



BIRMINGHAM CHILDREN'S TRUST

Know Your Information Rights

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 an 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 circumstances your request for 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 rights are absolute rights. 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 you are not happy with the outcome?

If you remain unhappy with the outcome, you may request an internal review by emailing dpo@birminghamchildrenstrust.co.uk. The Trust will respond to the internal review in one calendar month.

If you are still unhappy with the outcome of any internal review, you can escalate the complaint with the Information Commissioner's Office (ICO).

The Information Commissioner can be contacted at:

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Helpline number: 0303 123 1113

ICO website: <https://www.ico.org.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?
Right to Rectification	If your personal data is inaccurate, 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>You can only ask for 'inaccurate' or 'incomplete' information to be rectified.</p> <p>The Trust will not 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, you 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"> - a note will be placed on your file to show that the record has corrections. <p><u>For electronic systems</u></p> <ul style="list-style-type: none"> - we will follow the relevant process for data quality based on the system your personal data is held.
Right to Erasure (also known as right to be forgotten)	<p>The right to erasure does not provide you an absolute right to have your data erased.</p> <p>Under the DPA 2018, you have the right to have your data erased in the following situations:</p> <ul style="list-style-type: none"> - your personal data is no longer necessary in relation to the purpose for which it was originally 	<p>This right is not an absolute right. The Trust can turn down your request where your personal data is processed for the following reasons:</p> <ul style="list-style-type: none"> - to exercise the right of freedom of expression and information. - to comply with a legal obligation for the performance of a public interest task or exercise of official authority. - for public health purposes in the 	<p>If your request qualifies under the right, the Trust will proceed to delete your data.</p> <p>If data is disclosed to third parties, the Trust will inform them about the deletion unless it is impossible or involves disproportionate effort to do so.</p>

	<p>collected.</p> <ul style="list-style-type: none"> - the processing is based on your consent and this consent is withdrawn (and there is no other legal ground for the processing) - you have objected to the processing and there are no overriding legitimate grounds for the Trust to process your data - your personal data was unlawfully collected - your personal data has to be erased in order to comply with a legal obligation. 	<p>public interest.</p> <ul style="list-style-type: none"> - archiving purposes in the public interest, scientific research historical research or statistical purposes. - the exercise or defence of legal claims. 	
<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"> - where you are contesting the accuracy of the personal data that is being processed - restriction must be put in place for the period required by the Trust to 	<p>The right to obtain (temporary) restriction of processing does not apply in the following situations:</p> <ul style="list-style-type: none"> - 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.’ - where the Trust has obtained consent from you to continue. - where the processing is 	<p><u>For paper-based systems:</u></p> <ul style="list-style-type: none"> - a note will be placed on the file to show that the record has been ‘restricted’ and the file shall be locked securely away until the restriction is lifted. <p><u>For automated systems:</u></p> <ul style="list-style-type: none"> - The restriction of the processing will be clearly indicated in the system(s). - Where the system is a data source,

	<p>verify the accuracy of the personal data.</p> <ul style="list-style-type: none"> - 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 - where the Trust no longer needs the data for our own purposes, but you require us to retain it for the establishment, exercise or defence of legal claims (including against the Trust) 	<p>necessary for the establishment, exercise or defence of legal claims.</p> <ul style="list-style-type: none"> - where processing is required for the protection of third parties - where processing is required for important public interest under EU or state law. 	<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>
<p>Right to Object (direct marketing)</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. You do not have to justify why you want the Trust to cease processing.</p>	<p>Where the Trust can evidence that it has compelling legitimate grounds on why it should be able to continue to process on either legitimate interest or public interest, for example to exercise or in defence of legal claims. This will be communicated to the you.</p> <p>There are no circumstances where the right to object to direct marketing does not apply. This includes ceasing any profiling activities associated to the direct marketing purposes</p>	<p>The Trust will immediately update the mailing list.</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 system reached such decisions.</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"> - your explicit consent to process – e.g. where we have explained the processing to you and it is an informed consent. - a lawful processing– where the processing is authorised by UK or European law. - contract performance – where the processing is necessary for entering into, or performance of, a contract between you and the Trust. 	<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>
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The Birmingham Children’s Trust [Privacy Statement](#).