

Appendix 1

Applications Subject Access Request

Information sheet for patients

The Data Protection Act gives you the right to see your health records

This is known as the right of access.

A health record is any record of information relating to someone's physical or mental health that has been made by (or on behalf of) a health professional. This could be anything from the notes made by a GP in your local surgery to results of an MRI scan or X-rays.

Health records are extremely personal and sensitive. They can be held electronically or as paper files, and are kept by a range of different health professionals both in the NHS and the private sector.

You do not have to give a reason for applying for access to your health records.

How do I apply to see my records?

If you are registered to EMIS access online, you can access your GP electronic record at any time. Please see reception for further details.

Alternatively you can make an application to access your records via reception (face to face or in writing). As this is sensitive medical information, ID checks will be needed. Someone else, such as a relative or friend can ask for your records for you, but you will need to give your written permission and give proof of ID.

We will give you a print out or photocopy or electronic file of the relevant information requested. If you have difficulty in understanding the abbreviations or jargon, ask to have these explained to you

We will provide the information within 28 calendar days of your application.

Can I be refused access?

You should also be aware that in certain circumstances your right to see some details in your health records may be limited in your own interest or for other reasons (e.g. to protect the privacy of third parties).

If access is denied or you think information may have been withheld you make a complaint under the NHS complaints procedure or complain to the Information Commissioners Office.

If you have difficulty in understanding the abbreviations or jargon, ask to have these explained to you.

Can I correct the records?

If you think information in your records is inaccurate, you can ask for it to be corrected. If we do not agree to change the record, you can ask that your views are noted for the record. If you are unhappy with the decision you make a complaint under the NHS complaints procedure or complain to the Information Commissioners Office.

What about my children?

No matter their age, it is *the child* who has the right of access to their information. Before responding to a request for information held about a child, it is best practice that we consider whether the child is mature enough to understand their rights. If we are confident that the child can understand their rights, then we should usually respond directly to the child or get their consent before disclosing information to their parents. As a practice we may, however, allow the parent to exercise the child's rights *on their behalf* if the child authorises this, or if it is evident that this is in the best interests of the child.

Can I request medical records of someone that has died?

Yes - the deceased person's estate, (the Executor or the Administrator) or the "dependants" of the deceased can request access to the medical records of a deceased person under the Access to Health Records Act 1990. See the Subject Access Policy for further information.

To apply for access you will need to provide the following:

Adult (16 or over) – Photo ID – Passport or Driving licence – if these are not available a birth certificate can be accepted.

Child – Requesting themselves if component to do so- Photo ID. Passport or driving licence – if these are not available a birth certificate can be accepted.

Child- Someone with Parental responsibility requesting the information with the same surname as the child - Full birth certificate with parents name on it or child's passport and photo ID of the said parent.

Child- Someone with Parental responsibility requesting the information where the said parent has a different surname - Full birth certificate with parents name on and photo ID of said parent to connect the two.

Third party - carer, next of kin, informal or formal advocate – Signed letter of permission from index patient/Lasting power of attorney/Court of Protection order and Photo ID of index patient. The practice has a right to check with the index patient on information disclosure.

Representative/Dependent of a deceased patient - The representative has to provide evidence on their connection to the index patient. The Personal Representative can provide a copy of the Grant of Probate (if they are the Executor of the Will), or a copy of the Grant of Letters of Administration (if they are the Administrator). The dependent has to produce evidence of connection to the index patient i.e. birth certificate or marriage certificate etc

More detailed information on access to your medical information can be found in the Thamesmead Medical Associates Subject Access Request policy available on our website – <https://www.thamesmeadmedical.org/pages/Privacy-and-Information-Sharing>

Patient's application for subject access request

Patient Surname: _____

Forename: _____

Address: _____

Telephone number:

Date of Birth:

NHS No, if known:

What records are required?

Reason why you need access:

Declaration:

I confirm that the information given by me is correct to the best of my knowledge and that I am entitled to apply for subject access request.

I am the patient

I have been asked by the patient and attach the patients written consent and ID

I am a formal advocate for the patient and attach the Lasting power of attorney/court order and ID

I am the patients parent/guardian and the child is under the age of 16

I am the deceased patient's personal representative and attach confirmation of my appointment.

Signed Date

Name.....

GRHC to complete:

Application taken by:

Date:

Please tick: ID