



Accessing my personal information

Explains your rights to see and have copies of your personal information, and how to complain if access to your records is refused or if what is written about you is wrong.

- This guide applies to England and Wales.
- This information applies to adults. It doesn't apply to children unless specifically stated.

If you require this information in Word document format for compatibility with screen readers, please email: publications@mind.org.uk

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Quick facts

- If you have a mental health problem, you may want to see what information an organisation keeps on file about you. This could include employers, doctors, hospitals, social services and the police.
- You usually have a legal right to access [personal information](#) – sometimes called personal data – held about you by an organisation. This right is protected by the

[Data Protection Act 1998](#) and [UK General Data Protection Regulation \(UK GDPR\)](#).

- There are some situations where an organisation is allowed to [withhold](#) your personal information from you.
- To [access your personal information](#) you need to make a request in writing, called a [subject access request](#) (SAR).
- Organisations have [one calendar month to respond](#) to your subject access request. They are not usually allowed to [charge you a fee](#) for supplying your data.
- If your [request is refused or ignored](#), you can write to the organisation to remind them of their obligations. If they still don't provide what you've asked for, you can complain to the organisation.
- If you don't receive a satisfactory response to your complaint, you can [complain to the Information Commissioner's Office \(ICO\)](#).

These pages contain general legal information, not legal advice. We recommend you get advice from a specialist legal adviser or solicitor who will help you with your individual situation and needs. See our [useful contacts](#) page for organisations which may be able to help.

Your personal data rights

This page covers the following information about your personal data rights:

- [Do I have a right to access my personal information?](#)
- [What information do I have a right to ask for?](#)
- [What format should the records be in?](#)
- [When can an organisation withhold information from me?](#)
- [Can I access personal information about someone else on their behalf?](#)

Do I have a right to access my personal information?

Yes, you have a legal right to access [personal information](#) held about you by an

organisation.

This right is protected by the [Data Protection Act 1998](#) and [UK General Data Protection Regulation \(GDPR\)](#). These laws cover your rights regarding information held about you by organisations such as:

- GPs
- hospitals
- social services
- the police
- your employer
- the Department for Work and Pensions.

In some situations, an organisation does not have to share your personal information with you. This is known as ‘withholding’ information. See our section on [withholding personal information](#) to learn about why this might happen.

What information do I have a right to ask for?

You have the right to ask an organisation:

- what, if any, personal information it holds about you
- why it holds that information
- who it may be sharing your information with
- where the information came from
- to explain any technical or complicated terms relating to the information.

You also have the right to see the information held about you and to be given copies of it. This includes both digital and paper records.

What format should the records be in?

The organisation must provide copies of your records in a permanent form. This is unless you agree to them providing the information in some other way, such as viewing it in person at the organisation’s office.

If you want the information in a particular format, it's best to mention this when first [making your request](#). For example, you might ask for:

- photocopies on paper
- digital copies on a USB memory stick
- digital copies on an encrypted device
- digital copies on a disk.

When is an organisation allowed to withhold information from me?

There are some specific situations where an organisation is allowed to [withhold](#) personal information from you. These include:

- if your request is '[manifestly unfounded or excessive](#)'
- if the data includes [third-party information](#), meaning personal information about someone else
- if sharing it would likely [cause serious harm to you or another person](#)
- if sharing it would make [preventing crime or prosecuting criminals](#) harder for the police.

If an organisation refuses to share information with you for one of these reasons, they should write to you explaining why.

Manifestly unfounded or excessive requests

In most cases, organisations must make proper efforts to find all the information you have requested. They can't refuse your request purely because it will be inconvenient for them or will require some work.

However, they don't have to comply with any requests that are 'manifestly unfounded or excessive'. This could apply if:

- you request more information than you need
- you make repeated requests for the same information.

If an organisation finds your request excessive, it should ask you to be more specific rather than refuse you outright.

Third-party information

If the records you have requested about yourself also include personal information about someone else (a third party), the organisation doesn't have to share it unless:

- the other person mentioned has agreed for the information to be shared, or
- it's reasonable for the organisation to share the information anyway without the other person's agreement. To make this decision the organisation has to weigh

up your right to see your information against the other person's right for information about them to be kept confidential.

One way around this problem may be for the organisation to [redact](#) information that would identify the third party. This means you couldn't see those bits, but could still see everything else.

But information that identifies a health or social care professional should not usually be redacted. For example, the names of doctors who conducted an assessment under the Mental Health Act.

