

what's on my record?

A practical guide to your rights of access to personal information



About the General Consumer Council for Northern Ireland

The General Consumer Council for Northern Ireland is a statutory body whose aims are to promote and safeguard the interests of all consumers in Northern Ireland. The Council campaigns on behalf of consumers for the best possible standards of service and protection; undertakes research and data collection; gives advice, information and issues publications. It deals with individual complaints about passenger transport, coal and natural gas.

Set up by Government, the Council is funded by the Department of Enterprise, Trade and Investment. Since 1985 the Council has been championing the cause of consumers in Northern Ireland. Our job has been to give consumers a voice – and to make sure that voice is heard by those who make decisions which affect consumers.

Backed by legislation, the Council carries out research, publishes reports, seeks to influence both the public and private sectors, and campaigns for a fair deal. In addition to some specific duties in relation to energy, transport and food, we investigate and speak out on the important consumer issues of the day.

The Council has close links with other consumer organisations, especially the National Consumer Council and the Scottish and Welsh Consumer Councils.

Please check our web site at www.gccni.org.uk for up-to-date news about our publications, policies and campaigns. We can often make our publications available in large print, on audio tape or computer disk. Please contact us for details.

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A practical guide to your rights of access to personal information

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This guide explains your rights under the law in the United Kingdom. However, it does not give a full explanation of the law. If it does not answer your questions, you can get more detailed guidance from the Information Commissioner (please see the entry under 'Advice and assistance' at the end of this guide).

Written by Derek Manson-Smith.

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Many different organisations keep records that contain personal information about you. You have a right to:

- see many of these records
- have the information corrected if it is wrong
- compensation if you are physically or financially damaged by inaccurate information.

Your right to see personal information about yourself, held on computer records and some paper records, is provided by the Data Protection Act 1998. You also have rights to see information about yourself held by credit reference agencies under the Consumer Credit Act 1974, and to see medical reports about yourself under the Access to Medical Reports Act 1988.

The Data Protection Act gives you specific rights of access to education, health, housing and social work records, whether they are held on computer or paper. These rights are described in other sections of this guide.

Your general rights

The Data Protection Act 1998 gives you general rights to see personal information about yourself held on computer and paper. This personal information includes records held by public sector organisations and private companies, such as:

- computer dating agencies
- credit card companies
- the Department of Social Security (or the Department for Social Development)
- employers
- gas, electricity and telephone companies
- high street retailers
- hospitals and doctors
- housing departments
- the Inland Revenue
- mail order companies
- the police
- schools
- social services or social work departments.

(Access to records on education, health, housing, social work, credit reference, and medical reports is described in other sections of this guide.)

People and organisations (known as data controllers) who keep information about you (the data subject) are required to notify the Information Commissioner of their details, unless they are exempt (see box below). These details are compiled in a register which shows:

- the names and addresses of data controllers
- the types of data they process
- the purposes for processing it
- the people they may want to give the information to
- whether it may be transferred outside the European Economic Area, which comprises the 15 member states of the European Union, plus Iceland, Liechtenstein and Norway.

You can see the register at the Information Commissioner's office and it is also available on the internet through the Commissioner's website (see the entry under 'Advice and assistance' at the end of this guide).

Exemptions are possible for:

- a) maintaining a public register which the data controller is required to publish, such as an electoral roll;
- b) some not-for-profit organisations, such as small clubs, voluntary organisations, church administration and some charities;
- c) processing personal data for personal, family or household affairs (including recreational purposes);
- d) data processed only for staff administration, advertising, marketing and public relations, accounts and records.

Data controllers must comply with the Data Protection Act even if they have not notified the Information Commissioner of their details.

How do I apply?

You have a right of access to your record, regardless of your age, as long as the data controller is satisfied that you understand what it means to exercise your right. In Scotland (though not elsewhere in the UK) you are presumed to understand what it means from the age of 12.

You should apply in writing, by post or e-mail to the person or organisation you believe holds the information about you. If you have consulted the register, write to the 'address for the receipt of requests from data subjects for access to the data' as it will be described in the register. If you have not consulted the register, telephone the relevant data controller's head office and ask who you should write to (such as a Data Protection Officer or company secretary) and if there is an application form they can send you. Ask them to help you identify the records you want. You should send a postal request by recorded delivery and keep copies of the letter and any further correspondence.

