



Review Sheet



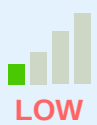
Last
Reviewed
5 Dec 2025



Last
Amended
12 Dec 2024



This policy will be reviewed as needs require or at the following interval:
Annual

Business Impact:	 <p>Minimal action required. Circulate information amongst relevant parties.</p>
Reason for this Review:	Scheduled review
Changes Made:	No
Summary:	This policy provides guidance on access to information. It has been reviewed with no significant changes. Underpinning Knowledge and Further Reading links have also been checked and updated.
Relevant Legislation:	<ul style="list-style-type: none"> • The Care Act 2014 • Equality Act 2010 • Freedom of Information Act 2000 • The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 • Human Rights Act 1998 • Mental Capacity Act 2005 • Access to Health Records Act 1990 • Data Protection Act 2018 • UK GDPR
Underpinning Knowledge:	<ul style="list-style-type: none"> • Author: Care Quality Commission, (2022), CQC launches an updated code of practice on confidential personal information [Online] Available from: https://www.cqc.org.uk/news/stories/cqc-launches-updated-code-practice-confidential-personal-information [Accessed: 05/12/2025] • Author: ICO, (2025), Your right to get your data corrected [Online] Available from: https://ico.org.uk/for-the-public/your-right-to-get-your-data-corrected/ [Accessed: 05/12/2025] • Author: ICO, (2026), For the Public [Online] Available from: https://ico.org.uk/for-the-public/ [Accessed: 05/12/2025]
Suggested Action:	<ul style="list-style-type: none"> • Encourage sharing the policy through the use of the QCS App
Equality Impact Assessment:	QCS have undertaken an equality analysis during the review of this policy. This statement is a written record that demonstrates that we have shown due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations with respect to the characteristics protected by equality law.



1. Purpose

1.1 To detail how to manage requests for information from Service Users who have capacity and how to support when the person lacks capacity to make a request, when any Service User has died, or when the request is from someone other than the person with legal power of attorney.

1.2 This policy should be read in conjunction with the following policies:

- Data Protection and Confidentiality Policy and Procedure
- Data Security and Data Retention Policy and Procedure
- Overarching UK GDPR Policy and Procedure
- Subject Access Requests Policy and Procedure
- Accessible Information Standard (AIS) Policy and Procedure

1.3

Key Question	Quality Statements
CARING	QSC2: Treating people as individuals
EFFECTIVE	QSE3: How staff, teams & services work together
SAFE	QSS3: Safeguarding
WELL-LED	QSW6: Partnerships and communities

1.4 Relevant Legislation

- The Care Act 2014
- Equality Act 2010
- Freedom of Information Act 2000
- The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014
- Human Rights Act 1998
- Mental Capacity Act 2005
- Access to Health Records Act 1990
- Data Protection Act 2018
- UK GDPR



2. Scope

2.1 Roles Affected:

- All Staff
- Registered Manager

2.2 People Affected:

- Service Users

2.3 Stakeholders Affected:

- Family
- Representatives
- Commissioners



3. Objectives

3.1 To ensure that Promoting Independent Care Ltd acts with openness, honesty and integrity, whilst promoting the rights of all Service Users to equality and inclusion.

3.2 To assure Promoting Independent Care Ltd and Service Users that there is competent and safe management of records and information.

3.3 To facilitate the provision of requests for information from Service Users, other stakeholders and bodies.



4. Policy

4.1 Service Users are able to informally see parts of their care and support records at the discretion of the appropriate health professional or staff member and they are given an explanation of any terms to assist understanding.

4.2 Upon receipt of a request for information, Promoting Independent Care Ltd will identify the correct legislation that the request falls under. Staff will be aware that the request may fall under more than one act of legislation.

4.3 The 7 principles for managing data in accordance with data protection legislation will be followed. They are:

- Lawful, fair and transparent use of personal data
- Using personal data for the purpose for which it was collected
- Ensuring the personal data is adequate and relevant
- Ensuring the personal data is accurate
- Ensuring the personal data is only retained for as long as it is needed
- Ensuring the personal data is kept safe and secure
- Ensuring accountability and be able to demonstrate compliance

Promoting Independent Care Ltd will ensure that staff know that Job Nana is the Director and can be contacted at ken.nana@promotingindependentcare.com or on 01454528329 for data protection queries.

4.4 Information will not be provided if it identifies or refers to any other named person, unless the information can be anonymised or that named person has provided their consent for it to be shared, or if it is deemed an exceptional circumstance, which the Registered Manager must determine in line with legislation.

