

Standard Operating Procedure for Rectification of Personal Data

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Version / Amendment History	Version	Date	Author	Reason
	1	April 2023	Head of IG	Make explicit the steps required for Trust to meet its legal obligations
Intended Recipients: Subject Access Team, Information Governance Team, All Staff Handling Complaints				
Training and Dissemination: To be published on IG intranet page and announced via IG Newsletter, IG Handbook, and on Neti				
To be read in conjunction with: Information Governance Policy, Data Protection & Confidentiality Policy/Procedure				
In consultation with and Date: Head of IG/Data Protection Officer Information Governance Steering Group (May 2023)				
EIRA – no EDI issues identified				
Approving Body and Date Approved			NA	
Date of Issue			May 2023	
Review Date and Frequency			Every 3 years (May 2026)	
Contact for Review			Head of IG	
Executive Lead Signature			Executive Chief Digital Information Officer	

Background

The right to rectification in data protection law entitles an individual (a data subject) to have information corrected about them (their personal data). Requests need to be processed as soon as possible and at the latest within one month. This timeframe is required by data protection law.

Requests might be received directly, or in conjunction with requests to access information or concerns/complaints. The word "rectification" does not need to be included in the request, what is important is to recognise if someone believes information about them is wrong and wishes to have it corrected. Other complaints processes should still be followed in parallel while ensuring the legal right to rectification and the one-month timescale is upheld. Clarification should be sought from the individual if any aspect of their request is unclear.

Procedural steps

These are the steps to take when a request for rectification is received verbally or in writing:

1. **Log each request.** On Datix record the nature of the request, the date it was received and the identity of who is requesting it. This is important to show you are upholding people's rights and to be able to see any trends to be able to tackle recurrent inaccuracies.
2. **Locate the information.** Find all the information relating to request and verify whether it is accurate. Check with the person who originally created the information or who currently manages that information, such as the lead clinician for that area. They may agree it is incorrect or they may stand by what it says as an accurate account. If they agree that it is inaccurate, then a correction needs to be made. If they disagree with the individual then information can be added to say what the individual is disputing and why.
 - a. In some situations UHDB is not able to change the information so an individual will need to make the change themselves or by contacting another organisation, such as another healthcare provider. If this is the case, provide guidance to the individual about how they can action this, for example how to log in and update their own details in ESR, or to contact their GP practice to update their address on the NHS Spine.
 - b. Where information relating to another patient has been improperly recorded about the wrong patient there is a dedicated Data Corrections team who can disentangle electronic records. This is a specialist task and should not be attempted by other staff even if they have access to the relevant system(s). Raise a Sunrise call to the Data Corrections team with as much information as is available. Misfiling in paper case notes is handled by Health Records. Contact the Subject Access team in Health Records for support: uhdb.subjectaccess@nhs.net.
3. **Prepare to rectify.** The correction or annotation should be checked by and only added with the authorisation of a senior manager. Wording must be brief, clear and factual. If there are any uncertainties, seek authorisation either [from the Caldicott Guardian](#) (for patient information) or from the relevant Information Asset Owner. This is an important step since these requests can be contentious and care is needed to get it right.

4. **Make the change.** Whatever the format of the information (on paper or in different systems) the correction or annotation needs to be clear so that any future use of the information is fair and accurate. This could involve an annotation in the side margin or addendum after the disputed information. Where information that forms a legal record of what took place in the past, such as health or employment records, the original information must remain legible, for example by striking through the text with a thin line or adding a watermark. Leave a marker of who has made each change and when, and update the record of the request in Datix with this date also.

Further Guidance:

[Right to rectification Guidance from the Information Commissioner's Office](#)

[Amending patient and service user records guidance from NHS England](#)

Contacts:

Subject Access Request Team: uhdb.subjectaccess@nhs.net

Information Governance: dhft.InformationGovernance@nhs.net

Caldicott Guardian: sreeman.andole@nhs.net

Legal Team: dhft.legalservices@nhs.net