Serious harm to you or another person

You usually have the right to see your [health records](#), also known as medical records, and any information held about you by social services.

This information may be withheld if it would be likely to cause serious harm to your mental or physical health, or that of another person.

An organisation can only use this exception after assessing the likelihood of serious harm. This would usually involve consulting with the health professional responsible for your care, or the care of the person they're concerned about. The organisation must have spoken to the health professional within the last six months if they want to rely on this exception.

An organisation cannot use 'serious harm' as a reason for withholding your information simply because you might find the information upsetting.

The NHS website has information on [how to access your medical records](#).

Preventing crime or prosecuting criminals

You usually have the right to find out what personal information is held about you by the police.

However, the police don't have to share this with you if doing so would be likely to make it harder for them to:

- prevent or detect crime – for example, where the information is relevant to an ongoing police investigation
- capture or prosecute offenders.

Can I access personal information about someone else on their behalf?

You don't usually have the right to access personal information about other people.

The exceptions are:

- **If you manage the affairs of a person who lacks [capacity](#).** You might be an attorney or someone appointed by the [Court of Protection](#). In this case you should be able to access that person's information on their behalf. You will need to provide the organisation with copies of appropriate paperwork to show that you have this authority.
- **If you are someone with [parental responsibility](#).** In this case you can access [personal information](#) on behalf of your children, but the subject access rights are the child's. If the child understands what it means to make a [subject access request](#) SAR and how to interpret the information they receive as a result, the organisation would expect the SAR to be made by the child, not the parent. If you are a child or young person in this situation, you might find it useful to read our page on [confidentiality](#).
- **If you want to access the health records of someone who has died.** In this case, you can request to see their records if you are the executor or administrator of their estate, or if you might have a legal claim as a result of their estate. The NHS website has information on [accessing medical records of someone who has died](#).

How to access your personal records

This page covers the following information about accessing your personal records:

- [How do I get copies of my records?](#)
- [How do I prepare my request?](#)
- [How long will it take to get a response?](#)
- [Will I have to pay to get my information?](#)
- [Subject access requests: quick checklist](#)

How do I get copies of my records?

To get copies of your records from an organisation, you almost always need to make a request in writing. This is called a **subject access request**.

A subject access request can be:

- **an email or a letter** requesting copies of your records
- **spoken**, such as over the phone or by asking in person
- **a standard form** that an organisation may have for requesting access to records

- **a non-standard form**, such as through an organisation's website or social media account – for example Facebook or Twitter.

There may be practical difficulties in relation to you being able to prove your identity if you make a spoken request, or through a non-standard form.

This may lead to a delay in your request being dealt with.

For non-standard forms in particular, it's unlikely that the team responsible for social media will be responsible for dealing with subject access requests. This means they may not recognise your request as a subject access request.

How do I prepare my request?

When preparing your subject access request, make sure to:

- **Think about exactly what you want to see.** For example your social services records for a particular period of time, or medical records held by a particular doctor.
- **Provide enough detail about the records you wish to see.** If your request is too vague, the organisation might ask you to be more specific. This could cause a delay in getting the information you want.
- **Avoid asking for information that is too general.** Although you can ask for 'all information that the Council holds about me', you may end up with information that is not relevant. It might be better to ask for all records held by a particular service or department – for example 'all of my social services records' or 'a copy of my personnel file'. It's a good idea to mention that you're making a subject access request under the [Data Protection Act 2018](#).

After preparing your subject access request, you could:

- **Send your request by recorded delivery or email.** This will mean that you have proof of the date your request was sent. You should also keep a copy of your letter or request form, and any other relevant correspondence. This will be important evidence if you need to [make a complaint](#).
- **Provide proof of identity.** The organisation needs to make sure that you are who you say you are. You might be asked for a photocopy of your passport,

driving license or a utility bill. However, if the person you make the request to knows you well, you shouldn't need to provide detailed proof of your identity.

Under [equality law](#), organisations have a legal duty to make their services accessible. Your mental health problem might make it impossible, or unreasonably difficult, for you to make a request in writing. In this case, an organisation may have to make a [reasonable adjustment](#) to its normal data protection policy.

Subject access request – letter template

If you're planning to make your request by letter or email, you can download this letter template to help you put it in writing:

- [Download the template as a Word file](#)
- [Download the template as a PDF](#)

How long will it take to get a response?

