



**Kingsway**

GP Surgery

**What if the patient feels their health records are incorrect, can they have them amended?**

If a patient feels information recorded on their health record is incorrect then they should firstly make an informal approach to the health professional concerned to discuss the situation in an attempt to have the records amended.

If this avenue is unsuccessful then they may pursue a complaint under the NHS Complaints procedure in an attempt to have the information corrected or erased. They could further complain to the Information Commissioner, who may rule that any erroneous information is rectified, blocked, erased or destroyed.

Further information can be obtained from

**The Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire SK9 5AF**

**telephone number 0303 123 1113  
or  
website [www.ico.org.uk](http://www.ico.org.uk)**

**Patient Access to Medical Records  
Information Leaflet**

## **Access to Your Health Record (Right of Subject Access) Under Data Protection Act 2018**

### **What is a health record?**

A health record is defined as 'a record consisting of information about the physical or mental health, or condition, of an identifiable individual, made by, or on behalf of, a health professional, in connection with the care of that individual.'

A health record can be in computerised and/or manual form. It may include such documentation as hand written clinical notes, letters to and from other health professionals, laboratory reports, radiographs and other imaging records, printouts, photographs, videos and tape recordings.

### **What legislation governs access to health records?**

The Data Protection Act 2018 governs access to the health records of living people. Individuals have a right to apply for access to records irrespective of when they were compiled under the Data Protection Act. The Data Protection Act gives every living person (or authorised representative) the right to apply for access to their health records.

The Access to Health Records Act 1990 governs access to the health records of deceased people. Access to Health Records Act 1990 did not provide individuals with a statutory right of access to records compiled prior to November 1991. The Access to Medical Reports Act 1988 governs requests for medical reports.

### **Requesting Access to your Health Records**

#### **How should access to my health record be requested?**

Any request for access to your health record held by the Practice must be made to the Practice Manager in writing. Please contact the practice for alternative methods of access if you are unable to make a request in writing.

To help us respond as appropriately as possible to your request, we ask that you complete an access to records form provided by Reception staff.

Once we have all the required information, and fee where relevant, your request should be fulfilled within one month. In exceptional circumstances where it is not possible to comply within this period, you will be informed of the delay within one month of the request.

#### **Practice's online services**

Information from your Medical Records can be accessed as part of the Practice's online services. Please ask for a form at reception. For security reasons you will have to visit the practice to undertake an identity check before you are granted access to these records.

#### **What are the charges for accessing your health record?**

Under the Data Protection Act you will not normally be charged a fee to view your health records or to be provided with a copy of them unless the request is judged to be unfounded or excessive. In the event that a request is deemed to be unfounded or excessive, a fee will be incurred based on the administrative cost of providing the information.

#### **Accessing your Health Records Where it is agreed that an individual may directly inspect their health record, does access need to be supervised?**

Yes. The Practice will consider whether access should be supervised by a health

professional or whether an appointment should be made for supervision by a lay administrator. Lay administrators must not comment or advise on the content of the record and if the applicant raises enquiries, an appointment with a health professional will be offered. Where the information is not readily intelligible, an explanation (e.g. of abbreviations or medical terminology) will be given.

#### **Are there any circumstances in which information contained in health records may be withheld from the person requesting access?**

In some circumstances, the Act permits the Practice to withhold information held in your health record. These rare cases are:

- Where it has been judged that supplying you with the information is likely to cause serious harm to the physical or mental health or condition of you, or any other person, or;
- Where providing you with access would disclose information relating to or provided by a third person who had not consented to the disclosure. This exemption does not apply where that third person is a clinician involved in your care.

#### **Where information has been withheld is the Practice obliged to advise applicants that this is the case?**

No. The Practice is free to advise applicants of the grounds on which information has been withheld but are not obliged to do so. If it is thought likely to cause undue distress the Practice may not wish to volunteer the fact that information has been withheld.

#### **Can the Practice refuse to process an application for access to health records?**

Yes. Where an access request has previously been complied with, the Act permits the Practice not to respond to a subsequent identical or similar request unless a reasonable interval has elapsed since the previous compliance. To decide when a reasonable interval has elapsed, the Practice will consider the nature of the information, how often it is altered and the reason for its processing. The reason for the request(s) may also be relevant.

#### **How can a person apply for access to their health records if they are not living in the UK?**

Patients no longer resident in the UK still have the same rights to access their information as those who still reside here, and must make their request for information in the same manner. Original health records should not be given to an individual to take abroad with them, however, a full or partial copy may be requested using a SAR. Medical records cannot be sent outside Europe without explicit consent from the patient. Following verbal feedback from the ICO's office, the surgery will consider requests to post Subject Access Requests outside the UK but may request a financial contribution from the requestor if the request is deemed excessive (for example, the applicant may be asked to pay the difference between UK and international postage costs). Each request will be reviewed on an individual basis.

#### **Can a person take their health records with them for their new doctor if they are living outside the UK?**

No. However patients can make a Subject Access Request for copies of their records, and then take the copies with them. The GP may be prepared to provide the patient with a summary of the patient's treatment to take to their new GP.