

Guidance on Accessing Patient Records

Information about your personal treatment and care is confidential and will normally be something you will discuss with the healthcare professionals you meet. However, there may be other issues about which you would like further information or you may just want to have a copy of the information we hold about you.

Your right to request access to your personal records

The General Data Protection Regulation (GDPR) gives living individuals the right to request access to personal records held about them by organisations such as the Healthcare Management Trust. This is known as a Subject Access Request (SAR). The GDPR requires the Trust to comply with requests for information within 1 calendar month.

Any individual can make a Subject Access Request (SAR). In addition, an individual may nominate a representative (such as a solicitor, relative or just someone they trust) to apply on their behalf. In this case, there must be a valid consent signed by the individual who authorises the release of information to the representative.

A person who has parental responsibility for a young child can request access to the child's records. Release of records is usually only made in the best interests of the child. Children may apply themselves -where it is considered that the child has the competence to be able to understand the nature and implications of making a request. If they are considered competent, they should also be consulted regarding any request that has been made for their records by another individual, i.e. a person with parental responsibility. The competence of the child in respect of requests for records can be considered from the age of 12.

For mentally incapacitated adults a person may make a request on their behalf if they have been granted power of attorney or agent by a court to manage their affairs. The request must be made in relation to the management of their affairs and finances.

Access to deceased patient records

The Access to Health Records Act 1990 provides certain individuals with a right of access to the health records of a deceased individual. These individuals are defined under section 3 (1) (f) of the act as 'the patient's personal representative and any person who may have a claim arising out of the patient's death'. A personal representative is the executor or administrator of the deceased person's estate.

How to request access

If you wish to request access to records held by HMT, please complete the Subject Access Request form and send this to Sancta Maria Hospital.

What documentation will I need to provide

In most cases we will require copies of two items of evidence of identity. For example:

Type of Applicant	Type of Evidence
An individual applying for their own records	Two copies of identity required E.g. copy of birth certificate, passport, driving license, marriage certificate etc.
Someone applying on behalf of an individual	One item of proof of the person's identity and one item of proof of the representative's identity (see examples above)
Person with parental responsibility applying on behalf of a child	Proof of identity for each person with Parental Responsibility (see examples above). Copy of Birth Certificate or copy of Court Order appointing Parental Responsibility, Adoption Order etc.
Power of Attorney/ Agent applying on behalf of an individual	Copy of Power of Attorney plus one item of proof of the person's identity and one item of proof of the representative's identity (see examples above).
Deceased Records: Patient's representative e.g. executor or administrator of estate	Proof of identity and evidence that they are either Executor of the Will or the Administrator of the deceased patient's estate. Evidence could be: <ul style="list-style-type: none"> • Solicitors letter • Copy of the will/ probate documents • Letter from the Executor giving authority to another individual to access the records.
Deceased records: Person with a claim arising out of the patient's death	Proof of identity and evidence of actual claim. Evidence could be: <ul style="list-style-type: none"> • Solicitors letter • Insurance claim or letter

Exemptions to the release of personal information

In general, all the personal records you request will be released to you although there may be circumstances where certain information could be restricted. These include:

- If it is considered that information in the records, if released, may cause serious harm to yourself or any other individual.
- Where there is personal information concerning another person contained within your records.

How will the information be provided?

In most cases, copies of the records will be made and sent to you by post or by email.

Will I be charged for access to the records?

Under GDPR the trust cannot charge automatically for a request unless the information has already been provided to you in a previous request or the request is manifestly excessive. You will be advised of this at the earliest stage of the request.

If you are not satisfied with your response

In the first instance you should write to the team that handled your request explaining why you are dissatisfied with the response and asking for a review to be carried out.

If you remain unhappy and you wish to discuss further you can do this by writing to the Trust's Data Protection Officer.

Post: Data Protection Officer
The Healthcare Management Trust
Unit 1 Langdon House
Langdon Road
Swansea
SA1 8QY

Email: dataprotectionofficer@hmt-uk.org

Independent Advice

If you remain dissatisfied with the Trust's response you can contact the Office of the Information Commissioner – the body with responsibility for enforcing the Data Protection Act. The address is:

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Tel: 0303 123 1113 (local rate) or 01625 545 745 if you prefer to use a national rate number

Alternatively, you can visit their website (www.ico.gov.uk) for further information about Subject Access Requests under the General Data Protection Regulation.

Please note that the ICO does not support complaints or queries that have been made under the Access to Health Records act 1990.

Section 1: Particulars of Person whose information is requested.

Title		Surname	
Maiden Name		Forename(s)	
Date of Birth	____/____/____	Sex	Male / Female
Address			
	Postcode		
Telephone/contact number			
Email Address			

If name and/or address were different from the above during the period(s) to which your application relates, please give details:

Previous Name(s)	
Previous Address	
Dates from / to	

Section 2: Required Information

Please provide as much information as possible. Give full details of all the periods you are interested in. Please add any additional comments below.

Hospital Number if known	
Consultant Name if known	
Approximate dates required	From ____/____/____
	To ____/____/____
Any other information/details that may assist:	

Section 3: If applying on behalf of the data subject please complete

Title		Surname	
Maiden Name		Forename(s)	
Address			
	Postcode		
Telephone/contact number			
Email Address			

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 records referred to above under the terms of the Data Protection Act 2018 (GDPR) or Access to Health Records Act 1990.

Please tick as appropriate:

- ☐ I am the data subject.
- ☐ I have been asked to act by the data subject and attach their written authorisation who has completed the authorisation (Section 3).
- ☐ I am acting in loco parentis as the data subject is incapable of understanding the request and has consented to my making this request. I have completed the authorisation (Section 3) and attach my authorisation.
- ☐ I am applying under the terms of the Access to Health Records Act 1990 for access to a deceased individual's records.

Signed: _____

Date: _____