The data controller can ask you to prove your identity and provide enough information to help find your records. It will save time if you state what your relationship is with the body concerned – customer, employee, patient, and so on – and give relevant dates or reference numbers.

What am I entitled to see?

The data controller must tell you whether they hold any information about you. If they do, they must send you:

- a copy of the information they have about you
- details of the source of the information
- a description of why the information is processed
- details of anyone it may be passed to or seen by
- an explanation of the reasoning behind any automated decisions, such as credit scoring.

You may receive the information as a computer printout, in a letter or on a form. It should be easy to understand and any codes used should be explained.

How long does it take?

When the data controller has enough information to identify you and locate your records – and you have paid any necessary fee – they must respond within 40 days.

Different time limits apply to requests to see education records (see the relevant section in this guide).

What does it cost?

You can be charged a fee of up to £10 for each request. Some data controllers charge less and others charge nothing.

Different charges may apply to requests for education and health records (see the relevant sections in this guide).

What information can't I see?

Some information on your record may be withheld from you if it could identify someone else. If that person objects to being identified, you may be refused access to all or part of your record.

In addition, some categories of information are exempt from various provisions of the Data Protection Act and this may affect the information you can see. These exempt categories concern:

- health, education and social services or social work, which are subject to specific rights – see the relevant sections on these in this guide
- national security
- crime and taxation, but only to the extent that giving you access would prejudice their purposes
- regulatory activity – for example, public watchdogs, or regulators of charities and fair competition
- special purposes – for example, journalism, artistic or literary
- research, history or statistics
- information available under the law
- disclosures required by law
- disclosures made in connection with legal proceedings
- domestic purposes
- confidential references given by a data controller
- the armed forces
- judicial appointments and honours
- Crown employment and Crown or ministerial appointments

- management forecasts and management planning
- negotiations
- corporate finance
- examination scripts
- examinations marks – but see the section on education records in this guide
- legal professional privilege or confidentiality between client and legal adviser
- self-incrimination.

Some information may be withheld from you because it is in one of these categories. The data controller does not have to tell you if information has been withheld. If you suspect that information has been withheld without justification, or you want advice on what these exemptions mean, you should contact the Information Commissioner's information line (see 'Advice and assistance' at the end of this guide).

How can I correct errors?

If any information about you on your record is inaccurate, you are entitled to have it corrected or removed. Information is inaccurate if it is incorrect or misleading in any matter of fact. This includes an expression of opinion if it is based on inaccurate data.

If the data controller refuses your request to amend your record, you can ask the Information Commissioner to order the correction or removal of inaccurate information.

Is compensation available?

If you suffer physical or financial damage as a result of inaccurate information, you have a right to compensation. If damage is proved, a court may also order compensation for any associated distress you may have suffered. You can only claim compensation for distress alone if inaccurate information about you has been used for journalistic, artistic or literary purposes.

You can also claim compensation if your information is lost, damaged, destroyed or disclosed without the data controller's authority.

How can I complain?

If you are dissatisfied with the way your application has been dealt with, you should first write and complain to the director or chief executive of the organisation. If your complaint is not resolved to your satisfaction, you can complain to the Information Commissioner – see the entry under 'Advice and assistance' at the end of this guide.

If a data controller has refused to give you access to your records, or to correct or remove inaccurate information – and the Information Commissioner cannot help – you can go to court. A citizens advice bureau or other advice agency (see the entry under 'Advice and assistance' at the end of this guide) can advise you about going to court.

Education records

Your rights to see school records, whether you are a pupil or parent, are in addition to your general rights of access to personal information, which are explained in the first section of this guide. That section also covers your rights of access to personal information held by further and higher education institutions.

Education records are the official records, whether on computer or paper, held within the state education system (which, in Northern Ireland, includes all grant-maintained schools). Head teachers in England and Wales, education authorities in Scotland and principals in Northern Ireland (the 'data controllers') are responsible for them.

An education record may include, for example, information on national testing results, health information, and information on psychological tests.

Your general rights, which were explained in the first section of this guide, cover access to records held by individual teachers for their own use, and those held by independent schools.

