

**ST. JOHN'S MEDICAL CENTRE,  
HIGH STREET, WALSALL WOOD,  
WALSALL. WS9 9LP  
ACCESS TO PATIENT RECORDS**

The Data Protection Act 1998 applies to manual records as well as computerised personal data and repeals the Access to Health Records Act 1990. Patients can request access to or copies of their medical records under this Act, which was implemented on 1 March 2000. However, the provisions under the Access to Health Records Act 1990 regarding the medical records of deceased patients will remain.

**Frequently asked questions:-**

- Who can see a medical record?
- How to gain access to a medical record?
- How long will it take to gain access?
- What to do if you don't understand something in your record;
- What to do if you feel something is wrong with your record;
- When can the record holder refuse to provide information?
- The cost of obtaining access to your records.
- What to do if access is refused.

**Who can see a medical record?**

- The patient.
- Another person (with the patient's written permission).
- A parent or guardian of a person under 16. (Where a child is considered capable of making decisions about his/her medical treatment, the consent of the child must be sought before a person with parental responsibility can be given access).
- A court appointed representative of someone who is not able to manage their own affairs.
- When the patient has died, the personal representatives and anyone with a claim arising out of death, may apply to see the records, or part of them.

**How to gain access to a medical record:**

- Ask for an appointment with Angela Timms, Practice Manager. You will need written permission if you want to inspect someone else's records, or if you wish to see the records of a patient who has died, you must be a personal representative, or someone who has a legal claim arising out of the death.
- If you want a copy of the records or a written explanation of any information in them you must make a written request to Angela Timms, Practice Manager. You may be asked to complete a form, which will be provided by the practice, for this purpose. You may also have to produce some proof of your identity.
- It may be possible to be shown the records immediately upon request. If not, an appointment will be made for you to see them. If you have made a written request for copies, these will be sent to you on payment of the appropriate fee.
- Angela Timms, or another senior member of staff in her absence, will sit with you to go through your records.
- You may not want copies of all of your records. If not we may ask you to say which parts you want so as to save time and expense.

**How long will it take to get access?**

- It is our aim to comply with requests for access within 21 days of receipt. In exceptional cases it may take longer. If it appears likely that compliance will take longer than 40 days the applicant will be informed and an explanation of the delay provided.

### **What to do if you don't understand something in your record;**

- You have a right to receive an explanation from the relevant health professional about any part of the record you don't understand.

### **What to do if you feel something is wrong with your record;**

If you disagree with what has been written about you, you have the right to apply to the health professional to have it erased.

- If the health professional is not willing to do this, you may ask for a statement, indicating your disagreement, to be attached to the relevant entry.

### **When can the record holder refuse to provide information?**

When the record holder thinks access is likely to cause you or anyone else serious physical and mental harm.

- When the record contains details that the patient has asked not to be revealed to a third party.
- When disclosing the records would reveal information that relates to or identifies another person unless their consent has been given (except where it is reasonable to disclose the records without that person's consent).
- When the records have been destroyed under HSC 1999/053 guidelines.

### **What is the cost of obtaining access to your records?**

- Access is free if you don't need a permanent copy (i.e. a photocopy) of the information in your records, and your records have been added to in the last 40 days.
- A fee may be charged for access to health records not updated within the last 40 days. The maximum charge allowed under the Data Protection Act 1998 (Fees & Miscellaneous Provisions) Regulations 2001, for retrieving and photocopying manual records is £50.00 (including postage & packaging). The minimum charge is £10.00 administration fee, plus 33p per copy.
- No formal application is necessary where a verbal request for access is made during a clinical consultation and the health professional gives his consent.

### **What to do if access is refused:**

- Consider making a formal complaint. Details of how to do this are contained in the practice complaints procedure.
- Seek advice from the Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire. SK9 5AF, or telephone their Enquiry/Information Line on 01625 545 745.

## **COPYING LETTERS TO PATIENTS**

From 1<sup>st</sup> April, 2004 patients have the right to request copies of letters sent between health professionals at the time the letters are written. Further guidance on this initiative can be found on the Department of Health website [www.dh.gov.uk/copyingletters](http://www.dh.gov.uk/copyingletters).

### **Further Information**

If you require further information or assistance please contact Angela Timms, Practice Manager.