**PATIENT INFORMATION - REQUESTING ACCESS TO YOUR MEDICAL RECORDS**

June 2019

The **General Data Protection Regulation GDPR** came into force in May 2018 and applies to all health records of all living patients. Records for patient who have died are covered under the Access to health records Act 1990. The new legislation changes the rights patients have. You have three options to request to view or obtain copies your records:

1. You can apply to view the parts of your records that are available online.
2. You can make a verbal subject access request or SAR to access your records
3. You can make a written subject access request or SAR to access your records

If you decide to apply for greater access to records than can be seen online we will need to establish you have the right to make the request and be given the information you are asking for. You may need to provide identification, including photo ID and explain the access you are looking for. This could be specific details from your records relating to a period of time, a specific incident or you may want access to your complete record.

**Charges and deadlines**

There is no charge for a subject access request or SAR unless the request is repetitive or excessive. We will respond normally within one calender month and let you know if there will be a charge. If the information is complex or excessive the deadline of one month can be extended. If this is the case we will let you know as soon as we can.

**Details of the consent information we require**

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| **Applicant** | **Consent required** |
| Patient | Verbal or written request to the Data Controller with proof of Identification, including photo ID from the patient |
| Patient Parent | Verbal or written request to the Data Controller with proof of Identification of the child and parent. **If the child is aged 12 to 17 access should only be permitted if the child is thought to understand the implications of access and agrees to it.** |
| Representative of patient | Verbal or written request to the Data Controller with proof of Identification for the applicant. We also need written or verbal proof that the patient understands and consents and allows access with ID verified if necessary. |
| Representative of a deceased patient | The personal representative of the deceased or person having a claim arising from the death of the deceased. Evidence of a claim may be required with valid proof of reason for requesting access and proof of identity of the applicant, including photo ID. This access may be refused if the patient had previously requested a note to be made in records denying such access. |
| Other GP’s / Specialists | Written or verbal consent of the patient |

**How to make a request for access**

*Online Access request*

To make a request for online access please ask for an online access application form at reception or down load one from the website. We will need the completed form and two types of ID, one of which must be photo ID. Your access details and password will be posted out to you.

*Verbal Application*

Please ask to speak to the Data Controller, Mrs A Brooks, Business Manager or Liz Kirkbride the Assistant Manager.

*Written Request*

Please as at reception or download the form from the website. Return the completed form to the practice with proof of identity and if the applicant is not the patient, proof of the relationship to the patient. Applicants wanting to access records of deceased patients must prove that their request has a valid reason and they are authorised to make the application.

**Requesting to view or have records copied**

Requests can be made to view records or for copies to be supplied. If a request to view is agreed either a health care professional or an administrator will sit with the applicant while they view, at the surgery premises.

If a copy of records or part records is approved and made, copies should be collected by the applicant from the Practice. If this is impossible alternative arrangements can be made with a charge for recorded delivery postage. If the request for copies is repetitive or excessive a charge for the copies may also be made.

**Explanations and information**

Any queries with regard to the contents of a record will need to be addressed by a health care professional who will provide applicants with a description of the information and an explanation if necessary.

**Contentions**

Any information on records that is believed to be inaccurate can be amended with the agreement of a GP. If the GP does not agree that the information is inaccurate then the notes will be annotated with a statement to this effect and your views will be recorded. If agreement can not be reached, applicants are also able to make an official complaint to the NHS to try and resolve the issue. Details of where to complain can be obtained from the Data Controller. Please note that records are now usually received electronically from a previous GP Practice and issues regarding records prior to registration at this practice should, if possible be raised with the practice concerned.

**Withholding information**

All applicants should note that information may be withheld by the GP if:

* They feel that disclosure would cause serious physical / mental harm to the patient or another person.
* The applicant is not the patient and the records show that the patient has at some time expressed a wish that information should not be disclosed.
* Correspondence from another Consultant / Health Care Worker may be withheld under certain circumstances.
* It relates to a third party and they have not given consent to allow access.