

## Data Rights

### Article 15 – Subject Access Request (SAR)

The people who use our services, carers and employees have the right to have access to personal information that we hold about them. Various pieces of legislation cover what you can request from our records about you:

- The Data Protection Legislation (the term we use to refer to the [General Data Protection Regulation](#) and the [Data Protection Act 2018](#)) gives people the right of access to personal data about them, held both electronically and in a manual form. There are cases however when we are not required to comply with a request to exercise this right. One important example is where data of people who use our services is held in health records.  
If the health or social care professional responsible for your clinical care believes information is likely to cause serious harm to your physical or mental health (or harm to others) then we can withhold that information. They do not have to tell you that they have done this. Another example is data about other people. We cannot release data identifying another person without their written consent. If data we hold relating to you also contains data about other people (for example data from or about a family member) then we cannot give you that information unless we have their consent, or unless it is reasonable to do so without consent.
- The [Access to Health Records Act 1990](#) covers accessing information about someone who is deceased. We keep records for 8 years after someone has passed away. Applications can be made by the deceased persons' representative or by any person who may have a claim arising out of that person's death. For example, the relative of someone who has died might apply to see the deceased person's information. There are strict rules about what information can be shared, and sometimes requests may be denied.

Parents or guardians may request access to a young person's records, and a young person (usually at the age of 13 or over) can apply to see their own records. In all cases the young person must be able to give informed consent to accessing records, which means they must understand what they are asking for.

There are standard ways for us to work out whether a young person is capable of giving consent, and this process is often called [Gillick Competence](#). We may use this to work out whether they are able to make an informed decision. If the young person is not able to make an informed decision, then the Trust will decide whether releasing the information is in the young person's best interests.

To make a request for data, please complete our form which is available on our [website](#) and return with any documents that support your application to us. The form explains what you need to send in. You can return it by:

- Email: [Records.Team@sabp.nhs.uk](mailto:Records.Team@sabp.nhs.uk).
- Post: Records Management, Surrey & Borders Partnership NHS Foundation Trust, 18 Mole Business Park, Leatherhead, Surrey KT22 7AD.

Once we receive your information, we will keep it secure.

### **Complex data requests**

At present each SAR must be processed without undue delay and at the latest within one month of receipt. However, the timescale for some SARs can be extended by a further two months if the request is considered as complex, or if we have received a number of requests from the same individual.

What do we mean by a Complex data request?

We consider a range of factors when deciding whether a request is complex:

1. The request requirement: To consider the volume of material to be collated, reviewed, redacted (if necessary) and prepared for issue.
2. It may be necessary to identify a health professional to review records if the person requesting the information is not currently receiving care from one of our services.
3. The need to consider the impact the material may have on the person requesting the information where the disclosure of records may cause serious harm and distress.
4. There may be a need to review the information request in relation to current data protection legislation requirements in connection with data rights.

These factors will be reviewed regularly to ensure they continue to reflect and meet the Trust's accountability requirements. Further details are available [here](#).