# Spectrum logo

# Policy on **ACCESS TO RECORDS AND FILES**

Document Details

Version 2

Date Issued October 2018

 SIGNED Date 01/04/2021

Scheduled Review April 2023

Spectrum Days, Old Coach Road, Droitwich, Worcestershire WR9 8BB. Tel: 01905 773725

[WWW.spectrumdays.co.uk](http://www.spectrumdays.co.uk/) Charity No: 1151711

# **ACCESS TO RECORDS AND FILES**

**Policy Statement**

This charity adheres fully to Date Protection legislation which states that: all records required for the protection of members and for the effective and efficient running of the charity should be maintained accurately and should be up-to-date; that members and/or their representative should have access to records and information about them held by the charity; and that all individual records and charity records should be kept in a confidential and secure fashion. This charity is fully aware of the GDPR and its framework within the Data Protection Act 2018.

**The Policy**

This policy is intended to set out the values, principles and policies underpinning this charity’s approach to access to records. The aim of the charity is to ensure that members can be assured that the protection of their privacy and confidentiality is given the highest consideration.

**Access to Records/Files Policy**

This charity believes that access to information and the security/privacy of data is an absolute right of every member and/or their representative and that they are entitled to see a copy of all personal information held about them and be given the opportunity to correct any error or omission. Therefore, in this charity:

* Members and/or their representative should have access to their records and information about them held by the charity, as well as opportunities to help maintain their personal records in the case of records kept in the home
* Individual records and charity records required for the protection of members should at all times be kept in a secure fashion and should be constructed, maintained and used in accordance with Date Protection legislation and other statutory requirements.

Any member and/or their representative requiring access to their files should contact the CEO, Maggie Allen 07972704378 mallen@spectrumdays.co.uk to make arrangements to view. Members with sensory or other disabilities should be given appropriate help and support from an independent source as required e.g, an Advocacy Service.

The viewing of certain records may only be refused in the following circumstances, as consistent with Date Protection legislation:

* Where disclosing the personal data would reveal information which relates to and identifies another person, unless that person has consented to the disclosure or it is reasonable to comply with the request without that consent
* Where permitting access to the data would be likely to cause serious harm to the physical or mental health or condition of the data subject or any other person
* Where the request for access is made by another on behalf of the data subject, access can be refused if the data subject had either: provided the information with the expectation it would not be disclosed to the applicant; or, had indicated it should not be so disclosed; or, if the data was obtained as a result of any examination or investigation to which the data subject consented on the basis that information would not be so disclosed.

Before deciding whether the above restrictions apply, the head of the charity should consult the health professional responsible for the clinical care of the member; if there is more than one, the most suitable available health professional; if there is none then the head of the charity should consult a health professional with the necessary qualifications and experience to advise on the matters to which the information requested relates. Third party information can only be accessed with the consent of the third party and third party subject access rules will apply.

Members and/or their representative who have a complaint about the way that the charity keeps files about them, or who are refused access to files that they believe they should have access to, should be referred to the Data Protection Information Commissioner.

**Information Commissioner`s Office**

All relevant providers must be registered with the above in order that they may collect, hold, store and retrieve personal information. They must identify a Data Controller within the charity, which for Spectrum Days is Maggie Allen.

**Related Policies**

Data Protection Legislative Framework (GDPR)

Record Keeping

Member Record

**Training Statement**

Training in the correct method for entering information in members’ records should be given to all care staff. The nominated data user/data controller for the charity should be trained appropriately in the Date Protection legislation. All staff requiring use of the computer system should be thoroughly trained to do so.