

## Data Protection Act, Subject Access Requests to Herefordshire Council Information Governance Officer, Anthony Sawyer

By 22nd June we had received no correspondence or information from Herefordshire Social Services about anything with regards their case against us or the outcome of the medical examination despite two letters making a heartfelt appeal to be told how we stand and an assurance from Social worker Sarup Reehal that he would provide us with full information when he made a home visit on 22/6/2015. He came with nothing so we put in a Freedom of Information Request (*referred to as a Subject Access Request*).

**Jim McGeown**

**1 Newton Cottages  
Nr Weobley  
Herefordshire  
HR4 8QX  
01544 318263**

To  
Children's Well-being  
Safeguarding & Family Support  
New Bath St Offices  
Bath Street  
Hereford  
HR1 2GY

22<sup>nd</sup> June 2015

Dear Sir or Madam

### **Subject access request**

James McGeown, Megan McGeown, Freya McGeown, Pippa McGeown, 1 Newton Cottages, Nr Weobley, Herefordshire, HR4 8QX.

Please supply the information about me I am entitled to under the Data Protection Act 1998 relating to: the series of enquires initiated by the MARF form contact on or around 22<sup>nd</sup> April submitted by Dilwyn Playgroup Leader communicating concerns of abuse of my daughter Pippa. Please supply in printed format all information you hold relating to my family from 22<sup>nd</sup> April to most current possible date. This information should specifically include:-

- Full details of home visit 6<sup>th</sup> May by Paul Coleman & reports made.
- Full details of home visit 15<sup>th</sup> May by Paul Coleman & reports made.
- Full details of physical examination of Pippa, 16<sup>th</sup> May by Dr Merick, paediatric consultant and his subsequent report. Also all reports by the social worker present.
- Full details of multi agency meeting held around 11.30 am 16<sup>th</sup> June.
- Full details of home visit 22<sup>nd</sup> June by Sarup Reehal & reports made.

If you need any more information from me, or additional fee, please let me know as soon as possible.

It may be helpful for you to know that a request for information under the Data Protection Act 1998 should be responded to within 40 days.

If you do not normally deal with these requests, please pass this letter to your Data Protection Officer. If you need advice on dealing with this request, the Information Commissioner's Office can assist you and can be contacted on 0303 123 1113 or at [ico.org.uk](http://ico.org.uk)

Yours faithfully

**Private and Confidential**

Mr J McGeown  
1 Newton Cottage  
Weobley  
Herefordshire  
HR4 8QX

Your Ref:  
Our Ref: SAR0192  
Please ask for: Anthony Sawyer  
Direct Line / Extension: 01432 260510  
Fax:  
E-mail: Accesstoinformation  
@herefordshire.gov.uk

25<sup>th</sup> June 2015

Dear Mr McGeown,

Thank you for your request made under Section 7 of the Data Protection Act, received by the council on 24<sup>th</sup> May 2014.

Your request will be processed with 40 days and the information that you have asked for should therefore be sent to you by 2<sup>nd</sup> August 2015.

Please note that when parents make requests for information about their children, the right of access under the Data Protection Act is for the child as the "data subject" (whatever their age), so parents cannot request personal data on their child for their own use.

In order for us to fulfil our duty under the Act to establish if you are legitimately requesting the information on behalf of your children, could you please provide a brief outline of why you are requesting their information.

Please note that if you are legitimately requesting the information on behalf of your children, there may still be reasons to withhold certain aspects of the information, such as information where there are safeguarding issues or in information given in confidence.

Yours sincerely,

*Bethan Jaques*

**ANTHONY SAWYER**

**INFORMATION GOVERNANCE PRINCIPAL OFFICER**

Possibly standard response letter to put the casual enquirer off.  
Note data belongs to children so must justify legitimacy of request.  
Also why do I want this information.

Fortunately Information Commissioners Office website was helpful to address this.

**Jim M<sup>c</sup>Geown**

**1 Newton Cottages  
Nr Weobley  
Herefordshire  
HR4 8QX  
01544 318263**

To  
Anthony Sawyer  
Information Governance Officer  
Herefordshire Council  
New Bath St Offices  
Bath Street  
Hereford  
HR1 2GY

10<sup>th</sup> July 2015

**Subject access request**

Reference your letter of 25<sup>th</sup> June 2015, copy attached.

You highlight that the right of access under the data protection act belongs to my children and you state:- “so parents can not request personal data on their child”.

The subject access code of practice published by the Information Commissioners office states:- “in the case of young children these rights are likely to be exercised by those with parental responsibility for them”.

My children are aged 3 and 5 years old. They clearly do not have the capacity to understand their rights at this age and so I am requesting this information on their behalf as my parental responsibility.

