



# BIRMINGHAM CHILDREN'S TRUST

## Information Rights – Frequently Asked Questions

### Your information rights

You have a number of rights when it comes to your personal information. And we want to make it as easy as possible for you to understand what these rights are, when they apply and how you can make a request. In this document, you will find information on the different rights and the ways you can submit a request.

1. [The right to rectification](#) - right for individuals to have inaccurate personal data rectified, or completed if it is incomplete.
2. [The right to erasure](#) - Although this right is not absolute right and only applies in certain circumstances.
3. [The right to restrict processing](#) - right to request the restriction or suppression of their personal data.
4. [The right to object](#) - right to object to the processing of their personal data in certain circumstances.
5. [Right not to be subject to automated decision making including profiling](#)

### How long does the Trust have to comply?

You should expect to receive a response from us without any undue delay and certainly within one calendar month from the date your request was submitted and verified.

### Can timescale be extended?

Yes – if the request is complicated, we can extend for a further two months, but we will let you know if this is the case within the original timescale.

### What do we need from you?

To ensure we are releasing data to the right person you must provide proof of your identity and address. When completing the form you will need to attach proof of ID. This can either be driving licence, passport, council tax bill, birth certificate or a recent utility bill. If you are unable to meet the identity verification requirements, we reserve the right to refuse to grant your request.

Additional information we may need to accompany this application is evidence of the data subject's consent to disclose to a third party (if required).

We will make every effort to provide you a satisfactory outcome if you meet the identification and authorisation conditions; however, it is important to note that under certain circumstance your request on information rights may be turned down in order to comply with statutory legal requirements, HRMC and other government regulations for mandatory data retention. Not all right are absolute right. If the request is turned down you will be informed in writing within 30 days of the start of the request.

### **Is there a fee?**

We do not charge a fee under most circumstances. We will only charge a fee if the request is “manifestly unfounded or excessive. In such circumstances, the Trust may ask for a reasonable fee for administrative costs associated with your request.

### **What if the Trust doesn't comply?**

If you remain dissatisfied, you may request the ICO to undertake a judicial review: If the ICO does not agree with the Trust, this may result in us being instructed to make the rectification as originally requested, either in full or in part. We will do this within one month of the ICO notifying us.

If the ICO agrees with the Trust, the note will remain on your account but no further action will be taken and no changes will be made to the data.

The Birmingham Children Trust [Privacy Statement](#)

If the Trust fails to provide a response to your satisfaction, you may raise a [complaint](#) through [customerrelations@birminghamchildrenstrust.co.uk](mailto:customerrelations@birminghamchildrenstrust.co.uk)

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- If the ICO agrees with the Trust, the note will remain on your account but no further action will be taken and no changes will be made to the data.

If you require any further information or clarification, please do not hesitate to contact the Information Assurance Office email: [DPO@birminghamchildrenstrust.co.uk](mailto:DPO@birminghamchildrenstrust.co.uk).



**Your rights with the Trust explained:**

Your Rights	When Does it Apply	When can the Trust refuse the request?	What will the Trust Do?
<p>Right to Rectification</p>	<p>If your personal data is inaccurate, contains expressions of opinion based on inaccurate information, or if it is incomplete, then you have the right to have that data rectified, or to have a marker placed on it to show any corrections.</p>	<p>You can only ask for ‘inaccurate’ or ‘incomplete’ information to be rectified - you cannot ask the Trust to amend information simply because you disagree with it.</p> <p>If you are disputing an assessment form, or disagree with a comment written by a social worker in a report, may use the Trust’s appeals and complaints procedure for this.</p> <p>Depending upon the outcome of the appeal, relevant changes can be made or a note can be added to the record.</p>	<p><u>For paper based systems</u></p> <ul style="list-style-type: none"> <li>- a note will be placed on your file to show that the record has been ‘restricted’ and the file shall be locked securely away until the restriction is lifted.</li> </ul> <p><u>For automated systems</u></p> <ul style="list-style-type: none"> <li>- The restriction of the processing will be clearly indicated in the system(s).</li> <li>- Where the system is a data source, restriction must temporarily prevent data being shared with other processing systems and should mark any data already in those systems as ‘restricted’</li> </ul> <p>If data is disclosed to third parties, the Trust will inform them about the restriction on the processing of the personal data, unless it is impossible or involves</p>

			disproportionate effort to do so
<p>Right to Erasure</p>	<p>The right to erasure does not provide you an absolute right to have your data erased. Under the DPA 2018, you have the right to have your data erased in the following situations:</p> <ol style="list-style-type: none"> <li>1. the personal data is no longer necessary in relation to the purpose for which it was originally collected;</li> <li>2. the processing is based on consent and this consent is withdrawn (and there is no other legal ground for the processing);</li> <li>3. the data subject objects to the processing and there are no overriding</li> </ol>	<p>This ‘right to be forgotten’ as it’s also known, is not an absolute right, meaning that it might not be possible or required in all situations. The Trust can turn down your request to comply with a request for erasure where your personal data is processed for the following reasons:</p> <ul style="list-style-type: none"> <li>- to exercise the right of freedom of expression and information;</li> <li>- to comply with a legal obligation for the performance of a public interest task or exercise of official authority.</li> <li>- for public health purposes in the public interest;</li> <li>- archiving purposes in the public interest, scientific research historical research or statistical purposes; or</li> <li>- the exercise or defence of legal</li> </ul>	<p>The Trust will delete your data. If data is disclosed to third parties, the Trust will inform them about the restriction on the processing of the personal data, unless it is impossible or involves disproportionate effort to do so</p> <p>If your personal data has been made public in an online environment – such as on social networks, forums or websites – we will take reasonable steps to inform the people with responsibility for these sites about the erasure.</p>

