

Student Counselling Service Access to Records Procedures. Information for clients

Please note: Access to any personal information is subject to the terms and conditions of the Data Protection Act 1998. Any information released to data subjects may be subject to the exemptions specified in that Act

Any client of the Service, past or present, is entitled to ask to see their records. We have procedures to deal with such requests.

- You will need to make a formal request to see your counselling records: this is done via the University's Data Protection Officer (DPO). You will need to ask for a Request Form for Access to Personal Data (Subject Access Request)¹. As all University data access requests must go through the DPO, this entails you agreeing to waive confidentiality regarding your attendance at the student counselling service. The DPO will, however, keep this information strictly confidential. The DPO will ask you to prove your identity, and you will be charged a small administration fee (about £10), DPO will contact us once the request has been received.
- The University has 40 days to comply with a request from the day on which the request and any fees are received. You will therefore be contacted within this timescale by the Counselling Service to arrange a time for you to call in and see your records.
- Our preference is that you would meet with a member of the counselling staff (your own counsellor or another), be given a copy of your records, and a room where you may look at these uninterrupted. When you have finished you may meet again with the designated counsellor to discuss any concerns or questions that you may have about the content. This is to ensure that as far as is reasonable you have had time to process the information. The counsellor will ensure that the records are understandable (for example, any abbreviations used in the notes are explained). This does not affect your legal rights in any way.
- You have the right to request that any factual errors are corrected. If this is the case, then this would need to be discussed with the counsellor who wrote the notes. Such requests for amendments, even if not agreed with, would be noted in the records
- If you wish to take copies of any of your records we will ask you to sign a form to this effect before leaving.
- The Data Protection Officer is then informed that you have had access to your records, and this is then noted in your records.

¹ Available on the Registrar's Office website under legal compliance

Please note that as counsellors we have ethical obligations to all our clients, and will do our utmost to act in your best interests. If you are a current client of the service, and are thinking of accessing your records we would encourage you to speak with your counsellor in the first instance. If you are a past user of the service you may like to ring and ask to speak either to the Duty Counsellor or to the Head of Service.

Whilst we cannot insist that a client meets with us to read their notes, we think this is advisable. We have an obligation to clients to ensure they understand the records that they see, can ask questions and have support to deal with any unexpected feelings or responses that might arise for them.

Sometimes access to records may be limited:

‘Access to information identifying contributions by third parties, e.g. family members, may be withheld to protect the confidentiality of these third parties. Access to information may also be withheld where access would result in ‘serious harm’ or distress caused to the data subject, or to another person. Serious harm relates to the physical or mental health or conditions of the data subject or third party concernedⁱ.

If you choose to take copies of any of your records, you should be aware of your responsibility to keep the copies secure and confidential, of the potential consequences of a third party having access to the copies and to the possibility of forced disclosure (e.g. in the case of police search). It is important to be aware of the significance of allowing your records to be given to a third party e.g. to a solicitor. For example, a client who takes a full copy of their records and forwards only some to their solicitor in support of a legal case for compensation needs to know that the opposing legal team can request access to all of the notes in the client’s possession. Further, disclosure can be made available to all parties; prosecution as well as defence. Our preference, therefore is always to release records to the client in person, and allow them to forward them as they see fit, rather than respond directly to request from, e.g. solicitors

Kate Tindle

This information sheet has been adapted from the University Counselling Service at Sheffield University, with the kind permission of the Head of Student Health and Well-being, University of Sheffield.

ⁱ G1 Information Sheet. Bond & Jenkins, 2008. Access to records of counselling and psychotherapy. The British Association for Counselling and psychotherapy.