4.5 Information access requests made under the Freedom of Information Act 2000, UK GDPR and Data Protection Act 2018 must be made in writing. Promoting Independent Care Ltd appreciates that this may cause difficulties for some requestors due to communication issues or disability, and it will provide advice and assistance to enable equality of access for all. Promoting Independent Care Ltd will pay due regard to the

Accessible Information Standard (AIS) Policy and Procedure to enable inclusion for all Service Users.



5. Procedure

5.1 Promoting Independent Care Ltd encourages informal, voluntary arrangements where Service Users are able to ask at any time what has been recorded about them during their Care. A request of this nature does not need to be in writing. Service Users are able to view their records and will be given an explanation of any terms to assist understanding. However, there are exceptions (as defined in 5.2).

The appropriate member of staff is the person principally responsible for their Care and could be the Support Worker. Service Users should be advised that some information about them will be shared between healthcare professionals, and the rationale for this will be given. Service Users will be provided with an opportunity to disclose anyone else with whom they would like information about them to be shared (e.g. a family member) and this will be recorded.

5.2 Upon request, information will not be provided which relates to and identifies another person (such as the name of the Service User, or a note in the records that a relative has provided certain information) unless that other person has consented to the disclosure. Where consent cannot be obtained from the individuals named, staff will discuss this with Charlotte Cole who must deem whether the information can be anonymised or shared in accordance with UK GDPR, data protection and sharing of information codes of practice and law.

These provisions do not apply where the person to be identified is a health professional who has compiled or contributed to the health record, or has been involved in the Care of the Service User, unless serious harm to that health professional's physical or mental health is likely to be caused.

5.3 Staff will be aware that requests for information can be made in a variety of ways. The procedures to follow for responses (including potential charges, exemptions and timescales) will vary, depending upon which legislation is relevant to the information requested.

5.4 CQC Access to Records

- The CQC has the legal right to request and inspect any records held by Promoting Independent Care Ltd in the normal course of its business
- The CQC has the legal right to take copies of or remove original data and/or records from the normal place in which the records are held, with due cause
- The Service User's consent will be sought to access their records. If the Service User does not wish for the CQC to access information, a note will be made in the Service User's Care records and the CQC informed at the time of inspection
- To support the Service User's understanding, the CQC has produced a Code of Practice on Confidentiality which can be referred to in the Underpinning Knowledge section of this policy

5.5 Freedom of Information Requests

- Freedom of Information Requests are only relevant when requesting information held by public authorities
- Requests can come from any individual or organisation worldwide

- Requests for information must be made in writing and include the requestor's name, provide a postal or email address for the response, as well as a description of the information being requested
- There is no requirement for the requestor to mention the FOIA (Freedom of Information Act) in the Information Access Request or to prove their identity. They are not obliged to state their reasoning for their request. If a request is not clear or is too general in content, Charlotte Cole will ask the requestor for clarity, as without this they may not be able to answer the request
- Requests under the FOIA will be logged and the information shared will be recorded

5.6 Subject Access Requests

A Subject Access Request (SAR) can be made to Promoting Independent Care Ltd in accordance with the Data Protection Act 2018. Staff can refer to the Subject Access Request Policy and Procedure at Promoting Independent Care Ltd for more information in relation to SARs.

5.7 Access to Health Records Act 1990 (AHRA)

Requests for deceased Service User records are made under the Access to Health Records Act 1990. Requests can only be made by:

- The Service User's personal representative (usually the executor of the Will or administrator of the Estate)
- Any person who may have a claim arising out of the Service User's death - release of any information will only be the minimum necessary to process their claim. Only relevant information relating to any claim made should be released

Promoting Independent Care Ltd must inspect records taking into account the following:

- If it is known whether the deceased Service User did not wish for their records to be disclosed or the records contain information that the deceased Service User expected to remain confidential
- If the release of the information is likely to cause serious harm to the physical or mental health of any individual

Promoting Independent Care Ltd will consider Information Access Requests but is likely to deny requests on the grounds of confidentiality in all but exceptional cases.

Promoting Independent Care Ltd may disclose information about the health or social care of the deceased that is already in the public domain, for example, information considered at an inquest or coroner's court, or recorded on the Death Certificate.

5.8 Third Party Access to Information

If information about any staff or Service User is requested by a third party other than the CQC, the information will not be shared unless the relevant staff or Service User has given specific written permission for the data to be released.

Promoting Independent Care Ltd will not disclose personal information about Service Users in compliance with the requirements of data protection and the Common Law Duty of Confidentiality. There may be occasions, however, when Promoting Independent Care Ltd receives a request for personal information from third parties and may disclose some or all of the information requested, with or without the knowledge of the individual concerned. This will be in alignment with a legal requirement such as a Court Order, a Health Professional Order 2001 in relation to fitness to practise or a coroner's request in relation to an unexpected or suspicious death.

