policies and procedures

# access to health records application

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| Category | Clinical |
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**Related policies and guidance**

**Document revision and approval history**

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# Aim

The Access to Health Records Act 1990 became effective on 1st November 1991. This Act applies to virtually all health care professionals, and although it will be concerned mainly with records held in Hospital and General Medical Practice Surgeries, it will apply equally to Medical Records held in Occupational Health Departments. The Act applies only to medical information recorded on or after 1st November 1991, and gives to retrospective rights concerning medical information recorded prior to 1st November 1991. Additionally the General Data Protection Regulation (GDPR) allows patients to ask for a Subject Access Request which allows them to view/obtain a copy of all data the practice holds about the patient.

**The main provisions of the Act are as follows:**

1. In general the patient will have the right of access to any medical information held by the Practice. Such information will include medical notes written by Doctors, Nurses, and letters received from outside Doctors and Hospitals, audiograms and other medical survey reports.
2. It is the duty of the Practice, acting as ‘holder’ of the medical records to make these available to the patient via the “Subject Access Request” legislation (as part of the new GDPR laws.)
3. The patient is required to give notice in writing of his wish to see his medical records, and the ‘holder’ is required to give him access to his records within one month of receiving such notice in line with the new GDPR legislation.
4. The patient is also entitled to give written authorisation for access to some other person such as his lawyer or solicitor.
5. If the patient believes that anything in his medical record is inaccurate, he may ask the record holder to make the necessary correction, or may require a note of his own to be added to the records.
6. The patient may also request a photocopy of all or any part of his records.
7. Requests which are manifestly unfounded or excessive can be refused.
8. If a request is refused, the individual must be told why and also that they have the right to complain to the supervisory authority and to a judicial remedy. This must be done without undue delay, and within one month at the latest.
9. Although the Act applies only to medical information recorded after 31st October 1991, there may be occasions when such information can only be understood in the light of information recorded prior to 1st November 1991. In these cases the record holder must disclose such previous information as is necessary.
10. The ‘holder’ may withhold access to a whole of part of the records if:
	1. in the opinion of the ‘holder’ giving access would disclose information which would cause serious harm to the physical or mental wellbeing of the patient or any other individual.
	2. in the opinion of the ‘holder’ giving access would disclose information related to an individual other than the patient, and who could be identified from that information. If that other individual consents to the disclosure of such information, then access may be given.
11. Under a Subject Access Request no charges can be asked of from the patient.

#  appendix I - APPLICATION FOR ACCESS TO HEALTH RECORDS

**PATIENT** SURNAME……………………………………

 FORENAME(S)…………………………………

 DATE OF BIRTH………………………………

 NHS NUMBER…………………………………

RECORD IN RESPECT OF TREATMENT FOR (State condition/illness if known)

………………………………………………………………..(DATE)………………

**DETAILS OF APPLICANT** (if different from above)

SURNAME…………………………………….

FORENAME(S)………………………………..

**DECLARATION**

I declare that the information given by me is correct to the best of my knowledge and that I am entitled to apply for access to the health record referred above under the terms of the Access to Health Records Act 1990

(NB \* Please delete as appropriate)

1. I am the patient.
2. I have been asked to act by the patient and attach the patient’s written authorisation.
3. I am acting in loco parentis as the patient is under age sixteen and
	1. is incapable of understanding the request or
	2. has consented to my making this request.
4. I am the deceased patient’s personal representative and attach confirmation of my appointment.
5. I have a claim arising from the patient’s death and wish to access information relevant to my claim on the grounds that:

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……………………………………………………………………..

**Signed……………………………………………. Date………………………….**