



The Right to Private and Family Life, Home and Correspondence

Article 8 of the Human Rights Act

The right to private and family life, home and correspondence is one of the 16 human rights (also called Articles) in the Human Rights Act.

When could the Right to Private and Family Life, Home and Correspondence matter to you?



If your mental or physical health is at risk.



If you are not being involved in decisions over your own body and life. This is sometimes called autonomy.



When a public service (like the NHS, the local council or social work services) is not letting you make decisions about your sexual orientation, your lifestyle, and the way you look and dress.



If you are being stopped from having contact with your family members and close friends.



If a public service is not giving you enough privacy or if they tell people your sensitive private information.

Can your Right to Family and Private Life be restricted?



Yes. Your right to private and family life is a non-absolute right.

This means this right can never be taken away from you. But sometimes public services and staff working for them can limit your right to private and family life to protect you or others, but they must pass a test.

If your right to private and family life is going to be limited, a 3-stage test needs to be passed:



1. **Lawful:** There must be a law which allows staff to limit this right.
2. **For a good reason:** There must be a good reason which is usually to protect you or other people.
3. **Thought about properly:** Staff must think about all the things they could do and pick the least restrictive one. You should be involved in these talks.



You can talk to staff in a public body about what they decided or did. You can ask them to tell you this met this 3 stage test.



If you think changes could be made which mean that your right to private and family life would be better protected, then you can tell staff in a public body because their decision might not be the least restrictive option.

What do staff in public services have to do about my right?



They have to **RESPECT** your right.

This means staff in public bodies should not limit your movement unless it's needed and they can clearly show that this is right.



They have to **PROTECT** your right.

This means staff have to do things that protect your liberty and make sure you are involved in conversations about your rights.



They have to **FULFIL** your right.

This means that if something goes wrong, staff need to find out why and try to stop things going wrong again.

Tim and Sylvia's story



Tim and Sylvia are a couple who both have learning disabilities. They have just had a baby. Social services wanted to check how they were coping with the new baby. So the family were placed into a residential unit for a few weeks.



In the unit, there were CCTV cameras in all of their rooms, including in Tim and Sylvia's bedroom, even though the baby slept in another room.



Tim and Sylvia talked to social services about their right to respect for private and family life and the impact the CCTV cameras were having on them. They said that having the cameras on, in their bedroom all the time was not the least restrictive option.

After talking about this, social services agreed to turn the cameras off in their bedroom at night time.

You can watch a video of Tim and Sylvia's story on Youtube. [Click here.](#)