

Information Rights Policy

Overview

What is this policy?

This policy explains what information rights are, who has them and what we think about them. It's published on our website so anyone can see it, and it applies to everyone – people who work for us and people who use our services.

Guidance about how the people who work for us should act is in the blue Resources boxes throughout this document, that only they can access.

When do we use this policy?

Use this policy when you are unsure what your or someone else's information rights are or how to uphold them. Use this policy with our other policies about how we look after information: Data Security and Protection policy and Privacy, Sharing and Confidentiality policy. You can find them on our website, or if you work for us, you can access them through our shared drives.

What's included in this policy?

[Overview](#)

[What is this policy?](#)

[When do we use this policy?](#)

[What's included in this policy?](#)

[What are my information rights?](#)

[Your information rights:](#)

[Resources: Information Rights](#)

[How do we act on the information rights?](#)

[Know what happens with your data](#)

[Resources: Right to be informed](#)

[See your data \(or make a Subject Access Request\)](#)

[Resources: Right of Access](#)

[Ask to change things or say if something's not right](#)

[Resources: Right to Object, Rectification and Erasure](#)

[Share or stop sharing your data](#)

[Resources: Right to Data Portability and to Restrict Processing](#)

[When data decisions aren't made by people](#)

[Resources: Automated decision making](#)

This policy was last updated: Sept 2020

This policy will next be updated: Sept 2021

What are my information rights?

The law says that when information and data is held about a person, every data subject (the person that the data is about) has rights. Some rights don't apply all the time, but we think that all the rights – and the reasons for someone asking about them – should be carefully thought through. We have Information Governance (IG) experts to help, as well as guidance for the people who work for us on how we usually respond.

Your information rights

- [The right to be informed](#) (know what happens with your data)
- [The right of access](#) (see the data that's held about you)
- [The right to rectification](#) (change facts that are wrong or add a note to say you disagree)
- [The right to erasure](#)* (be forgotten or deleted)
- [The right to restrict processing](#) (stop your data being used or shared)
- [The right to data portability](#) (be able to move your data around easily)
- [The right to object](#) (say when something's not right)
- [Rights in relation to automated decision making and profiling](#) (we don't use tools like these)

**the data we keep about people who use our services are health records, so any requests to be erased, deleted or forgotten must go through our Information Governance (IG) team.*

→ Resources: Information Rights

- [Information Commissioner's Office \(ICO\) guide to Data Protection](#)
- [Data Protection Act \(DPA\) 2018](#)
- [General Data Protection Regulation \(GDPR\) 2016](#)
- [Freedom of Information Act \(FOIA\) 2000](#)
- [ICO guidance on the Freedom of Information Act \(2000\)](#)

How do we act on the information rights?

Know what happens with your data

Our privacy notices should be up to date and tell you what you need to know in clear terms. Our [IG team](#) look after the online [privacy notice](#) and [confidentiality statement](#), and keep our policies and guidance up to date and in line with the law. Our local managers make sure their services' privacy notices and consent forms are in line with our guidance and local needs.

→ Resources: Right to be informed

- [Privacy, Sharing and Confidentiality policy](#)
- [Brand Centre](#) - order copies of Your Information & Data leaflet
- [We Are With You style guide](#)
- Example Privacy notice script ([30 second version](#) and [full version](#) for non face-to-face services)
- [How to...Write a great privacy notice](#)

If you need further help, email us at support@wearewithyou.org.uk

See your data (or make a Subject Access Request)

You can ask to see your data in the way you like, for example by talking or writing to us (yourself or on someone else's behalf) or emailing support@wearewithyou.org.uk. This is sometimes called a Subject Access Request (SAR) (right of access). We also have a form you can use, if you prefer. This is a free service unless the request is very complicated or the same thing is asked for over and over.

We aim to get you what you've asked for within 21 days. The law says we have one month, unless there's a good reason (which we would tell you about). If there's data about others in your record or we feel parts of it will cause you harm or distress, we'll take it out (redact it) before we give it to you or the person who has asked for it on your behalf. We'll also explain any jargon or confusing

language.

We are a charity so we do not have to respond to Freedom of Information (FOI) requests, but we may help our publicly funded partners to – if it's appropriate.

→ Resources: Right of Access

- [How to... respond to a Subject Access Request \(SAR\)](#) (includes links to template letters, reports and lists of commonly used terms)
- [Subject Access Request \(SAR\) form](#)
- [How to...Redact information \(for a SAR\)](#)
- [ICO guidance on the Freedom of Information Act \(2000\)](#)

Ask to change things or say if something's not right

If you have a problem with your data (right to object and right of rectification), let us know by speaking to us or emailing support@wearewithyou.org.uk and we'll try and put it right. Try to make sure that the data we have about you is correct by letting us know soon after things change (like when you get a new phone number) and taking time to check through your data at appointments.

We record notes when we meet with you or as soon as possible afterwards, so we usually add a note to your file instead of changing the original data. You can make a complaint to us using our [complaints and feedback procedure](#) and if you think we still haven't put it right, you can then complain directly to the Information Commissioner's Officer (ICO) through their [website](#).

We very rarely delete whole records but we'll support and talk to you if you want your data deleted (right to erasure). If we are working with you in one of our services, then your records are health records and the law says that we should take extra care with deleting them. We always speak to our IG experts when we get a request to be forgotten.

→ Resources: Right to Object, Rectification and

Erasure

- [Staff Complaints policy \(DQ017\)](#)
- [Complaints and Feedback policy \(DQ047\)](#)
- [How to... Look after records](#)
- Make a [complaint to the ICO](#)

Share or stop sharing your data

We think that sharing your story and being honest with trusted friends, family and other services can help you achieve your goals and aid your recovery. But you can choose who we talk to. Your local service will keep an up to date list of who you have said we can share your data with, and make sure any agreements we have to share information with partner agencies (also called Information Sharing Agreements or ISAs) are updated. We make this as easy as we can, especially when we're moving data between services (right to data portability).

If you want us to stop sharing your data (right to restrict processing) for any reason, speak to us. We'll decide together how to do this. But there are times when we have a duty to share data even if you do not want us to. We'll use our professional judgement, tools like the [Caldicott principles](#) and expert advice to make an informed decision. We'll think about your needs, other people's safety and the law.

→ Resources: Right to Data Portability and to Restrict Processing

- [Privacy, Sharing and Confidentiality Policy](#)
- [Data Security and Protection Policy](#)
- [How to...Share information safely](#)
- Information Sharing Agreement (ISA) template ([routine](#) and [one off transfers](#))
- [How to...understand the Caldicott principles](#)

- Caldicott@wearewithyou.org.uk

When data decisions aren't made by people

We don't make any decisions about you using techniques such as profiling or using automated decision making or artificial intelligence, but you do have rights about these. In the future it's possible that lots of healthcare decisions could be made using new technologies, but we'll consider big changes like this carefully and always let you know if it will impact your data. If you want to find out more, see the [ICO website](#).

→ Resources: Automated decision making

- [How to...Assess the impact something has on data protection \(complete a DPIA\)](#)
- [Data Protection Impact Assessment \(DPIA\) template](#)
- [ICO Guidance on automated decision making](#)

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