Pupil rights

You have a right of access to your education record, regardless of your age, as long as the data controller is satisfied that you understand what it means to exercise your right. In Scotland (though not elsewhere in the UK) you are presumed to understand what it means from the age of 12. Your parents have an independent right of access to your education record.

To see or receive a copy of your education record, you should apply in writing, by post or e-mail, to the data controller. You should send a postal request by recorded delivery and keep copies of the letter and any further correspondence.

What am I entitled to see?

You are entitled to see your record or be sent a paper copy. In addition, you are entitled to:

- a description of the personal information that makes up the record
- details of the purposes for which the information is processed
- details of the sources of the information (if known)
- details of the individuals or organisations to whom the information may have been disclosed.

How long does it take?

Once the data controller has enough information to identify you and locate your record – and you have paid any necessary fee – they must respond within 15 school days in England and Wales, and within 40 days in Scotland and Northern Ireland. You may be asked to prove your identity (for instance, if you are a former pupil not currently known to the school) and supply the dates when you attended the school.

If your request is for examination marks or results, the timescale to respond is extended to either five months from your request, or 40 days from the announcement of the examination results, whichever is the earlier.

What does it cost?

You cannot be charged to see your record. If you ask for a paper copy, you may be charged a fee based on the number of pages. This ranges from £1 for up to 19 pages, to £9 for up to 99 pages, then from £10 for up to 149 pages, to £50 for 500 pages or more. Some data controllers charge less and others charge nothing.

What information can't I see?

Some information may be withheld from you. This includes information that:

- could cause serious harm to your or another person's physical or mental health
- could identify someone else – for example, another pupil (but not teachers) and that person has not consented to being identified
- forms part of a court report or a report made by or for a reporter to a children's panel
- would help to prevent or detect crime
- is in a reference concerning education, training or employment given by the data controller – although after it has passed to another data controller, it cannot be withheld, except for information that could identify someone else who has not consented to being identified

- is about adoption records or reports
- is confidential because of legal privilege or was provided in the context of a lawyer–client relationship
- the data controller has a legal obligation not to disclose.

How can I correct errors?

If any information about you on your record is inaccurate, you are entitled to have it corrected or removed. Information is inaccurate if it is incorrect or misleading in any matter of fact. This includes expression of opinion if based on inaccurate data.

If the data controller refuses your request to amend your record, you can ask the Information Commissioner to order the correction or removal of inaccurate information.

Is compensation available?

If you suffer physical or financial damage as a result of inaccurate information, you have a right to compensation. If damage is proved, a court may also order compensation for any associated distress. You can only claim compensation for distress alone if inaccurate information about you has been used for journalistic, artistic or literary purposes.

You can also claim compensation if your information is lost, damaged, destroyed or disclosed without the data controller's authority.

How can I complain?

If you are dissatisfied with the way your application has been dealt with, you should first write and complain to the chairman of the board of governors, or in Scotland, to the director of the education authority. If your complaint is not resolved to your satisfaction, you can complain to the Information Commissioner – see the entry under ‘Advice and assistance’ at the end of this guide.

If a data controller has refused to give you access to your records, or to correct or remove inaccurate information, and the Information Commissioner cannot help, you can go to court. A citizens advice bureau or other advice agency (see the entry under ‘Advice and assistance’ at the end of this guide) can advise you about going to court.

Parents

You have an independent right of access to your child’s education records. The information which you are entitled to see (and the exemptions) are the same as those for pupils, but you only have right of access to information that is part of the school record. If you ask for a paper copy, you may be charged a fee which is set by the governing body in England, Wales and Northern Ireland, and by the education authority in Scotland.

You can also make a request on behalf of:

- a child for whom you have parental responsibility
- someone who is unable to manage his or her own affairs, and you have been appointed by a court to do so.

Information may be withheld from you if it could disclose whether the child has been abused or is at risk of being abused, if it is in the child's best interests.

You do not have the same rights of redress unless you are acting on your child's behalf. If you are refused a copy of your child's education record, you should first contact the school's governing body or, in Scotland, the director of the education authority. If you are dissatisfied with the outcome, you should contact the Department for Education and Skills; the National Assembly for Wales Training and Education Department; the Scottish Executive Education Department; or the Department of Education in Northern Ireland. As a last resort, you can go to court.

