

Deceased Persons Information - Guidance Notes

Information about deceased individuals is not covered by any right of access under the United Kingdom General Data Protection Regulations (UK GDPR) or the Data Protection Act (DPA) 2018 as personal data only relates to living individuals.

Unless any other statutory basis for accessing information about a deceased person can be provided, the Council can only consider requests about a deceased person under the Freedom of Information 2000 Act (the FOI Act).

The FOI Act gives any individual the right to request any type of information from the Council without specifying their intended purpose or intention for receiving the information. Under the FOI Act the Council are not generally able to take the identity or motive of the requester into account when considering a request. This could make information about deceased individuals very vulnerable as potentially it could be released to anyone who asks for it.

The Council would not wish to breach the confidence of anyone who may or may not have been in the care of or interacting with the Council whilst they were alive by giving out information about them to anyone, our default position would often be to refuse such requests unless the requester can provide evidence to refute a breach of confidentiality.

Evidence required to request information about a deceased person

The Council would only search for and release any information we hold about deceased individuals in very limited circumstances. In order to protect the Council from any future breach of confidentiality claim from the deceased's estate, we require further evidence of the relationship between the requester and the deceased. Further information about why we take this approach can be found in the Information Commissioner's Office (ICO) guidance note entitled 'Information about the deceased' that can be found on their website at:

[ICO Deceased Person](#)

Therefore if you are requesting information about a deceased person, please could we ask that you submit any evidence showing that:

- You are the deceased person's '*personal representative*' (also known as the executor or administrator of their estate); or
- You held a Health & Welfare Lasting Power of Attorney for the deceased person when they were alive (if you are requesting care-related information); or
- You held a Financial Affairs Lasting Power of Attorney for the deceased person when they were alive (if you are requesting financial-related information); or
- You held a Personal Welfare Deputy for the deceased person when they were alive, providing the request does not go against any decision made by an attorney acting under a Lasting Power of Attorney; or
- You can provide proof that you have a claim arising from the deceased individual's death

If any of the above cannot be provided, please provide any other evidence that:

- the information requested is already known to be in the public domain, or
- supports the assumption that the deceased individual would have given their consent to the release of their personal information to you if they were still alive.

Providing Evidence

When processing deceased persons requests the Freedom of Information Team are only able to accept original or countersigned copies of documentation provided to us as evidence, in order to ensure the Council only discloses information to those entitled to it.

If you would visit the Council offices at Loxley House, so that a member of the Freedom of Information Team can verify that they have seen this original evidence, please telephone us on 0115 876 4376 to make an appointment.

If you post us original documents then we will return these to you recorded delivery. Should you wish for you documents to be returned by secure delivery, please enclose a prepaid special delivery self-addressed envelope.

Alternatively should you not wish to visit the Council offices at Loxley House or send us original documents through the post, the Council requires that any copies or photocopies of documents must be countersigned by someone of standing certifying that the photocopy is a true copy of the original.

Examples of someone of standing who can countersign your documents include a doctor, local councillor, Justice of the Peace, minister of religion, police officer, schoolteacher, social worker, solicitor or other person of similar standing. The countersigned documents must include the persons printed name, job title, and contact details and must also be accompanied with a letter of verification on letter-headed/office stamped paper or sent from an official work email address. The Council will contact the person of standing to verify that the copy is a true copy of the original.

Multiple executor consent

If you are named as joint executor on the deceased persons will, the Council need to be satisfied that the other executor(s) are happy for you to request this information. Please therefore provide a signed written statement from the other executor(s) giving you permission to receive the requested information, this must include their printed name, and contact details. The Council will contact the executor(s) to verify that they have given their informed consent. If they are unable to give consent, please provide the reasons for this.

If the above evidence cannot be provided

If none of the above evidence can be provided, it is very likely that information related to deceased parties would be lawfully withheld from disclosure to under

section 41 of the FOI Act, on the grounds that it would breach the confidentiality of the deceased parties to release the information.

Third Party Information In the Deceased Persons Records

Please note it is highly likely that records for the deceased party will include information related to living third party individuals, in accordance with section 40(2) of the FOI Act, it is highly likely this information will need to be redacted from these records as the Council will be in breach of the Data Protection Act if we disclosed it to you. Please note however as the deceased representative it is highly likely your information will be included in the records. We assume you would not want this information to be redacted.

As this is your personal information, this information will need to be processed as a Personal Information Request (PIR) under the Data Protection Act 2018. We therefore also request you include written consent that you are happy for your own personal information to remain unredacted from the documentation we hold.

To ensure we protect everyone's right to privacy, all PIRs made to Nottingham City Council are required to be accompanied by two forms of identification documents. We need to be satisfied as to the identity of the person making the request, and that any information we send to an individual is being delivered to the correct and most recent address, or to the address of their choosing.

Proof of address must not be older than three months and can be a:

- Bank, building society or credit card statement
- Household utility bill
- (Mobile) phone bill
- Council tax bill

Documents proving identity should not have expired and display a photograph of the person's face. We accept the following documents as valid proof of identity:

- Passport
- EU identity card
- UK or EU driving licence

**Please note that a birth certificate is not valid proof of identity*

If you have been known by any other names in the period your request relates to, please provide proof of this in the form of official documentation such as a:

- Marriage certificate
- Adoption certificate
- Deed poll certificate

How to submit your request and supporting evidence

Requests for deceased persons information should be sent in writing to:

Email:

foi@nottinghamcity.gov.uk

By Post:
Freedom of Information Team
Information Compliance
Nottingham City Council
2nd Floor Loxley House
Station Street
Nottingham
NG2 3NG

If you are unable to make a request in writing, please call the Information Compliance Team on 0115 876 4376 so we arrange necessary reasonable adjustments to accommodate your needs.

If you are not satisfied with the Council's response

If you are unhappy with the response to your request, you can request a review of the original response, referred to as an Internal Review.

Details of how to appeal will be provided with any response to your request.

To request an internal review you should write and state the reasons for your dissatisfaction

Email:
foi@nottinghamcity.gov.uk

By Post:
Freedom of Information Team
Information Compliance
Nottingham City Council
2nd Floor Loxley House
Station Street
Nottingham
NG2 3NG

If you are unable to request a review in writing, please call the Information Compliance Team on 0115 876 4376 so we arrange necessary reasonable adjustments to accommodate your needs.

If you remain dissatisfied, you can request an independent review of your case by contacting the ICO. Using the procedure on the following ICO page to report your concerns:

- [Make a complaint to the ICO.](#)

You can contact the ICO using the following methods:

Email: casework@ico.org.uk

Phone: 0303 123 1113 (local rate) or 01625 545745 if you prefer to use a national rate number.