Version 2 – April 2024

# COPPULL MEDICAL PRACTICE

# Access to Health Records Patient Information

# Your records, your rights

Coppull medical practice is committed to full compliance with Data Protection Legislation and recognises the rights and obligations in relation to the management and processing of personal data.

# What is The Data Protection Act 2018?

The Data Protection Act controls how your personal information is used by organisations, businesses or the government.

Service users, as data subjects, have a number of rights under the Data Protection Act, including a general right of access to personal data (electronic or paper) held on them. This is called a **Subject Access Request (SAR)**.

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 you would like further information or may just want to have a copy of the information we hold about you.

# What is a health record?

A health record contains information about your mental and physical health recorded by healthcare professional as part of your care. A health record can be held electronically, written or a mixture of both. It may include such things as, hand-written clinical notes, letters to and from other health care professionals and laboratory reports.

#  How do I access my health records?

 You can make your own application to see your records, or you can authorise someone else to make an application for you. A parent or guardian, a service user representative, or a person appointed by the Court can also apply. The practice will ensure that you have provided your consent for others to access your health records unless there is another legal basis i.e. overriding public interest, a Court order.

# Will there be a financial charge for access to health records?

Under the Data Protection Act 2018 there is no financial charge for you to access your health records.

# What are the time limits for dealing with a subject access request?

There is no obligation to comply with an access request unless the practice has all the information needed to identify you and locate your information. Once we have all the relevant information, the health records will be made available within 30 days (one month). In exceptional circumstances if it is not possible to comply within this period you will be informed.

**Do I need to specify what period I am requesting access to?**

You may not wish to access your entire health record and therefore may wish to confirm what limited information you require before the practice processes the request.

# Do applicants need to give reason for making a subject access request?

No, although if you require the information for a specific purpose this may help the practice to assist and advise on the information you may wish to access from your health records.

**Are there any circumstances in which information contained within health records may be withheld from me?**

Under the Data Protection Act there are certain circumstances in which the holder of the health records may withhold information. Access can be denied, or limited where the information is likely to cause serious harm to the physical or mental health condition of you or any other person, or where giving access would disclose information relating to or provided by a third person who has not consented to the disclosure.

# Where information has been withheld is the practice obliged to tell me?

No. However, the practice will endeavor to inform you when information has been withheld, and why, unless doing so is likely to result in harm to the physical or mental health condition of you or any other person.

# What are my individual rights?

Under the Data Protection Act you have the following rights in respect of the information the practice holds about you:

* Right for information the practice holds about you to be corrected if incorrect or completed if incomplete.
* Right to be forgotten where consent has been withdrawn, personal data is no longer required and the processing of the data is unlawful.
* Right to restrict processing of your information
* Right to object to processing of your information.

It should be noted that there may be exemptions that the practice can rely on when in receipt of a request to exercise individual rights.

# What if I feel my health records are incorrect, can I have them amended?

The practice has a duty to ensure your individual rights are considered. If you would like to exercise any of the above listed individual rights you should speak to your doctor or the practice manager in the first instance. We may need to liaise with the Data Protection Officer in ensuring that your right is exercised appropriately.

# Making an application

Any request for access to health records can be made verbally, in writing or by email to the subject access request administrator. If you are making a verbal request a form will be completed with the details of your request.

Phone: 01257 442524 or speak to a receptionist in person

Email: lscicb-csr.acreswood-surgery@nhs.net

Letter: Addressed to Subject access request administrator, Coppull Medical Practice, 5 Acreswood Close, Coppull, Chorley PR7 5EN or hand in at reception.

***In order to fulfil our responsibilities under Data Protection Legislation you will be asked to provide proof of your identity.***

Upon receipt of the application the subject access requests administrator will contact you to discuss your request and explain the process including consent and dispatch of the records.

# Can I access someone else’s health records?

Health records are confidential, so you can only access someone else’s records if you are authorised to do so.

To access someone else’s health records, you must have:

* their written permission, or
* the legal authority to make decisions on their behalf (power of

attorney)

# Lasting Power of Attorney

A Lasting Power of Attorney (LPA) is a legal document that allows a person to appoint someone else to make decisions on their behalf. The person appointed is called an attorney.

There are two types of LPA relating to:

* health and welfare
* property and financial affairs

An attorney appointed on a health and welfare LPA can only make decisions when

* the person lacks the mental capacity to make decisions;

and

* the LPA document has been registered with the Office of the Public Guardian.

# Access to a patient’s records after their death

The duty of confidentiality remains after a service user has died. Under the Access to Health Records Act 1990, the personal representative of the deceased and people who may have a claim arising from the patient’s death are normally permitted access to the records. The practice will usually require evidence that you are the personal representative i.e. executor of a Will, Letters of Administration, or that you have a claim arising out of the service user’s death. The practice are required to consider whether there are any previous wishes in respect of information sharing recorded in the service user’s health record.

Medical records are retained by Primary Care Services England (PCSE) after death. If records have been returned to PCSE you will need to apply to PCSE for access to the medical records. An application form is available at <https://pcse.england.nhs.uk/organisations/public/>

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## Information Commissioners Office (ICO)

The ICO can help you understand The Data Protection Act and related issues. They can advise you how to protect your personal information and how to gain access to official records.

Information Commissioner

Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF Tel: 0303 123 1113 (Helpline 9am-5pm, Mon-Fri)

Website: [www.ico.gov.uk](http://www.ico.gov.uk/)