

6th June 2025

Chair
Eileen Mullan MBE

Chief Executive
Steve Spoerry (Interim)

Mr Nick Mitford
Clerk Committee for the Executive Office
NI Assembly
Committee for the Executive Office

VIA EMAIL – Committee.Executive@niassembly.gov.uk

Dear Mr Mitford

RE: Truth Recovery and Redress Bill - Access to records

Thank for your correspondence of 23 May 2025 in respect of the Truth Recovery and Redress Bill and concerns around the accessing of records by victims and survivors.

The Trust retains information in line with the Department of Health Good Management Good Records Disposal Schedule and processes requests for personal information in accordance with the Data Protection Act 2018, the UK GDPR and the Access to Health Records (NI) Order 1993.

Requests made for access to information of living individuals are processed under Article 15 of the UK GDPR, and in line with legislative timeframes the Trust aims to respond to these requests within one calendar month, or within 3 calendar months if the request is complex.

Requests for access to personal information relating to deceased individuals are processed under the Access to Health Records (NI) Order 1993 and the Trust aims to respond to these within 21 days if the records were made in the 40 days preceding the request, or otherwise within 40 days. The Order only applies to health records, and not social care records.

The Trust is required to consider a number of exemptions in relation to the governing legislation to determine what, if any, information can be released. This will include reviewing the record for any third-party information that we do not have consent, or that it would not be reasonable, to disclose, and information that may cause any person serious harm or distress. If an exemption is engaged, that specific part of the record will need to be redacted before any disclosure to the applicant.

Inevitably, social care records, by their very nature, will contain large amounts of third-party and very sensitive information and will often extend over large volumes of records. These records require careful review and consideration by professional staff to determine if any exemptions are engaged before information can be disclosed to the applicant.

Within the Children and Young People's Directorate social work division we have a small team of staff who oversee this process. The team aims to maintain contact and liaise with applicants to advise them of delays and keep them updated on the progress of their request. When significant volumes of records are identified the team will work with the applicant to agree a phased release of information. Applicants report preferring this approach as it can feel overwhelming when large amounts of information are released in one disclosure.

The Fostering and Adoption Team will also engage directly with service users to provide 'life' or 'origin stores' during which historical information may be disclosed to service users in a supportive environment. The Department of Health has published guidance in relation to this approach and the Trust follows this guidance.

<https://www.health-ni.gov.uk/sites/default/files/publications/health/doh-access-birth-adoption-records.pdf>

It is noted in your letter that there were concerns about delays in accessing records. The Trust has a formal complaints procedure in place for applicants to raise any concerns they may have about the timeliness of a request which they have submitted.

[Service User Feedback/Complaints | Southern Health & Social Care Trust](#)

As you will be aware there are significant resourcing pressures within the Health & Social Care Trusts. The impact of increased requests for records has been highlighted to the Department of Health and historically additional funding for the anticipated increase in requests has been incorporated into redress schemes such as the Troubles Permanent Disablement Scheme. With the current financial pressures in the public sector, this dedicated funding has been essential in ensuring the additional and specific resources necessary to process the increase in the number of requests for records that resulted from the scheme.

Alongside requests for social work records I anticipate that a significant number of the requests received, in relation to the redress scheme, will be for mental health records which also require detailed review for application of exemptions before release. I would welcome any support that your Office may be able to provide in helping to secure and ringfence funding for this important area of work and the increase in requests for personal information that are anticipated as a direct impact of the Truth and Recovery Redress Bill.

Yours sincerely

A large black rectangular redaction box covering the signature of Steve Spoerry.

Steve Spoerry
CHIEF EXECUTIVE (INTERIM)