from 18 May 2018 and this procedure will be replaced from that point.

3. How can the Act help?

The Act works in two ways:

- It gives you certain rights.
- It provides that those who record and use personal information must be open about how the information is used and must follow the eight principles of 'good information handling' which are known as the Data Protection Principles.

The eight principles make sure that your information is handled properly.

They say that data must:

- be fairly and lawfully processed;
- be processed only for specified and lawful purposes;
- be adequate, relevant and not excessive;
- be accurate and where necessary kept up to date;
- not be kept for longer than is necessary;
- be processed in line with your rights;

- be held and processed securely; and
- not be transferred to countries outside the European Economic Area where there is not suitable safeguards in place.

By law we must keep to these eight principles.

4. How can I find out what information is held?

The Act allows you to find out what information about you is held electronically and in some paper records. This is known as the 'right of subject access'.

Please complete our 'Subject Access Request Form' at the end of this document if you would like to access the information which the Care Inspectorate holds about you.

You will need to provide adequate proof of identity such as a passport, birth certificate or driving licence. We will only accept original documents.

Once we have everything we need from you, we will respond to you within 40 days.

5. Can I see all the information held?

Yes, normally you can. However, there are some exceptions. For example, if giving you information would be likely to affect:

- the way crime is detected or prevented
- the catching or prosecuting of offenders
- the assessing or collecting of taxes or duty.

It may also be necessary for us to make redactions to the information which we send to you in order to protect the identities and the rights of third parties under the Data Protection Act 1998 who are also named in the information.

6. The Information Commissioner

The Information Commissioner is a UK independent supervisory authority reporting directly to the UK Parliament which enforces and oversees the Act

In the UK the Information Commissioner has a range of duties. This includes promoting good information handling and encouraging codes of practice for data controllers. A data controller is anyone who decides how and why personal data, (information about identifiable, living individuals) are processed. The Care Inspectorate is registered with the UK Information Commissioner as a data controller. You can access further information about this and check the register of data controllers which the UK Information Commissioner keeps on their website, www.ico.org.uk.

You can contact the Information Commissioner as follows:.

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Telephone: 0303 123 1113
Fax: 01625 524 510

Website: www.ico.org.uk

Data Protection Act 1998/ General Data Protection Regulation Subject Access Request form

If you wish to make a subject access request please complete this subject access request form. The information we ask for allows us to be sure of your identity and to find any data we hold on you.

When you have completed this form please send it to:

Information Governance Coordinator
The Care Inspectorate
Compass House
11 Riverside Drive
Dundee
DD1 1NY

If you need help completing the 'right of subject access' process or would like to discuss the information we hold with a member of staff, please contact the Information Governance Coordinator through our National Enquiry Line on 0845 600 9527 or email infogovernance@careinspectorate.com

Part 1 – About you

Title (tick box as appropriate) Mr Mrs Miss Ms

Other title (for example, Doctor, Reverend and so on) _____

Surname/family name _____

First names _____

Home address _____

Post code _____

Telephone _____

Part 2 – Proof of identity

You must send us proof of identity with this form. This should be an official document bearing your name, for example, a banker’s card, birth certificate, passport or driving licence. We will only accept original documents as proof of identity.

Part 3 – Help us to find your information

Please select in which capacity you have had dealings with the Care Inspectorate (please circle):

- Service owner/manager
- Service staff
- Service user
- Family/ friend of service user
- Complainant
- Care Inspectorate staff/former staff

Please describe the nature of your contact with the Care Inspectorate, including the name of the organisation/service if relevant, the dates of your contact, the departments you had contact with and any other appropriate information:

Part 4 – Checklist

- Have you completed all of the form?
- Have you enclosed appropriate proof of identity?
- Have you signed the form?
- Have you enclosed the fee (if we have indicated this is required)?

Part 5 – Declaration (Declaration to be signed by the applicant)

The information which I have supplied in this application is correct and I am the person to whom it relates.

Signed by _____

Date _____

WARNING – a person who impersonates or attempts to impersonate another may be guilty of an offence.