Health records

Your rights to see your health records are in addition to your general rights of access to personal information, which are explained in the first section. Access to medical reports is covered in another section of this guide.

A health record is any record, whether on computer or paper, which consists of information about your physical or mental health or condition, and is made by or on behalf of, a health professional involved with your care. So, it includes your case notes, X-rays and MRI scans, for example.

Health professionals include hospital doctors, general practitioners, dentists, opticians, pharmacists, nurses, midwives and health visitors, osteopaths, chiropodists, chiropractors, dieticians, occupational therapists, orthoptists, physiotherapists, clinical psychologists, child psychotherapists, speech therapists and art or music therapists employed by a health service body, and scientists employed as head of department by a health service body.

How do I apply?

You have a right of access to your health record, regardless of your age, as long as the data controller is satisfied that you understand what it means to exercise your right. In Scotland (though not elsewhere in the UK) you are presumed to understand what it means from the age of 12.

You should apply in writing by post or e-mail to your doctor, dentist or other health professional (the data controller). If you want to see your hospital records, or if you are not on a doctor's list, telephone your local health authority, health board or NHS trust and ask who you should write to (such as a Data Protection Officer) and if there is an application form they could send you. Ask them to help you identify the records you want. You should send a postal request by recorded delivery and keep copies of the letter and any further correspondence.

The data controller can ask you to prove your identity and provide enough information for them to find your records. They may also ask you to pay a fee. Someone else can make your request for you, but the data controller must be satisfied that this person is acting with your authority.

You can also make a request on behalf of:

- a child aged under 16 for whom you have parental responsibility, although children can make their own requests if they understand their rights of subject access
- someone who is unable to manage his or her own affairs, and you have been appointed by a court to do so.

In these cases, the data controller is not required to disclose information if satisfied that, when the patient gave the information, he or she would not have wanted it to be disclosed to you.

What am I entitled to see?

You are entitled to see your record and get a copy. In addition, the data controller must send you:

- details of the source of the information
- a description of why the information is processed
- details of anyone it may be passed to or seen by
- an explanation of the reasoning involved in any automated decisions.

You may receive the information as a computer printout, in a letter or on a form. It should be easy to understand and any codes should be explained.

How long does it take?

Once the data controller has enough information to identify you and locate your records – and you have paid any necessary fee – they must respond within 40 days.

What does it cost?

You can be charged a fee of up to £10 for each request if your record is held on a computer. If your record is held on a paper file or a mixture of paper and computer files (and you want a copy of the information) you can be charged a fee of up to £50 until 23 October 2001, and up to £10 after that date. Some data controllers charge less and others nothing. You cannot be charged for photocopying or postage.

What information can't I see?

Some information on your record may be withheld from you. This includes information that:

- could identify someone else – unless that person consents, you could be refused access to all or part of your record (although the identity of a health professional cannot be withheld)
- could cause serious harm to your or another person's physical or mental health
- is about human fertilisation and embryology
- is about adoption records or reports
- was supplied by a court or a reporter to a children's panel
- would help to prevent or detect crime
- is confidential because it was provided in the context of legal privilege or a lawyer-client relationship
- the data controller has a legal obligation not to disclose.

The data controller does not have to tell you if information has been withheld. If you suspect that information has been withheld without justification, you should contact the Information Commissioner's information line (see the entry under 'Advice and assistance' at the end of this guide).

How can I correct errors?

If any information about you on your record is inaccurate, you are entitled to have it corrected or removed. Information is inaccurate if it is incorrect or misleading in any matter of fact. This includes an expression of opinion if it is based on inaccurate data.

If the data controller refuses your request to amend your record, you can ask the Information Commissioner to order the correction or removal of inaccurate information.

Is compensation available?

If you suffer physical or financial damage as a result of inaccurate information, you have a right to compensation. If damage is proved, a court may also order compensation for any associated distress you have suffered. You can only claim compensation for distress alone if inaccurate information about you has been used for journalistic, artistic or literary purposes.

You can also claim compensation if your information is lost, damaged, destroyed or disclosed without the data controller's authority.

