
STATUTORY INSTRUMENTS

1991 No. 1707

The Access to Personal Files and Medical Reports (Northern Ireland) Order 1991

PART II

ACCESS TO PERSONAL FILES

Definition of accessible personal information

3.—(1) In this Part—

- (a) “personal information” means information which relates to a living individual who can be identified from that information (or from that and other information in the possession of the authority keeping the record) including any expression of opinion about the individual but not any indication of the intentions of the authority with respect to that individual;
- (b) “accessible personal information” means, subject to paragraph (2), information which is held in a record kept by an authority specified in the first column of the Table in the Schedule and is information of a description specified in the second column of that Table in relation to that authority;

and any obligation to give access to information is an obligation to give access to the individual who is the subject of it or is, under that Schedule, to be treated as such.

(2) As respects any regulations under Article 5, information is not accessible personal information if recorded before—

- (a) the date on which the regulations came into operation; or
- (b) the first date on which regulations imposing a corresponding obligation came into operation,

except to the extent that access to it is required to make intelligible information recorded on or after that date.

(3) The Northern Ireland department which in accordance with paragraph (4) is the relevant department in relation to an authority for the time being specified in the first column of the Table in the Schedule may by order subject to affirmative resolution amend the description of information for the time being specified in the second column of that Table in relation to that authority or the provisions of paragraph 2 of that Schedule which apply for the interpretation of that description.

(4) In this Part “the relevant department” means—

- (a) in relation to the Northern Ireland Housing Executive, the Department of the Environment;
- (b) in relation to a Health and Social Services Board, the Department of Health and Social Services.

(5) The chief executive member may by order made subject to affirmative resolution amend the Table in the Schedule by adding to the list of authorities set out in the first column of that Table.

(6) An order under paragraph (5) shall, in relation to each authority added to the first column of the Table in the Schedule,—

- (a) amend the second column of that Table (and, if necessary, paragraph 2 of the Schedule) so as to specify the information which is to be accessible personal information in relation to that authority; and
- (b) amend paragraph (4) so as to specify the Northern Ireland department which is to be the relevant department in relation to that authority.

Obligation to give access, etc.

4.—(1) Subject to the provisions of this Part and regulations under Article 5, any authority keeping records containing personal information which is accessible personal information shall have such obligations as regards access to, and the accuracy of, that information as are imposed by the regulations.

(2) Where an individual is, or would but for any exemption be, entitled under section 21 of the Data Protection Act 1984 to be supplied with information constituting personal data of which he is the subject no obligation arises under this Part to give him access to that information.

(3) Article 39(5) of the Housing (Northern Ireland) Order 1983 (duty of landlord to give access to certain information) shall not apply in respect of any information recorded by the Northern Ireland Housing Executive in respect of which it is under an obligation to give access under this Part.

(4) The obligation to give access to information under this Part applies, subject to any exemptions or restrictions prescribed in the regulations, notwithstanding any statutory provision or rule of law prohibiting or restricting the disclosure, or authorising the withholding, of information.

Access regulations

5.—(1) The Northern Ireland department which is the relevant department in relation to an authority keeping records containing personal information which is accessible personal information may by regulations make such provision as it considers appropriate in relation to that authority for securing access by individuals to accessible personal information of which they are (or are treated as) the subjects and the rectification or erasure of inaccurate records containing such information.

(2) Regulations under this Article may, in particular, for those purposes—

- (a) impose obligations on the authority to give access to accessible personal information in such manner as may be prescribed in the regulations;
- (b) impose obligations on the authority to rectify or make erasures in records containing inaccurate information;
- (c) provide for exemptions from or impose restrictions on access to information or the rectification or erasure of inaccurate records;
- (d) regulate the procedure for obtaining access to information or the rectification or erasure of inaccurate records;
- (e) provide for decisions taken by the authority to be reconsidered or reviewed;
- (f) authorise the authority to charge fees not exceeding the maximum prescribed in the regulations; and
- (g) make incidental and supplementary provision including provision defining the corresponding obligation for the purposes of Article 3(2).

(3) The relevant department shall, before making regulations under this Article, consult such authorities or bodies representing authorities as it thinks appropriate.

(4) Regulations made under this Article shall be subject to affirmative resolution.