I believe it will be detrimental to my children if as an individual with parental responsibility I cannot access this information.

As to why I am requesting this information. The subject access code of practice published by the Information Commissioners office states:- “requesters do not have to tell you their reason for making the request or what they intend to do with the information requested”.

I am looking forward to assembling as much information as possible so I can aid my family with regards to the enquiry detailed in my letter of 22<sup>nd</sup> June (copy attached). If you need advice on dealing with this request, the Information Commissioner’s Office can assist you and can be contacted on 0303 123 1113 or at [ico.org.uk](http://ico.org.uk)

Yours faithfully

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Mr J McGeown  
1 Newton Cottage  
Weobley  
Herefordshire  
HR4 8QX

Your Ref:

Our Ref: SAR0192

Please ask for: Anthony Sawyer

Direct Line / Extension: 01432 260510

Fax:

E-mail: Accesstoinformation

@herefordshire.gov.uk

13<sup>th</sup> July 2015

Dear Mr McGeown,

Please find enclosed a copy of your information as requested. I have considered the data rights of your children as they are not yet of an age to have capacity to understand their data access rights, and from looking through the records I have concluded that it is in their best interests to release the information about them to you as their parent and that the use that you make of their data is not likely to be detrimental to them.

The original referrals are withheld under Section 30 of the Data Protection Act 1998. If referrals given in confidence are disclosed it would undermine the process of protecting children in that referrers may not make a referral in the knowledge that the information would be seen by those being referred. A summary of the referrals can be given, they were made by Dilwyn Playgroup regarding Mrs. McGeown feeling that she wanted to hit a child at the playgroup, and an incident of chastisement of her own child the previous autumn. This referral is also redacted in the Initial Assessment document.

A Strategy Meeting was held to discuss how to proceed with the case. This meeting is also withheld. Where child protection concerns are discussed they are also considered exempt under Section 30 of the Data Protection Act 1998, and have not been included in the information sent to you. Disclosure of this information would undermine the principles of professionals having space to consider safeguarding issues. In summary the meeting discussed the referrals and decided that a child protection medical examination was required to resolve the concerns around the bruises on Pippa's arm.

Information from the LADO investigation is also withheld as information is considered in confidence and release of that information would prejudice the investigation and the ability for future investigations generally to be properly conducted if it were known that information would be seen by those being investigated.

Please let me know if you require any further information or are dissatisfied with the handling of your request.

Despite the date of Monday 13th July this information was handed to us in an addressed to us but not stamped envelope on Friday 17th July by Social worker Sarup Reehal. This was two days after he had conducted his home visit interview as part of his Core Assessment enquiry on Wednesday 15th July. If I had received this information before the Core Assessment I would have approached it with a very different state of mind. Had he got this information at the time of core assessment? Did he withhold it deliberately? If so this is not fair dealing.

The information released to us was:-

Copy Dr Merick, paediatric consultant, report & report of duty social worker present. This completely vindicated us and was a great relief as this was the first information we had received about the outcome of the child protection medical. This was despite Social Services being in receipt of the report since 20th May. Why put us through two months of not knowing?

Nineteen relevant entries from social services daily log & case notes for period 24/4/2015 to 26/6/2015.

Copy initial assessment started by social worker Paul Coleman 24/4/2015 and completed 02/06/15 with reason for initial assessment blanked out as information given in confidence.

All other information requested was withheld. We did manage to get a copy of initial referral & instructing paperwork from other sources.

On study records with significant error were found so:-

To  
Anthony Sawyer  
Information Governance  
Principal Officer  
Herefordshire Council  
Plough Lane  
PO Box 4  
Hereford  
HR4 0XH

**Jim, Megan, Freya &  
Pippa McGeown  
1 Newton Cottages,  
Nr Weobley,  
Herefordshire,  
HR4 8QX,  
Tel 01544 318263**

24th July 2015

Dear Anthony Sawyer

Thank you for providing information Ref your letter 13<sup>th</sup> July and passed to us on Friday 17<sup>th</sup> July by social worker Sarup Reehal.

This was the first meaningful information we have received about our case and we are very grateful for it.

I have reviewed the documentation and it contains a significant factual error in four separate records (please find copy of letter to MASH team identifying this attached).

I hope you can provide me with additional information under my subject access request to allow me to explore this issue.

Can you provide documentation regarding the second referral made by Dilwyn Playgroup on the morning of Thursday 14<sup>th</sup> May 2015.

In light of further information from Pippa's school who rang the MASH to express concerns that Pippa has bruising to her arm and leg when she went swimming with the school on 14/05/15, the case destination for this Initial assessment has changed from closure to a child in need plan.