	<p>legitimate grounds for the processing;</p> <p>4. the personal data was unlawfully collected;</p> <p>5. the personal data has to be erased in order to comply with a legal obligation; and</p> <p>Under the DPA 2018, the right to erasure exists if one or more of the limitative grounds above apply.</p>	<p>claims.</p>	
<p>Right to Restrict Processing</p>	<p>The right to obtain (temporary) restriction of processing is not ‘absolute’ as it only applies in the following situations:</p> <ul style="list-style-type: none"> <li>- Where the you are contesting the accuracy of the personal data that is being processed</li> <li>- Restriction must be put in</li> </ul>	<p>The right to obtain (temporary) restriction of processing is does not apply in the following situations:</p> <ul style="list-style-type: none"> <li>- Where the Trust has verified the accuracy of the personal data that is being processed and the data is not being processed under ‘legitimate interests’.</li> <li>- Where the Trust has obtained</li> </ul>	<p><u>For paper based systems:</u></p> <ul style="list-style-type: none"> <li>- a note will be placed on the individual file to show that the record has been ‘restricted’ and the file shall be locked securely away until the restriction is lifted.</li> </ul> <p><u>For automated systems:</u></p> <ul style="list-style-type: none"> <li>- The restriction of the processing will be clearly indicated in the system(s).</li> <li>- Where the system is a data source,</li> </ul>

	<p>place for the period required for the Trust to verify the accuracy of the personal data.</p> <ul style="list-style-type: none"> <li>- Restrictions can be lifted if the data is proved to be accurate or once it has been rectified to the satisfaction of the data subject</li> <li>- Where the processing is suspected/proven to be unlawful and the data subject opposes the erasure their personal data and requests for restriction instead.</li> <li>- Where we (Trust) no longer needs the data for our own purposes, but the you require us to retain it for the establishment, exercise or defence of</li> </ul>	<p>consent from you to continue.</p> <ul style="list-style-type: none"> <li>- Where the processing is necessary for the establishment, exercise or defence of legal claims.</li> <li>- Where processing is required for the protection of third parties</li> <li>- Where processing is required for important public interest under EU or state law.</li> </ul>	<p>the Trust will ensure that temporarily restriction is in place on the data being shared with other processing systems and should mark any data already in those systems as ‘restricted’</p> <p>If data is disclosed to third parties, the Trust must inform them about the restriction on the processing of the personal data, unless it is impossible or involves disproportionate effort to do so</p>
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	<p>legal claims (including against the Trust)</p> <ul style="list-style-type: none"> <li>- Where the legal condition for processing is identified under ‘legitimate interests’ of the Trust, and you want to object to your own interests being overridden</li> </ul>		
<p>Right to Object</p>	<p>This right applies where the lawful condition for processing has been identified under either "public interest" or "legitimate interests", <i>but</i> those lawful bases are not absolute, and you may have a right to object to such processing.</p> <p>The right to object to direct marketing is absolute in all cases. There is no requirement for a data subject to justify why they want the Trust to cease</p>	<p>Where the Trust can evidence that it has compelling legitimate grounds why it should be able to continue to processing on either of the above, for example to exercise or in defence of legal claims. This must be communicated to the you.</p> <p>There are <b>no circumstances</b> where this right to object to direct marketing does not apply. This includes ceasing any profiling activities associated to the direct marketing purposes</p>	



	<p>processing. Where the data subject's objection is justified, the Trust must cease the relevant processing activity without undue delay</p>		
<p>Rights on Profiling and Automated Decision Making</p>	<p>You have the right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning you or significantly affects you.</p> <p>Where this is occurring, you have the right to request human intervention, to express your concerns and to obtain an explanation as to how the</p>	<p>The Trust may turn down the request when processing decisions do not have a significant effect on you.</p> <p>This right does not prohibit ‘Automated Decision Making’ (ADM) or ‘Profiling’, where the processing is based on:</p> <ul style="list-style-type: none"> <li>- Your explicit consent to process – e.g where we have explained the processing to you and you have confirmed that you have consent for us to process in that way.</li> </ul>	<p>The Trust will review the conditions of processing and, where the processing is subject to an exemption, you will be informed that this is the case.</p> <p>Where processing is required, this will be communicated to you and the Trust shall implement suitable measures to safeguard your rights and freedoms and legitimate interests.</p>

	system reached such decisions.	<ul style="list-style-type: none"><li>- A lawful processing– where the processing is authorised by UK or European law.</li><li>- Contract performance – where the processing is necessary for entering into, or performance of, a contract between you and the Trust</li></ul>	
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