

Your information, your rights

The right for data held about you to be rectified or destroyed

Introduction

Under the General Data Protection Regulation (GDPR) and Data Protection Act (DPA) 2018, you have certain rights, which include the right to request information and the right to rectification. There are exemptions to this and this leaflet will guide you as to what those exemptions are, and how you can request that information about you be rectified or erased.

The right to rectification

This right means that if you believe information held about you is inaccurate or incomplete, this can be rectified or modified. **Please be advised that diagnosis and clinical opinion is a matter of clinical judgement, and cannot be changed solely at a data-subject's request.**

The right to erasure

Under Article 17 of the GDPR individuals have the right to have personal data erased. This is also known as the 'right to be forgotten'. The right is not absolute and only applies in certain circumstances. The right to erasure **does not** apply if processing is necessary **for the performance of a task carried out in the public interest or in the exercise of official authority.**

Therefore, the right to erasure does not apply to:

- Patient data, collected for direct clinical care (performance of a public task)
- Staff data, collected for direct employment (performance of a public task)

For more information, please visit: <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-to-erasure/>

How do I make a request for information to be rectified or erased?

You will need to make your request in writing, outlining the data in question and your reasons for making the request. You will need to make your request to the clinician or manager of the clinical team that you received a service from. The Trust has a month to respond to your request.

Your request will be passed to the Consultant or Senior Healthcare Professional to review your records and consider each entry which you have identified as inaccurate. The Consultant or Senior Healthcare Professional will then provide you with a written response identifying:

- Which entries they consider to be inaccurate, noting the correction that needs to be made.
- Which entries they consider to be accurate and should stand as originally recorded.
- Which entries should be blocked, erased or destroyed.

A new entry will then be made on your record by the clinician, detailing that you have raised concerns about the accuracy of your records. This should also document whether there were any corrections. Where the clinician agrees that an entry is inaccurate, the correction will be noted alongside the relevant entry.

Further Guidance

Relevant Policies and Procedures

[SH IG 07 - Amending Inaccuracies in Personal Records Procedure](#)

[SH IG 12 - Subject Access Requests and Disclosure of Personal Data Procedure](#)

[SH CP 221 – Clinical Record Keeping Policy](#)