Organisations have **one calendar month** to respond to your subject access request, starting from the day they receive it.

If the organisation thinks that your request is very complicated, then it can extend this period to three months. In this case, they must write to you to explain why the extension is necessary.

The organisation can pause the one-month response period if they need to:

- see your proof of identity
- confirm details about the information you want, if it is not clear.

Will I have to pay to get my information?

Organisations are **not allowed to charge a fee** for supplying your data unless your request is [manifestly unfounded or excessive](#).

If an organisation decides it is appropriate to charge you for an excessive request, the amount must be based on how much it will cost them to fulfil your request.

Subject access requests: quick checklist

1. Think about the personal information you wish to see.
2. Identify which organisation holds this.
3. Check their website or call them to find out who to send the subject access request to, whether the organisation has a standard form, and what proof of identification the organisation needs.
4. Draft your [subject access request letter](#) or complete the form, if the organisation has one.
5. Send to the relevant contact at the organisation with proof of identification. Ideally, send the request by recorded delivery or email so that you can keep track of it.
6. Keep a dated copy of the letter or subject access request form you have sent.
7. Put the deadline for them to get back to you in your diary – **this will be one calendar month after receipt by the organisation.**

Tip: If you can send appropriate proof of identity at the same time as making your request, it should make the process quicker.

Example scenario

Audrey experiences severe anxiety and depression. She also has a diagnosis of rheumatoid arthritis.

For some years now, Audrey has received support from social services with daily living tasks, including bathing, managing her money and getting out and about in the community.

Her package of care has recently been cut by social services. Audrey has an [advocate](#) who is going to assist her with making a complaint about this.

The advocate has suggested that it would be a good idea for Audrey to get copies of her social services records. Audrey has received support from social services for the past 15 years, so her records are likely to be extensive.

The decision to cut her care package was made six weeks ago. Audrey will need to see the records that relate to this decision. As well as this, there will probably be relevant records from before the date of the decision. However, she is unlikely to need copies of her social services records in their entirety.

Audrey could make a request for copies of her social service records from the past six months. She may not need to provide proof of identity if she makes the request to her social worker, as her social worker knows her well.

What to do if your data request is unsuccessful

There are various reasons why your request for your personal information might be unsuccessful. This page covers what you can do if:

- [Your request for information is refused or ignored](#)
- [An organisation doesn't provide the information you asked for](#)
- [An organisation takes too long to provide your information](#)
- [The information in your personal records is wrong](#)

Your request for information is refused or ignored

You should always receive a response of some kind to a [subject access request](#). Even if the organisation holds no information about you, or it has a [reason to withhold your information](#) from you, it must still write to you and explain that this is the case.

If more than one calendar month has passed since you made your request and you've not heard anything back, you should take these steps in the following order:

- **Write to the organisation.** Remind them of your request, and of their obligations under [UK General Data Protection Regulation \(UK GDPR\)](#). The [Information Commissioner's Office \(ICO\)](#) website has a [letter template](#) for this. It's a good idea to set the organisation a further reasonable deadline for responding to your request, for example 7 or 14 days.
- **Make a complaint to the organisation.** If you still don't hear back after writing to them, you should complain directly to them using their complaints process.
- **Complain to the ICO.** If you aren't happy with their response to your complaint, and you still believe that they should share the information you've asked for, you can [complain to the ICO](#).

An organisation doesn't provide the information you asked for

If they don't provide what you asked for, you should write back to the organisation explaining what you think is missing. You should be as specific as possible about the missing information.

To help you write it out, you can use the [template letter on the ICO website](#).

If you aren't happy with the organisation's response, and you still believe that it has failed to share all of the information you asked for, you can [complain to the ICO](#).

An organisation takes too long to provide your information

The organisation has a [time limit](#) of one calendar month to respond. If an organisation takes any longer than this, you can use the [ICO's online form](#) to report it.

The ICO might receive many reports from different individuals about a particular organisation's failure to meet the one-month time limit. In this case, they may take action against the organisation for failing to meet its obligations under [UK GDPR](#).

Find out more on the ICO website about the [ways it ensures organisations meet their obligations](#).

The information in your personal records is wrong

Under [UK GDPR](#) you have a right to 'rectification' of your records. This means that if something in your records is wrong, you can ask to have it corrected. Your request doesn't need to be in writing, but it may be helpful if it is.

The organisation has one month to respond to your request. If they think your request is [manifestly unfounded or excessive](#), they may charge you a fee or refuse your request.

