

# Information Rights Policy

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## Overview

### What is this policy?

This policy explains what information rights are, who has them and what we think about them. It's published on our website so anyone can see it, and it applies to everyone – people who work for us, our contractors and agents, those we recruit from agencies, our service users and our volunteers.

In this policy we may refer more often to our service users rather than staff or other people, because we hold and use their personal information on a daily basis in our work.

However, it's important that you know that everyone of us has rights over their personal data and everyone of us is protected under the law. The information rights described in this policy apply to all of us and can be exercised in the same way that our service users do.

If you are a member of staff or a volunteer, and you have concerns about the use we make of your personal information, or if you just want to know more about your rights and how your personal data is used at We Are With You, you should contact the [People team](#) or directly our [Data Protection Officer](#).

### When do we use this policy?

Use this policy when you are unsure what your or someone else's information rights are or how to uphold them. Use this policy with our other policies about how we look after information: Data Security and Protection policy and Privacy, Sharing and Confidentiality policy. You can find them on our website, or if you work for us, you can access them through our shared drives.

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This policy was last updated: December 2022

This policy will next be updated: December 2024

**This is a controlled document, do not print or make a copy.**

## What are my information rights?

The law says that when information and data is held about a person, every data subject (the person that the data is about) has rights. Some rights don't apply all the time, but we think that all the rights – and the reasons for someone asking about them – should be carefully thought through. We have Information Governance (IG) experts to help, as well as guidance for the people who work for

us on how we usually respond.

## Your information rights

- [The right to be informed](#) (know what happens with your data)
- [The right of access](#) (see the data that's held about you)
- [The right to rectification](#) (change facts that are wrong or add a note to say you disagree)
- [The right to erasure](#)\* (to be forgotten, ie. having your data deleted)
- [The right to restrict processing](#) (stop your data being used or shared for a specific purpose)
- [The right to data portability](#) (be able to move your data between different providers if you choose to do so)
- [The right to object](#) (say when something's not right about the way your data is being used)
- [Rights in relation to automated decision making and profiling](#) (when machines makes decisions about people using their data)

*\*the data we hold about people who use our services are health and medical records, sometimes even criminal records. We may not be able to delete this data for legal reasons, so any requests for data to be deleted must go through our [Information Governance \(IG\) team](#), so an assessment can be made as to whether someone's data can, or cannot, be deleted.*

### → Resources: Information Rights

- [Individual Rights - Information Commissioner's Office \(ICO\) guidance](#)
- [Data Protection Act \(DPA\) 2018](#)
- [ICO - Guide to the UK General Data Protection Regulation \(UK GDPR\)](#)

# How do we act on information rights?

## Know what happens with your data

Our privacy notices should be up to date and tell you what you need to know in clear terms. Our [IG team](#) is responsible for ensuring that our [privacy notice](#) and [confidentiality statement](#) are up to date, and they also keep our policies and guidance up to date and in line with the law.

In services, managers are responsible for ensuring that their consent forms and any local privacy notice they use are kept in line with our policies. Managers should always seek the advice and guidance of the [IG team](#) if business needs change or new needs arise to process people's personal data, as it may be necessary to do a risk assessment to ensure the processing is in line with the law.

### → Resources: Right to be informed

- [Privacy, Sharing and Confidentiality policy](#)
- Example Privacy notice script ([30 second version](#) and [full version](#) for non face-to-face services)
- [How to...Write a great privacy notice](#)

If you need further help, email us at [data.protection@wearewithyou.org.uk](mailto:data.protection@wearewithyou.org.uk)

## See your data (or make a Subject Access Request)

You can ask to see your data in the way you like, for example by talking or writing to us (yourself or on someone else's behalf) or emailing [data.protection@wearewithyou.org.uk](mailto:data.protection@wearewithyou.org.uk)

Under the law, asking to see your data that an organisation may hold about you is called making a Subject Access Request (SAR), and when doing so you'll be exercising your right of access. We also have a form you can use, if you prefer. This is a free service unless the request is very complicated or the same thing is asked for over and over.

We aim to get you what you've asked for within the shortest delay possible, as we understand that these requests may be really time sensitive. The law says that

we have one month to comply unless there's a good reason for us not to complete your request, generally for legal reasons (which we would tell you about). If there's data about other people in your records, we may need to redact it (obscure it with a black pen, virtually or on paper) before we share it with you or with any other person who may have made the request on your behalf.

Generally, we'll also explain any jargon or confusing language before we respond to your request.

We Are With You is a private company, which means that the Freedom of Information (FOI) Act doesn't apply to us and we don't need to respond to any requests made under this piece of legislation. However, our commissioners are generally public bodies and authorities and they are subject to the FOI, so they may ask us to help them with any request they receive from members of the public under this Act.