How can I complain?

If you are dissatisfied with the way your application has been dealt with, you should first write and complain to the data controller. If your complaint is not resolved to your satisfaction, you can complain to the Information Commissioner – see the entry under 'Advice and assistance' at the end of this guide.

If a data controller has refused to give you access to your records, or to correct or remove inaccurate information – and the Information Commissioner cannot help – you can go to court.

Your local community health council in England and Wales; local health council in Scotland; or local health and social services council in Northern Ireland (see 'Advice and assistance' at the end of this guide) will advise you how to make a complaint to the data controller, or go to court.

Housing records

Your rights to see your housing tenancy records, whether on computer or paper, are in addition to your general rights of access to personal information, which are explained in the first section of this guide. This section on housing records does not apply to records held by housing associations and private landlords, which are covered by your general rights.

Housing records are residential tenancy records, which are held:

- in England and Wales, by 'Housing Act local authorities', and housing action trusts established under the 1988 Housing Act
- in Scotland, Communities Scotland (formerly Scottish Homes), a local authority, a joint committee or joint board of two or more local councils or any trust under the control of a council
- in Northern Ireland, by the Northern Ireland Housing Executive.

These are known as the data controllers.

This section does not explain your rights of access to your personal information that is not part of your tenancy record – for example, records held by local authority Housing Benefit offices. Those records are covered by your general rights.

You have a right of access to your records if you are a current or past tenant, or an applicant for a tenancy.

How do I apply?

You should apply in writing by post or e-mail to the data controller. Telephone the data controller and ask who you should write to (such as a Data Protection Officer) and if there is an application form they could send you. Ask them to help you identify the records you want. You should send a postal request by recorded delivery and keep copies of the letter and any further correspondence.

The data controller can ask you to prove your identity and provide enough information for them to find your records – for example, the address of the property or dates of your tenancy. They may also ask you to pay a fee.

What am I entitled to see?

You are entitled to be told if the data controller holds any personal information about you. If they do, they must send you:

- a copy of the information they have about you
- details of the source of the information
- a description of why the information is processed
- details of anyone it may be passed to or seen by
- an explanation of the reasoning involved in any automated decisions.

You may receive the information as a computer printout, in a letter or on a form. It should be easy to understand, and any codes should be explained.

How long does it take?

Once the data controller has enough information to identify you and locate your records – and you have paid any necessary fee – they must respond within 40 days.

What does it cost?

You can be charged a fee of up to £10 for each request. Some data controllers charge less and others charge nothing.

What information can't I see?

Some information on your record may be withheld from you. This includes information that:

- could identify someone else, unless that person consents, you could be refused access to all or part of your record
- could cause serious harm to your or another person's physical or mental health
- would help to prevent or detect crime, or prevent the assessment or collection of any tax or duty
- is confidential because it was provided in the context of legal privilege or a lawyer-client relationship
- the data controller has a legal obligation not to disclose.

The data controller does not have to tell you if information has been withheld. If you suspect that information has been withheld without justification, you should contact the Information Commissioner's information line (see the entry under 'Advice and assistance' at the end of this guide).

How can I correct errors?

If any information about you on your record is inaccurate, you are entitled to have it corrected or removed. Information is inaccurate if it is incorrect or misleading in any matter of fact. This includes expression of opinion if based on inaccurate data.

If the data controller refuses your request to amend your record, you can ask the Information Commissioner to order the correction or removal of inaccurate information.

Is compensation available?

If you suffer physical or financial damage as a result of inaccurate information, you have a right to compensation. If damage is proved, a court may also order compensation for any associated distress you may have suffered. You can only claim compensation for distress alone if inaccurate information about you has been used for journalistic, artistic or literary purposes.

You can also claim compensation if your information is lost, damaged, destroyed or disclosed without the data controller's authority.

How can I complain?

If you are dissatisfied with the way your application has been dealt with, you should first write and complain to the director of housing or the chief executive of the council or, if you are in Northern Ireland, the Housing Executive. If your complaint is not resolved to your satisfaction, you can complain to the Information Commissioner – see the entry under ‘Advice and assistance’ at the end of this guide.

