



Access to Personal Files Act 1987

1987 CHAPTER 37

An Act to provide access for individuals to information relating to themselves maintained by certain authorities and to allow individuals to obtain copies of, and require amendment of, such information. [15th May 1987]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1 Obligation to give access etc.

- (1) Subject to the provisions of this Act and regulations under section 3, any authority keeping records containing personal information which is accessible personal information for the purposes of this Act 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 Act to give him access to that information.
- (3) Section 106(5) of the Housing Act 1985 (duty of landlord authority to give access to certain information) shall not apply in respect of any information recorded by a landlord authority in respect of which the authority is under an obligation to give access under this Act.
- (4) Section 27(3) of the Tenants' Rights, etc. (Scotland) Act 1980 (entitlement of applicant for housing to inspect certain records) shall not apply in respect of any information recorded by a body mentioned in subsection (1) of that section in respect of which the body is under an obligation to give access under this Act.
- (5) The obligation to give access to information under this Act applies, subject to any exemptions or restrictions prescribed in the regulations, notwithstanding any

enactment or rule of law prohibiting or restricting the disclosure, or authorising the withholding, of information.

2 Definition of accessible personal information.

- (1) The following provisions apply for the interpretation of this Act.
- (2) "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.
- (3) Subject to subsection (4) below, information is "accessible personal information" for the purposes of this Act if it is held in a record kept by an authority specified in the Table in Schedule 1 to this Act or, as respects Scotland, Schedule 2 to this Act and is information of a description specified in 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.
- (4) As respects any regulations under section 3, information is not accessible personal information if recorded before the commencement date of the regulations or the first commencement date of regulations imposing a corresponding obligation except to the extent that access to it is required to make intelligible information recorded on or after that date.

3 Access regulations.

- (1) The Secretary of State may by regulations make such provision as he considers appropriate 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 section may, in particular, for those purposes—
 - (a) impose obligations on the authorities keeping records containing such information to give access to the information in the prescribed manner;
 - (b) impose obligations on the authorities keeping records containing such information 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 authorities to be reconsidered or reviewed;
 - (f) authorise authorities to charge fees not exceeding the prescribed maximum; and
 - (g) make incidental and supplementary provision including provision defining the corresponding obligation for the purposes of section 2(4).
- (3) Regulations under this section may make different provision for different descriptions of information, different authorities or other different circumstances.

- (4) The Secretary of State shall, before making regulations under this section, consult such authorities or bodies representing authorities as he thinks appropriate.
- (5) The power to make regulations under this section is exercisable by statutory instrument but no regulations under this section shall be made unless a draft of the regulations has been laid before and approved by a resolution of each House of Parliament.
- (6) In this section " prescribed " means prescribed in regulations under it.

4 Financial provisions.

There shall be paid out of money provided by Parliament any increase attributable to this Act in the sums payable out of moneys so provided under any other enactment.

5 Short title and extent.

- (1) This Act may be cited as the Access to Personal Files Act 1987.
- (2) This Act does not extend to Northern Ireland.

SCHEDULES

SCHEDULE 1

Section 2(3).

ACCESSIBLE PERSONAL INFORMATION: ENGLAND AND WALES

1 The following is the Table referred to in section 2(3).

TABLE OF AUTHORITIES AND INFORMATION

| <i>The authorities</i> | <i>The accessible information</i> |
|----------------------------------|---|
| Housing Act local authority. | Personal information held for any purpose of the authority's tenancies. |
| Local social services authority. | Personal information held for any purpose of the authority's social services functions. |

Interpretation

- 2 (1) The following provisions apply for the interpretation of the Table in paragraph 1 above.
- (2) Any authority which, by virtue of section 4(e) of the Housing Act 1985, is a local authority for the purpose of any provision of that Act is a "Housing Act local authority" for the purposes of this Act and so is any residuary body established under section 57 of the Local Government Act 1985.
- (3) Personal information contained in records kept by a Housing Act local authority is "held for any purpose of the authority's tenancies" if it is held for any purpose of the relationship of landlord and tenant of a dwelling which subsists, has subsisted or may subsist between the authority and any individual who is, has been or, as the case may be, has applied to be, a tenant of the authority; and, for the purposes of this Act, information about any member of the individual's family held for any purpose of that relationship or potential relationship shall be treated as information of which he is the subject and accessible by him accordingly.
- (4) Any authority which, by virtue of section 1 or 12 of the Local Authority Social Services Act 1970, is or is treated as a local authority for the purposes of that Act is a "local social services authority" for the purposes of this Act; and personal information contained in records kept by such an authority is "held for any purpose of the authority's social services functions" if it is held for the purpose of any past, current or proposed exercise of such a function in any case.
- (5) Any expression used in this Schedule and in Part II of the Housing Act 1985 or the Local Authority Social Services Act 1970 has the same meaning as in that Act.

SCHEDULE 2

Section 2(3).

ACCESSIBLE PERSONAL INFORMATION: SCOTLAND

1 The following is the table referred to in section 2(3).

TABLE OF AUTHORITIES AND INFORMATION

| <i>The authorities</i> | <i>The accessible information</i> |
|---------------------------------------|--|
| Local authority. | Personal information held for any purpose of any of the authority's, the corporation's or, as the case may be, the Association's tenancies. |
| Development corporation. | |
| Scottish Special Housing Association. | |
| Social work authority. | Personal information held for any purpose of the authority's functions under the Social Work (Scotland) Act 1968 and the enactments referred to in section 2(2) of that Act. |

Interpretation

- 2 (1) The following provisions apply for the interpretation of the Table in paragraph 1 above.
- (2) "Local authority" means a regional, islands or district council, a joint board or joint committee of two or more of those councils or any trust under the control of such a council and "development corporation" has the same meaning as in the New Towns (Scotland) Act 1968.
- (3) Personal information contained in records kept by a local authority, a development corporation or the Scottish Special Housing Association is held for any purpose of any of their tenancies if it is held for any purpose of the relationship of landlord and tenant of a dwelling-house which subsists, has subsisted or may subsist between the authority, corporation or, as the case may be, Association and any individual who is, has been or, as the case may be, has applied to be a tenant of theirs; and, for the purposes of this Act, information about any member of the individual's family held for any purpose of that relationship or potential relationship shall be treated as information of which he is the subject and accessible by him accordingly.
- (4) "Social work authority" means a local authority for the purposes of the Social Work (Scotland) Act 1968 and personal information contained in records kept by such an authority is held for any purpose of their functions if it is held for the purpose of any past, current or proposed exercise of such a function in any case.