



centre for psychotherapy and counselling

CLIENT ACCESS TO NOTES AND RECORDS

THE DATA PROTECTION ACT 1998 introduces client access both to their computerised records and personal data and to manual notes and records held in relevant filing systems. This data processing requires compliance with the data protection principles, including notification with the Information Commissioner.

MANUAL RECORDS

Criteria for access to manual records are that the file includes personal data on a living, identifiable individual held as part of a "relevant filing system".

A relevant filing system is a set of information, not on a computer, organised in such a way that information relating to individuals is readily accessible. Formats might include filing systems, card indexes, roneodexes, etc.

Unstructured data, ie unsorted files not providing ready access to individual data would not be part of a "relevant filing system" and would not require notification with the Information Commissioner.

AUDIO AND VIDEO RECORDINGS

These are part of a relevant filing system and are covered by the provision of the Data Protection Act. They are therefore potentially accessible to the client.

INFORMATION RELATING TO THIRD PARTIES

Where a client record contains letters, reports or other documents from third parties, such as a referrer or General Practitioner, consent must be sought from the third party before disclosure to the client.

ACCESS WHERE DISCLOSURE RISKS CAUSING THE CLIENT "SERIOUS HARM"

Access to therapeutic records may be withheld if there is a risk that disclosure would cause "serious harm" to the client.

Serious harm relates to the physical or mental health or condition of the client. The risk of serious harm may be grounds for refusal of access, for example, where data includes sensitive information about child abuse allegations or information relating to a diagnosis of a major psychiatric disorder.

REQUESTS FOR ACCESS TO RECORDS

Information regarding requests for access to records by clients, police, solicitors and courts are dealt with in Wellspring's *Policy and Procedures for Responding to Requests for Access to Records*.

Recommended reading

Peter Jenkins (2002). "Access to records of Counselling and Psychotherapy" BACP Information Sheet G1.

Volunteer Centre Edinburgh Information Sheet (updated Nov 2002) on "Data Protection".

Wellspring's *Data Protection Policy*.