If a data controller has refused to give you access to your records, or to correct or remove inaccurate information – and the Information Commissioner cannot help – you can go to court. A citizens advice bureau or other advice agency (see ‘Advice and assistance’ at the end of this guide) can advise you about going to court.

Social work records

Your rights to see your social work records, whether on computer or paper, are in addition to your general rights of access to personal information, which are explained in the first section of this guide.

Social work records may be held:

- in England and Wales, by a local social services authority
- in Scotland, by a social work authority
- in Northern Ireland, by a Health and Social Services Board or Trust.

Social work records may also be held by:

- local education authorities and health authorities
- the National Society for the Prevention of Cruelty to Children
- probation committees
- guardians appointed by a court, safeguarders and reporters to children's panels.

How do I apply?

You have a right of access to your social work record, regardless of your age, as long as the data controller is satisfied that you understand what it means to exercise your right. In Scotland (though note elsewhere in the UK) you are presumed to understand what it means from the age of 12.

You should apply in writing by post or e-mail to the organisation (the data controller) you believe holds social work records about you. Telephone them and ask who you should write to (such as a Data Protection Officer) and if there is an application form they could send you. Ask them to help you identify the records you want. You should send a postal request by recorded delivery, and keep copies of the letter and any further correspondence.

They can ask you to prove your identity and provide enough information for them to find your records (for example, the names of relevant social workers, dates of contact) and they may also ask you to pay a fee.

You can make your request through an agent, such as a solicitor or advice worker, although they may be asked for evidence that they are acting on your behalf.

You can also make a request on behalf of:

- a child aged under 16 who does not have sufficient understanding to make his or her own request, and for whom you have parental responsibility
- someone who is unable to manage his or her own affairs, and you have been appointed by a court to do so.

In these cases, the data controller is not required to disclose information if satisfied that, when the person gave the information, he or she would not have wanted it to be disclosed to you.

What am I entitled to see?

You are entitled to be told if the data controller holds any personal information about you. If they do, they must send you:

- a copy of the information they have about you
- details of the source of the information
- a description of why the information is processed
- details of anyone it may be passed to or seen by
- an explanation of the reasoning involved in any automated decisions.

You may receive the information as a computer printout, in a letter or on a form. It should be easy to understand and any codes used should be explained.

How long does it take?

Once the data controller has enough information to identify you and locate your records – and you have paid any necessary fee – they must respond within 40 days.

What does it cost?

You can be charged a fee of up to £10 for each request. Some data controllers charge less and others charge nothing.

What information can't I see?

Some information on your record may be withheld from you. This includes information that:

- could identify someone else – unless that person consents, you could be refused access to all or part of your record (this does not include social workers, unless to disclose it would cause them serious harm)
- could cause serious harm to your or another person's physical or mental health
- is about human fertilisation and embryology
- is about adoption records or reports
- was supplied by a court or a reporter to a children's panel
- would help to prevent or detect crime
- is confidential because it was provided in the context of legal privilege or a lawyer-client relationship
- the data controller has a legal obligation not to disclose.

The data controller does not have to tell you if information has been withheld. If you suspect that information has been withheld without justification, you should contact the Information Commissioner's information line (see the entry under 'Advice and assistance' at the end of this guide).

How can I correct errors?

If any information about you on your record is inaccurate, you are entitled to have it corrected or removed. Information is inaccurate if it is incorrect or misleading in any matter of fact. This includes an expression of opinion if it is based on inaccurate data.

If the data controller refuses your request to amend your record, you can ask the Information Commissioner to order the correction or removal of inaccurate information.

Is compensation available?

If you suffer physical or financial damage as a result of inaccurate information, you have a right to compensation. If damage is proved, a court may also order compensation for any associated distress. You can only claim compensation for distress alone if inaccurate information about you has been used for journalistic, artistic or literary purposes.

You can also claim compensation if your information is lost, damaged, destroyed or disclosed without the data controller's authority.

How can I complain?

If you are dissatisfied with the way your application has been dealt with, you should first write and complain to the director of social services or social work, or the chief executive of the council. If the data controller is not a local authority, write to the director of that organisation. If your complaint is not resolved to your satisfaction, you can complain to the Information Commissioner (see the entry under ‘Advice and assistance’ at the end of this guide).

