



Victoria Soeder
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Your ref: CAF 19-193
Our ref: Gov/CAF 19-193

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19 November 2019

Dear Ms Soeder,

Re: Freedom of Information request

Thank you for your email of 26 October 2019. You made the following requests for information:

1. Under new GDPR rules where CAF/CASS provide inaccurate reports what information has the ICO provided CAF/CASS, if any to ensure the child's report is amended to contain accurate information for the Judge ?

Under the GDPR, the ICO has not provided information to Cafcass in regards to amending reports where they are inaccurate.

Cafcass is committed to compliance with its legislative duties under the Data Protection Act 2018 and the General Data Protection Regulation. This includes ensuring that the personal information we process is accurate.

At any time anyone whose personal data is held by Cafcass has a right to ask Cafcass to correct any factual inaccuracies in that information. The data subject can detail the information which is factually inaccurate and the relevant corrections. Cafcass will either amend the information, or if we are satisfied that the personal information is accurate, add a note to show that it is contested by the subject of the information and inform them of this. The court may be informed where relevant. This is in line with the ICO's guidance on the right to rectification:

You should let the individual know if you are satisfied that the personal data is accurate, and tell them that you will not be amending the data. You should explain your decision, and

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inform them of their right to make a complaint to the ICO or another supervisory authority; and their ability to seek to enforce their rights through a judicial remedy.

It is also good practice to place a note on your system indicating that the individual challenges the accuracy of the data and their reasons for doing so.

If the information has been included within a report, the practitioner may consider it necessary to amend the information, or note that it is disputed within the court report. The practitioner should make clear to the court which factual issues are disputed or unclear and their potential relevance to the case. In the case of disputed information, it is for the court to determine whether or not to convene a fact-finding hearing, which would determine allegations whose resolution is likely to affect the decision of the court.

2. a. Where CAF/CASS have entered inaccurate data on the ECMS what are CAF/CASS obligations to the SU to amend, add, erase, delete this data under GDPR ?

Cafcass will take steps to amend or correct information which is established to be inaccurate

Cafcass is committed to compliance with its legislative duties under the Data Protection Act 2018 and the General Data Protection Regulation. This includes ensuring that the personal information we process is accurate. Cafcass Family Court Advisors should do this by discussing the information with the parties, including information received from third parties, before reporting it to the court.

For example, as part of the work after first hearing in private law cases, further checks with agencies, such as schools, may be completed. The results from these checks and what they mean for the child currently should be explored with the individual parties. This is the responsibility of the practitioner completing this work.

If the information received by Cafcass is incorrect, this discussion is an opportunity for service users to dispute its accuracy. The practitioner may consider it necessary to amend the information, or note that it is disputed within the court report. The practitioner should make clear to the court which factual issues are disputed or unclear and their potential relevance to the case. In the case of disputed information, it is for the court to determine whether or not to convene a fact-finding hearing, which would determine allegations whose resolution is likely to affect the decision of the court.

At any time anyone whose personal data is held by Cafcass has a right to ask Cafcass to correct any factual inaccuracies in that information. The data subject can detail the information which is factually inaccurate and the relevant corrections. Cafcass will either amend the information, or add a note to show that it is contested by the subject of the information. The court may be informed where relevant. This is set out within the [privacy notice for service users](#) which explains how their information is processed by Cafcass.

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The Cafcass [Complaints Procedure](#) can also be used by service users to alert Cafcass to factual errors within a report or other communication to the court. Where factual errors are identified by the Customer Services Team, they will take action to ensure that either the court is notified or the errors are corrected, where possible before the next court hearing (see section 4.7) Where applicable, the complaint response will also be copied to the court.

b. Where the SU obtains a SAR and identifies a case flow on ECMS of inaccurate data entries and requests the data to be corrected and made accurate what are CAFCASS process/obligations under GDPR

Please see the answer to question 2 a.

3. what information do CAFCASS FCA provide the SU about GDPR, their rights and accuracy about the S7 report ?

The [privacy notice for service users](#) explains to service users how their information is processed by Cafcass and their information rights. The privacy notice is available on the Cafcass website and a hard copy is provided in the Welcome Letter which is sent to Cafcass service users at the start of the proceedings.

Every S7 report filed with the court includes a statement to the effect that if there are factual inaccuracies these can be rectified and if necessary reference to the inaccuracy can be referred to the court. If there is a dispute about a particular fact it will be for the court to make a determination.

4. If a Judge decides the S7 report provided to them by CAFCASS is meaningless, shredded, gone what do CAFCASS do with the report i.e delete it from the system, mark up the Judges opinion accurately, inform ICO of inaccuracy or what ?

If a court or judge decides the S7 report produced by Cafcass was meaningless, Cafcass would record the outcome of the hearing, including the judge's views, on the case file. If further work is ordered of Cafcass by the court, such as further section 7 report, this would be completed.

We hope that you feel your question has been answered effectively. If you are unhappy with the decisions made in relation to your request, you may ask for an internal review to be undertaken. If you are dissatisfied with the way the internal review is handled or with the final decision made at that review about the information released, you are free to contact the Information Commissioner's Office (<https://ico.org.uk/>):

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Yours sincerely,

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Cafcass, the Children and Family Court Advisory and Support Service, is a non-departmental body of the Ministry of Justice
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