

We may be asked to disclose information, documents or records held by the practice. Requests for personal information are made under data protection legislation and under freedom of information legislation for information about the NHS services provided by the practice.

This policy describes who can request information and how and the practice procedures for managing these requests.

[Access to information](#)

Requests for access

Requests for personal information or for information about the practice that is not included in the practice information leaflet should be passed to Presh Mulay (Data Controller) at this practice.

Personal information is any information that allows an individual to be identified. This includes information where the individual is not named but a cross-reference to other information held by the practice would allow identification.

Data protection legislation (GDPR) allows individuals to request access to their personal information. Those eligible to request access include:

- A person aged **16 years or older** (for practices in England, Wales and Northern Ireland, 12 years in Scotland).
- The parents, legal guardian or person acting in loco parentis of a child under the age of 16 years and in connection with the health and welfare needs of the child.
- A child under the age of 16 years who has the capacity to understand the information held by the practice. Children aged 11 years and under are generally considered too young
- A third party, such as a solicitor, who has the written consent of the individual concerned – checks should be undertaken to ensure that the consent is genuine – for example, by checking the patient's signature or contacting the patient

directly to confirm that they have given consent for the information to be disclosed.

If a request concerns information about a deceased person, those eligible to request access include:

- The administrator or executor of the deceased person's estate
- A person who has a legal claim arising from the person's death – the next of kin, for example. The person should explain why the information requested is relevant to their claim.

If the information requested includes information about third parties, it can be disclosed **ONLY** if the third party gives consent or is a health professional involved in the care of the patient.

The request format

The request must be made in writing and describe the type of information required with dates, if possible, and include sufficient information to ensure correct identification (name, address, date of birth, for example). We will check that the person asking for information has the right to do so and, if necessary, ask for proof of identity.

The practice will provide the requested information as quickly as is reasonably possible and at least within one month of receiving the request.

The information

The practice will normally provide the information requested in electronic form using secure means, unless the individual asks for the information in paper format or otherwise agreed. The individual may also come to the practice to view the original version under supervision and on practice premises.

We will provide the information in a way that can be understood by the individual making the requests and may need to provide an explanation to accompany dental clinical notes.

Unfounded, repetitive or excessive requests

Where requests are manifestly unfounded or excessive, we may:

- Charge a reasonable fee taking into account the administrative costs of providing the information; or
- Refuse to provide the information requested.

If we refuse to respond to a request, we will explain the reasons and inform the individual of their right to complain to the Information Commissioner's Office if they are dissatisfied.

Requests for information about the practice

Services provided under the NHS terms are considered to have been provided by a Public Body.

Freedom of information legislation allows anyone to ask for information about the provision of NHS services. The available information is described fully in the practice guide to information available under FOIA and the model publication scheme. If the requested information is part of a larger document, we will disclose only the relevant part.

A freedom of information request cannot include clinical records or financial records.

The request itself

The request must be made in writing and should describe the information that they want and with dates, if possible. The individual making the request does not have to give a reason.

We will provide Information within 20 working days of receiving the request or confirmation of identity or, if applicable, from the receipt of the fee.

[England, Wales and Northern Ireland only: it may be possible to extend this timescale if we need more information about the request or are taking legal advice on whether an exemption applies. We must inform the person making the request if we need to extend the 20-working-day deadline.]

Can we charge a fee?

In most cases we cannot charge a fee to comply with a subject access request.

However, as noted above, where the request is manifestly unfounded or excessive we may charge a “reasonable fee” for the administrative costs of complying with the request.

We can also charge a reasonable fee if an individual requests further copies of their data following a request. We will base the fee on the administrative costs of providing further copies.

The charges for information provided under a freedom of information request are known as ‘disbursements’

and included in the practice guide and the model publication scheme.

The following is an example taken from the ICO website (accessed Nov 2021)

The information

Most of the information covered by a freedom of information request is available in the practice information leaflet or on the practice website. Requests for other information should be referred to Presh Mulay (Data Controller) at this practice. If we do not hold the information requested, we will inform the individual within the 20-working-day time limit.

We will provide information in a way that is convenient for the person who requested it, which may be in writing, by allowing the applicant to read it on the premises, or, if the information is held electronically, in a useable electronic format.

We are not required to respond to

- Vexatious requests for information, for example, requests that are designed to cause inconvenience, harassment or expense.

Example

An applicant requests information from a local authority which will cost £375 to locate, retrieve and extract the requested information. The public authority issues a fees notice for £405.

This fee is made up of:

- (i) photocopying 200 sheets @ 10p per sheet totalling £20;
- (ii) postage @ £10 and;
- (iii) costs of locating, retrieving and extracting the information - £375.

Outcome:

As the costs of locating, retrieving and extracting the information are below the appropriate limit of £450, the public authority must deal with the request.

However, the public authority cannot charge for the time taken to locate, retrieve and extract the information. It is able to charge £30 (£20 photocopying and £10 postage) for communicating the information and the public authority therefore needs to issue a fees notice for £30 in accordance with section 9.



- Repeated requests for the same or similar information (unless the information changes regularly, for example performance or activity information)

In either situation, you should seek advice from **Presh Mulay** (Data Controller) at this practice