If a data controller has refused to give you access to your records, or to correct or remove inaccurate information – and the Information Commissioner cannot help – you can go to court. A citizens advice bureau or other advice agency (see ‘Advice and assistance’ at the end of this guide) can advise you about going to court.

Credit reference records

The Consumer Credit Act 1974 gives you the right to see personal information about yourself held by credit reference agencies. These rights are in addition to your general rights of access to personal information, which are explained in the first section of this guide. You can see what information credit reference agencies hold on you, even if you have not applied for credit.

How do I apply?

If you have applied for credit, you have the right to know the name and address of any credit reference agency that was approached for details about you.

The shop or loan company must tell you the name and address of any credit reference agency they approach without you having to ask.

If they fail to tell you, you can complain to your local trading standards or consumer advice department (see under the entry for your local council in the phone book).

You can see what information credit reference agencies have about you – even if you have not applied for, or have been refused credit. You can write to them at any time and ask for a copy of your file. If you do contact them, you must:

- send £2, which is not refundable
- give your name and address, including the postcode
- give addresses that you have lived at during the past six years.

You should send your request by recorded delivery and keep copies of the letter and any further correspondence.

The large agencies keep information on almost every address in the country. The main agencies are:

- Experian
Consumer Help Service
PO Box 8000
Nottingham NG1 5GX
- Equifax
Consumer Advice Department
Consumer Response Centre
PO Box 3001
Glasgow G81 2DT

How long does it take?

The agency has seven working days from when it received your letter to send you the information on your file, or tell you it has no information about you. If it asks you for more details, the seven-day period starts from when it receives these.

How can I correct errors?

If you think that any information the agency has sent you is wrong and that you are likely to suffer because it is wrong, you can ask it to correct the information. You cannot ask it to alter information that is correct but embarrassing.

You must write to the agency within 28 days of receiving your record, asking it to remove or change any details that you think are wrong. It must reply within 28 days and tell you whether it will correct your record. If the agency corrects your record, it must send you a copy of the amended record.

If the agency:

- replies to say that it won't be changing your record;
- fails to reply within 28 days;
- corrects the information but you are not happy with the correction.

You can write your own 'note of correction', which can be up to 200 words, and ask for it to be included in your file. You must send your note of correction within 28 days of receiving the agency's reply or, if it did not reply, within eight weeks of your original letter asking them to remove or change any details you believe are wrong.

If the agency accepts your note of correction, it must tell you so within 28 days. It can refuse to add your note if it thinks it is wrong, defamatory, frivolous or scandalous. However, if the agency does not wish to add your notice, it must ask the Information Commissioner for a decision as to whether your notice should be added. If the Commissioner orders the agency to add your notice, they will also inform the lender who filed your information.

How can I complain?

If the agency does not reply to your letter enclosing your note of correction, or if it has written to tell you that it will not add your note to your file, then you can appeal to the Information Commissioner (see the entry under ‘Advice and assistance’ at the end of this guide).

When you write, you should say that you are doing so under the Consumer Credit Act 1974 section 159(5), and you must give the following details:

- your full name and address
- the agency’s name and address
- details of: the information you think is wrong, including why you think it is wrong; why you are likely to suffer because it is wrong; and an indication of when you sent the agency your note of correction.

You should include copies of your note of correction and any correspondence with the agency.

The Commissioner will ask the agency to comment and you will be sent a copy of any comments it makes. The Commissioner can make any order he or she thinks fit – for example, he or she can order the agency to accept your note of correction and add it to your file.

At any stage, you can ask the Commissioner to check whether the agency is complying with the Data Protection Act 1998.

If you need help with any of the procedures, contact your local trading standards or consumer advice department (see under the entry for your local council in the phone book). Your local citizens advice bureau or other advice agency can also give you advice (see 'Advice and assistance' at the end of this guide).

Medical records

The Access to Medical Reports Act 1988 gives you the right to see any medical report on you that a doctor has written for an insurance company or an employer.

This includes any doctor who is, or has been, responsible for your medical care – your general practitioner, hospital doctor, consultant or any other doctor who has treated or advised you. It does not include an independent doctor acting exclusively for the insurance company or employer.