Information that is wrong could include an incorrect record of your birthdate or the medication that you have been prescribed.

However, there's a difference between information that is **wrong** and information that you **disagree** with.

If you disagree with a medical opinion in your health records:

- **You cannot force the organisation to change or remove the record.** It's a record of an opinion expressed by a medical professional at a particular point in

time. Even if their opinion is proved wrong at a later date, the old record won't necessarily be removed. For example, for example, this could be if your diagnosis is revised.

- **You can ask for a note to be added to your record.** You can write to the organisation that holds your health records and ask that a note is added, stating that you disagree with the views expressed. If the organisation refuses to record your objections, you can [make a complaint to the ICO](#).

Complaining to the ICO

This page covers information about how to make a complaint to the [Information Commissioner's Office \(ICO\)](#):

- [What is the ICO?](#)
- [Can I make a complaint to the ICO?](#)
- [How do I submit my complaint to the ICO?](#)
- [What powers does the ICO have?](#)
- [Can I take an organisation to court?](#)

What is the ICO?

The ICO is an independent body responsible for making sure that organisations comply with the [Data Protection Act 2018](#) and [UK General Data Protection Regulation \(UK GDPR\)](#). The ICO also deals with concerns raised by members of the public about the way in which organisations look after personal information and deal with [subject access requests](#).

Can I make a complaint to the ICO?

You can complain to the ICO if an organisation:

- fails to respond to your request for information
- refuses your request
- fails to send you all of the information you asked for
- fails to comply with the time limit for information, which is normally one calendar month.

The ICO will expect you to have first [raised your concerns with the organisation](#) before submitting a complaint.

How do I submit my complaint to the ICO?

To make your complaint, you can use the [form on the ICO website](#). When you submit the form, you'll need to include all the communications you've had with the organisation about your request. This includes copies of the documents raising your initial concerns to the organisation.

You should make a complaint to the ICO within three months of your last proper contact with the organisation concerned.

- If you have everything saved electronically, you can submit the form and the correspondence by email to casework@ico.org.uk.
- If you only have paper copies, you will need to send the correspondence and the form to **Customer Contact, Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF**.
- If you need support with your complaint, you can call the ICO helpline on [0303 123 1113](tel:03031231113) (local rate) or start a [live chat on the ICO website](#).

What powers does the ICO have?

If the ICO thinks that an organisation has failed to comply with its obligations under the [Data Protection Act 2018](#) or [UK GDPR](#), it can:

- write to the organisation and ask it to sort out the problem
- take action against the organisation concerned.

The ICO may only take action in extreme situations where there has been a serious breach. This may include sending the organisation an [enforcement notice](#) and imposing a financial penalty. Either way, the ICO cannot award you compensation. You can only claim compensation by taking an organisation to court.

Can I take an organisation to court?

You have the right to take an organisation to court for failing to respond appropriately to a [subject access request](#). However, you need to be able to show the court that you tried to sort things out directly with the organisation first.

It's rare for things to get to this stage, as you should be able to sort the problem out by complaining to the ICO.

What can I ask the court for?

You can ask the court to order the organisation to put things right. For example, you might ask it to:

- disclose the information that you have requested
- pay you compensation for harm and distress caused to you as a result of the organisation's actions.

As there's no legal aid available for this kind of court application, you would have to fund the case yourself. This can be costly, so you should always get specialist legal advice from a solicitor before making an application to court.

For more information on finding a solicitor, see our [useful contacts](#) page. The ICO website also has further information about [taking your case to court](#).

Useful contacts

Mind's services

- [Mind's Legal Line](#) provides legal information and general advice by phone and email.
- [Local Minds](#) offer face-to-face services across England and Wales. These services include talking therapies, peer support and advocacy.

Find an advocate

To find [advocacy](#) services and groups in your area, you could call Mind's Legal Line or contact your local Mind.

If you're in hospital, you can also contact:

- the [Patient Advice Liaison Service \(PALS\)](#) in England
- the [Community Health Council](#) in Wales.

In some circumstances, you may be legally entitled to get the support of an advocate. See our page on [your legal rights to advocacy](#) for more information.

Other organisations

Information Commissioner's Office

ico.org.uk

Independent regulatory office in charge of upholding information rights in the interest of the public.

The Law Society

lawsociety.org.uk

Professional association for solicitors in England and Wales. Includes a searchable directory of solicitors.

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References are available on request.