Other investigatory bodies may also request information, including the Police, and Revenue and Customs (HMRC). They must provide Promoting Independent Care Ltd with

a written explanation as to why the information is required, stating the section in the UK GDPR or Data Protection Act under which they are applying, and the likely effect on investigation or prosecution if it is not provided. Promoting Independent Care Ltd is not obliged to disclose personal information in these circumstances and will take account of all the relevant factors before reaching a decision about whether and how much to disclose.

Unless third parties have a Court Order for original documents, all information disclosed will be copies or retyped extracts from files and records.

A complete record of the Information Access Request, the decision process and outcome will be kept to ensure that disclosures can be justified, if necessary, to the Information Commissioner and/or the individual concerned.

5.9 Data Correction

A request for data held by Promoting Independent Care Ltd to be corrected or deleted can be made by the Service User or their representative and is known as the 'right to rectification'. Promoting Independent Care Ltd will review the request, which should detail the following information:

- Clearly state what they believe is inaccurate or incomplete
- Explain how Promoting Independent Care Ltd should correct it
- Where possible, provide evidence of the inaccuracies

A request should be in writing. Where Promoting Independent Care Ltd can correct the data, an investigation will take place to determine if the data is accurate by considering the request and any evidence provided.

A response will be made within one month of the request, or where further time is needed, a maximum extension period of two months can be applied. Where this is the case, Promoting Independent Care Ltd will let the requestor know of the extension.

Once the investigation is completed, Promoting Independent Care Ltd will contact the requestor and either:

- Confirm that it has corrected, deleted or added to the data, or
- Inform the requestor that it will not correct the data and explain why it believes the data is correct

Where a change has taken place and the data has been disclosed to others, Promoting Independent Care Ltd will (where possible) inform them of the data change.

Where Promoting Independent Care Ltd receives a data correction request, a record will be kept of the challenge to the data's accuracy.

5.10 Data Management / Security

Data will be stored securely at all times, whilst maintaining accessibility for Service Users upon request.

Staff can refer to the Archiving, Disposal and Storing of Records Policy and Procedure.



6. Definitions

6.1 Requestor

- A requestor is the person making the request for information, whether that is the person whose personal information it is, a third party, or someone requesting corporate information

6.2 Third Party

- A third party is an individual other than the requestor, or any external organisation or company other than Promoting Independent Care Ltd
- This includes family members of an individual, contractors working for, and partner organisations working with Promoting Independent Care Ltd

6.3 Information Commissioner's Office

- The Information Commissioner's Office (ICO) is the UK's independent authority set up to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals

6.4 Attorney

- This is someone with the legal authority (registered with the Office of the Public Guardian) to act on behalf of, and in the best interests of, another individual in relation to their welfare, wellbeing, money and/or property



7. Key Facts - Professionals

Professionals providing this service should be aware of the following:

- Since the introduction of electronic health records, information is accessible to healthcare professionals across the healthcare system. This allows greater awareness of important details such as medication history and allergies
- Individuals can request information about themselves at any time, and have a right to do so under the UK GDPR
- The Access to Health Records Act (1990) allows records belonging to deceased individuals to be accessed, but only where the requestor has the legal authority to access records
- The Freedom of Information Act states that all public authorities must provide information upon request by a member of the public. The request must be granted within a certain time frame
- Information about health and social care service performance is made publicly available by health watchdogs and national bodies such as the Care Quality Commission (CQC), with regularly published reports on availability and quality of care, as well as Service User experiences



8. Key Facts - People Affected by The Service

People affected by this service should be aware of the following:

- You have a right to review your Care records and documented information about you at any time
- You can also be reassured by the robust laws in place to protect personal information and how this information is shared with others

- You can discuss any queries or concerns that you have in relation to access to information with Charlotte Cole



Further Reading

Easy Read Online - Your Rights About Your Personal Information:

<https://www.sldo.ac.uk/media/1821/easy-read-gdpr-info-sheet.pdf>



Outstanding Practice

To be "outstanding" in this policy area you could provide evidence that:

- Requests for information are acted upon in accordance with legislation and timescales
- Staff demonstrate a good understanding around access to information and have the competence to advise others
- A Data Protection Champion is nominated, who supports with access to information requests
- The wide understanding of the policy is enabled by proactive use of the QCS App
- Service Users are involved in their Care planning and assessments
- Service Users are aware of their rights to access information and have advised Promoting Independent Care Ltd who they would like information shared with

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