

Jenner House,
Langley Park,
Chippenham
Wiltshire,
SN15 1GG
Tel: 01249 468217
Fax: 01249 468266

Wednesday 30th September 2015

Dear Mr. Ody,

I am writing in response to the below question, which you submitted to the Board on 28th September 2015. You asked:

When a service user applies for a copy of their records, will they be given all case assessments, risk assessments, progress notes and all other information that the Trust holds on them? If service users are not being given copies of all the information the Trust holds about them, how can service users be sure that information that the Trust holds about them but is not giving them has been proven to be factually correct?

In consultation with the Trust's Director of Nursing and the Head of Compliance, I present the following response.

On request, service users are given case assessments, risk assessments, progress notes and all other information that they are entitled to under the Data Protection Act 1998. If granting a service user access to such information would be likely to cause serious harm to the physical or mental health of the individual, or to someone else, then the information is exempt from disclosure.

Information about, or provided by, a third party is exempt from disclosure, unless the third party has consented to the release of the information or if it would be reasonable to disclose the information under the circumstances. Information provided by third parties may or may not be factually correct. However, any information provided about care or treatment cannot be removed, as there is a legal responsibility to maintain securely an accurate, complete and contemporaneous record in respect of each service user and any decisions taken in relation to the care and treatment they have received.

Chair
Anthony Gallagher

Trust Headquarters
Jenner House Langley Park
Chippenham, SN15 1GG

Chief Executive
Iain Tulley

The Data Protection Act also states that, even if an organisation is holding inaccurate personal data, it will not be considered to have breached the fourth data protection principle as long as:

- It has accurately recorded information provided by the individual concerned, or by another individual or organisation;
- It has taken reasonable steps in the circumstances to ensure the accuracy of the information;
- If the individual has challenged the accuracy of the information, this is clear to those accessing it.

Yours sincerely



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Chair

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Dear Mr. Ody,

I am writing in response to the below question, which you submitted to the Board on 28th September 2015. You asked: *In his letter to me of the 3rd August 2015, the Chair said in answer to a question I asked at the Board meeting on the 14th June: "The Trust is only able to remove information from a service user's record if the information is proven to be factually incorrect." Could you tell me who decides that a service user's record is factually incorrect, and are service users being informed that information has been removed from their records and what that information was?*

In consultation with the Trust's Head of Compliance, I present the following response.

Information can be proven to be factually incorrect in a number of ways, depending on what the information is. Often, convincing documentary evidence can be provided. A court could also instruct the removal of information from a record.

Information provided by third parties may or may not be factually correct. However, if information about care and treatment has been provided, it cannot be removed as there is a legal responsibility to securely maintain an accurate, complete and contemporaneous record in respect of each service user and the decisions taken in relation to the care and treatment they have received.

I confirm that service users are notified if information has been removed from their record, whether by their request or a court order, as well as what information has been removed. If information is removed from a service user's record because it relates to another patient, and had been filed by mistake, the service user would not be informed.

Yours sincerely,



Anthony Gallagher, Chair