

to your parent "would be likely to cause significant distress or harm" to you or anyone else.

The Data Protection Act 1998 does not stop organisations from releasing personal information. Any organisation may be asked to release personal information by the police because it is needed to investigate a crime. Or a teacher, social worker or health professional might have to share information about a child so the child's needs can be addressed.

MORE INFORMATION

If you need more information about this you can contact Clan Childlaw on our Freephone number 0808 129 0522. You can send us a text message to 075 275 66682 (texts will be charged at your normal network rate). You can also send us an email to info@clanchildlaw.org, or send us a question through our website.

This leaflet is intended as a guide to the law in Scotland as at December 2016 and not as an authoritative statement and interpretation of the law.

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Legal Services provided by Clan Childlaw Ltd, Company Limited by Guarantee (SC479226). Registered Office for Community Law Advice Network and Clan Childlaw Ltd: Norton Park, 57 Albion Road, Edinburgh, EH7 5QY.

CONTACT US

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Access to Records

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LAWYERS FOR CHILDREN
& YOUNG PEOPLE



Checklist



Access to Records 01

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|-----------------------------|---|
| The Law And Your Rights | ✓ |
| How To Ask For Your Records | ✓ |
| School Records | ✓ |
| Social Work Records | ✓ |
| Doctor's Records | ✓ |
| The Police and Courts | ✓ |
| Data Protection | ✓ |



Aberdeen CHARITABLE FOUNDATION

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THE LAW AND YOUR RIGHTS

The Data Protection Act 1998 says that any person or organisation with personal information about you must:

- Make sure the information is accurate.
- Make sure the information is kept secure.

If you are 16 or over OR you are under 16 AND the person that keeps the records thinks that you can understand your right to access information and understand the information you are asking for, then you have the right to:

See information about you that is kept on record

Say that you do not want other people to see information about you

Correct any facts that are wrong in information about you

An organisation that keeps records about you may not give you information about you if:

They think that it will cause you, or someone else, serious harm

It identifies another person who hasn't given permission for you to see information about them

It is provided by the Children's Reporter for a children's hearing

It is in adoption records

It has something to do with the investigation of a crime

It is copies of examination scripts or examination results before they are announced

✓ How To Ask For Your Records

You will usually have to write to the people who keep the records asking to see the information. You might have to show that it's really you making the request. You should be able to see your records for free but if you need copies then there may be a charge. You should ask about any charges when making your request. You may need help asking for your information. An advocacy or advice worker or a lawyer can help you with this.

For more information on accessing personal information see: http://ico.org.uk/for_the_public/personal_information

If there are facts that are not right in your records, then you will need to write to the people who keep the records to tell them what you think is wrong and what they need to do to correct it.

✓ School Records

You have a right to a copy of information about you held by your school. You have to write to your local authority (council) asking to see your educational record. For more detailed information on educational records: http://ico.org.uk/for_the_public/topic_specific_guides/schools/pupils_info

✓ Social Work Records

You have a right to a copy of information about you held by Social Work. You have to write to your local authority (council) asking to see your social work record. You might have to show that it's really you making the request.

✓ Doctor's Records

Your doctor will have a record of any illnesses, hospital tests or treatment that you have been to the doctors about. Your optician and dentist

will also hold records about you. You can ask in your GP surgery and arrange a time to go in and read your records. You might have to write to your GP to ask for this, but you don't have to give a reason for wanting to see your records. Any hospitals where you have had treatment or tests will hold records of this and you should write to the medical records manager at the hospital. For more detailed information on health records: http://ico.org.uk/for_the_public/topic_specific_guides/health

✓ The Police and Courts

The police force might hold information about you if you have been a witness or a victim of crime as well as if you have been in trouble with the police. A request for your personal information is called a "subject access request", there is a form to fill in and send to your local police force, which will be able to access all the information held centrally. For more detailed information on police records: <https://ico.org.uk/for-the-public/crime/>

✓ Can other people access information about me?

If you are too young to make sense of the information yourself and to understand your rights, then a parent or person with parental responsibility for you can ask for and be given information about you.

If you are over 16, or under 16 and able to make sense of the information yourself and understand your rights, then the people who hold the information should speak to you about it and let you see the information instead of the person with parental responsibility.

Your parents can see your educational record, unless the council or school think that disclosure