How do I apply?

You don't have to apply. Before an insurer or employer contacts a doctor for a report on you, they must get your written consent and explain your rights under the Act.

The insurer or employer must ask you if you want to see the report before the doctor sends it. If you do, the doctor must be told this when asked for the report. You then have 21 days to arrange to see it. If you have not contacted the doctor by this time, the report can be sent off.

Even if you do not tell the insurer or employer in advance, you can still see the report – as long as you ask the doctor for it before it is sent off.

Once you have seen the report, the doctor must get your written consent before sending it.

The doctor must also keep a copy of any report for six months (once it has been sent off) and you have a right to see it during this period.

How much does it cost?

There is no charge for inspecting the report. You are entitled to a copy, but the doctor can charge a reasonable fee for providing it.

What information can't I see?

You can be refused access to any part of a report if it would:

- in the doctor's opinion, cause serious harm to your or someone else's physical or mental health

- indicate the doctor's intentions towards you
- reveal information about someone else or the identity of another person, unless that person has given consent.

The doctor must tell you if, and why, any information has been withheld from you.

How can I correct errors?

You can ask the doctor to correct any part of the report that you believe is wrong or misleading. If the doctor refuses, you are entitled to prepare a written statement of your views, which must be attached to the report when it is sent.

You can refuse to allow the report to be sent. However, this may result in the refusal of the insurance cover or job offer.

How can I complain?

If you feel there has been a breach of the Act – by the doctor, insurer or employer – you can go to court for an order to make them comply with it.

Advice and assistance

For advice and assistance about access to your records, or to complain, contact:

**The Information Commissioner
Wycliffe House
Water Lane
Wilmslow
SK9 5AF**

Information line: 01625 545745

E-mail: mail@dataprotection.gov.uk

Further information on the Data Protection Act 1998 and the register of data controllers is available on the Information Commissioner's website at:

www.dataprotection.gov.uk

You can find the address of your local community health council in England or Wales, local health council in Scotland, or local health and social services council in Northern Ireland from the contacts below.

Note that there are proposals to introduce different arrangements for patient representation in England and Wales from March 2002.

England and Wales

Association of Community Health Councils for England and Wales
Earlsmead House
30 Drayton Park
London N5 1PB

Tel: 020 7609 8405

E-mail: mailbox@achcew.org.uk

www.achcew.org.uk

Scotland

Scottish Association of Health Councils
24a Palmerston Place
Edinburgh EH12 5AL

Tel: 0131 220 4101

E-mail: sahc@aol.co.uk

Northern Ireland

Eastern Health & Social Services Council
19 Bedford Street
Belfast BT2 7EJ

Tel: 028 9032 1230

E-mail: ecouncil@ehssc.n-i.nhs.uk

Northern Health & Social Services Council

8 Broadway Avenue
Ballymena
Co Antrim BT43 7AA

Tel: 028 2565 5777

E-mail: info@nhssc.n-i.nhs.uk

Southern Health & Social Services Council

Quaker Buildings
High Street
Lurgan BT66 8BB

Tel: 028 3834 9900

E-mail: seamusma@shssb.n-i.nhs.uk

Western Health & Social Services Council

Hilltop
Tyrone & Fermanagh Hospital
Omagh BT79 0NS

Tel: 028 8225 2555

E-mail: ipreston@hilltop.n-i.nhs.uk

Contact details of individual councils can also be found in the phone book under 'Community Health Council' (England and Wales), 'Local Health Councils' (Scotland) and 'Health & Social Services Councils' (Northern Ireland).

For advice and information about how to take legal action, including making an application to a court, contact your local citizens' advice bureau or other advice agency. You can find them in the phone book, if you know the name, or consult *Yellow Pages* or www.yell.com under 'Counselling and advice' and 'Information services', or phone *Talking Pages* on 0800 600 900.

You can also find the addresses of Citizens Advice Bureaux throughout the UK on the website for the National Association of Citizens Advice Bureaux at: www.nacab.org.uk through the link 'Search the CAB directory for your local bureau'.

www.gccni.org.uk



Elizabeth House
116 Hollywood Road
Belfast BT4 1NY

Telephone 028 9067 2488
Facsimile 028 9065 7701