I believe this was initially a telephone referral so relevant telephone logs please.

The report by, case notes and daily log entry etc from the social worker visit to Dilwyn Playgroup around noon of 14/05/2015 (I don't know the social workers name but she is a Muslim lady wearing a Hijab).

Information regarding this referral in instructions to Paul Coleman to undertake unannounced home visit on 15/05/2015 and relevant daily log entries.

Page 1 of letter dated 24/7/2015

We later found that what we thought was a social worker visit to playgroup on 14/05/2015 (Muslim lady wearing Hijab) was an unannounced visit by an OFSTED inspector to investigate their actions regarding their referral of us.

<http://www.reports.ofsted.gov.uk/inspection-reports/find-inspection-report/provider/CARE/223516>

Following investigation OFSTED issued notice to improve regarding our referral and warning letter for other prosecutable offences nothing to do with us.

So Social Services would have no records of this, so our error.

Was it just coincidence that Playgroup made their second most damaging report against us on this day or did OFSTED inspection have an influence?

Now I note from your letter 13<sup>th</sup> July about referrals withheld under section 30 to allow referrals to be given in confidence.

to be updated from this Episode

**Details of Person making contact**

|                           |  |
|---------------------------|--|
| Name                      | Louise Lewis                                     |
| Organisation Name         | Dilwyn Playgroup                                 |
| Address                   | Venmore Cottage<br>Dilwyn<br>Hereford<br>HR4 8JN |
| Relationship with Subject | Playleader                                       |
| Telephone Number          | 07792673332personal 07975994309 playgroup        |
| E-mail Address            |  |

**Details of contact**

**Does the person wish to remain anonymous?**

Yes                       No                       Unknown / not applicable

**Reason for contact**

Now in the initial referral from Dilwyn Playgroup on or around 23<sup>rd</sup> April they did not wish to remain anonymous.

So surely they would not be discouraged from making future referrals because of the knowledge that the information would be seen by those being referred.

Also I have no interest in the personal details of referrers. Just the facts and details of the context of the referral to allow me to review and evaluate it fully for errors. Surely minimal redaction of names should satisfy any section 30 requirements.

Can I appeal to you to help us with this information.

Confirmation of receipt and action upon this letter would be very much appreciated.

Yours Sincerely  
Jim McGeown

Page 2 of letter dated 24/7/2015

**Economy, Communities and Corporate**

Geoff Hughes

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Mr J McGeown  
1 Newton Cottage  
Weobley  
Herefordshire  
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Your Ref:

Our Ref: SAR0192

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27<sup>th</sup> July 2015

Dear Mr McGeown,

Thank you for your letter of 24<sup>th</sup> July regarding your subject access request.

I will be away on leave after today and so I have only been able to make some preliminary enquiries regarding your queries. I will be able to fully respond on my return. Taking into account my absence I will aim to reply by 26<sup>th</sup> August 2015.

Yours sincerely,



pp. ANTHONY SAWYER

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20<sup>th</sup> August 2015

Dear Mr McGeown,

Thank you again for your letter of 24<sup>th</sup> July concerning the response to your subject access request. I apologise for the delay in providing this response to you due to my leave of absence.

Regarding documentation of the second referral made by Dilwyn Playgroup, the visit by a social worker to Dilwyn Playgroup, and instructions to Mr. Coleman to make his unannounced visit, I have checked again and I confirm that there are no further records regarding these.

I do understand that you are keen to review the information in the referral due to your concerns about accuracy of data. Whilst referrers may not be anonymous, and consent to the fact that they have made the referral being known to the individual being referred, the referral itself does need to be provided in confidence. Having checked with the playgroup when I originally processed your request, they did not give consent for me to release their referral. To release it is therefore likely to undermine the process of trust that in making a referral a referrer can give a frank account of concerns and not miss out any details from any concern that it will be read by the person being referred. A summary of the referral has been given and subsequent assessments made by Social Care are designed to check if the concerns are valid. I am therefore still unable to release this to you.

Further information on requesting information about yourself and other people is available from the Information Commissioner's Office at:

The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF  
Telephone: 01625 545 745 Web Site: [www.ico.org.uk](http://www.ico.org.uk)

Yours sincerely,



**ANTHONY SAWYER**

**INFORMATION GOVERNANCE PRINCIPAL OFFICER**

Well that's about all we are going to get from this Subject Access Request.

Note playgroup did not want revealed the details of their report against us. If we don't know the details of the wrongdoing that we are accused of. How can we refute it and defend our family life. What happened to fair dealing and natural justice?

The Core Assessment Sarup Reehal was preparing to make Social Services case against us was now long overdue. So perhaps a second Subject Access Request would make them release it to us.