## → Resources: Right of Access

- [How to... respond to a Subject Access Request \(SAR\)](#) (includes links to template letters, reports and lists of commonly used terms)
- [Subject Access Request \(SAR\) form](#)
- [How to...Redact information \(for a SAR\)](#)
- [Freedom of information Act 2000](#)

## Ask to change things or say if something's not right

If there is a problem with your data (right to object and right of rectification), let us know by speaking to us in services or emailing our IG team at [data.protection@wearewithyou.org.uk](mailto:data.protection@wearewithyou.org.uk) and we'll try and put it right. Try to make sure that the data we have about you is correct by letting us know soon after things change (like when you get a new phone number, you get married, or move to a new home). If you use one of our services, do take time to check through your personal data when you attend an appointment.

We record notes when we meet with you or as soon as possible afterwards, so we usually add a note to your file instead of changing the original data.

## → Resources: Right to Object, Rectification and Erasure

- [Staff Complaints policy \(DQ017\)](#)
- [Complaints and Feedback policy \(DQ047\)](#)
- [DQ402.1 How to... Look after records](#)
- [Make a complaint to the ICO](#)

## Share or stop sharing your data

We think that sharing your story and being honest with trusted friends, family and other services can help you achieve your goals and aid your recovery. But you can choose who we talk to. Your local service will keep an up to date list of who you have said we can share your data with. When we share your personal data with other agencies or other organisations it's usually because we have a legal obligation to do so, or because we have your consent to share it, or because we have a contract with them and they provide us with goods or services, and we couldn't do our job properly if we didn't share information with them.

When that happens, we sign an agreement with them that says exactly how, when, for how long and why we will share with them information about our service users, volunteers, members of staff etc. and this is called an Information Sharing Agreements (ISA). We make this as easy as we can, especially when we're moving data between services (right to data portability).

If you want us to stop sharing your data (right to restrict processing) for any reason, [speak to us](#). We'll decide together how to do this, but you should know that sometimes we may have a legal obligation to continue to use and share your personal data, even if you don't want us to do so, and we may have no other choice but to continue doing so. We'll always use our professional judgement and will seek expert advice, internally or externally, to make an informed decision. We'll think about your needs but also other people's safety and the law.

We very rarely delete whole records about people, but we'll support and talk to you if you want your data deleted (right to erasure). If we are helping you in one of our services, then your records are health and medical records and the law says that we should take extra care when processing this type of information which, under the UK GDPR, is called special category data because it's indeed

special and extra confidential, so there are also special rules in place for us to follow when using this type of data in our work. We always speak to our [IG experts](#) when we get a request to be forgotten.

If you are a member of staff, or a volunteer, we cannot delete your personal data while you continue to work with us, or for us. We also need to retain your personal information for a number of years after you have stopped working for us, or with us. You can find out more from the [People team](#), or the [IG team](#), or by using the resources in this policy.

What's data portability? It means that you have the right to have your personal data wholly transferred between providers, and under their responsibility to do it right. For example, if you wanted to stop using our services and wanted to move to a different provider, but this right applies also outside our services and to anyone so for example if you wanted to get your child's data transferred between nurseries, or if you have decided to change your energy provider and need your personal data transferred to the new one, so they can start invoicing you.

## → Resources: Right to Data Portability and to Restrict Processing

- [Privacy, Sharing and Confidentiality Policy](#)
- [Data Security and Protection Policy](#)
- [How to...Share information safely](#)
- [DQ403.1.2. Information Sharing Agreement \(ISA\) template](#)
- [Caldicott principles](#)

## When data decisions aren't made by people

We don't make any decisions about you just using machines. We will always have awesome human intervention when it comes to processing your personal data, even if we are using profiling (selecting you as part of a group of people based on certain characteristics eg. your geographical location, your gender, your age etc.) or automated decision-making or we use artificial intelligence. Your rights about your personal data will continue to be the same.

In the future it's possible that many healthcare decisions could be made using

new technologies, but we'll consider big changes like this carefully and always let you know if it will impact your data. If you want to find out more, see the [ICO website](#).

## → Resources: Automated decision making

- [How to... Complete a DPIA](#)
- [ICO guidance - Rights related to automated decision making including profiling](#)

## Putting things right for you

If you have asked us to put something right about your data and we haven't done so (and we also haven't explained to you why not), or you have asked us to give you copies of the information we hold about you and we haven't done so within the set time we have under the law (30 days), you can make a complaint to our Data Protection Officer by emailing [data.protection@wearewithyou.org.uk](mailto:data.protection@wearewithyou.org.uk).

If we still haven't put it right after you have complained to us, you also have the right to escalate your complaint to the Information Commissioner's Office (ICO), the authority responsible for data protection in the UK. You can raise a concern directly on [their website](#), or you can call their helpline on 0303 123 1113.

Policy version history	
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Sponsor	Company Secretary
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Issue	Page(s)	Issue Date	Additions/Alterations
1	all	Sept 2020	New policy simplifying and replacing existing IG policies
1.1	all	May 2021	Change of sponsor to Company Secretary
1.2	all	Dec 2022	Updating links, amending sections based on changes in the law or in internal processes, increase accuracy and improve readability