

Patient Authority Consent Form



Access to Health Records under the Data Protection Act 2018

(Subject Access Request)

IMPORTANT – please read these notes before you proceed with your application.

The Data Protection Act 2018 gives every living person the right to apply for access to their health records. Any request for access must be made in writing or electronically to your local GP for GP records, the Corporate Business Manager at NHS Great Yarmouth and Waveney for community health records, or the Records Manager at the hospital for your hospital records.

Every person applying for access to a health record will be asked for evidence of their identity; acceptable evidence will bear your name and current address and, preferably, particularly if you intend making a personal visit to view or collect the record, a photograph.

Under the Data Protection Act 2018, there is no obligation to comply with an access request unless the health professional has sufficient information to identify the applicant and locate the information. Once the health professional has all the relevant and necessary information to comply with the access request, they must comply promptly and by no later than one calendar month after the request has been made. In exceptional circumstances, if it is not possible to comply within this period, you will be informed.

Under the Data Protection Act 2018 there are certain circumstances in which the record holder may withhold information. Access may be denied or limited where the information might cause serious harm to the physical or mental health or condition of the patient, or any other person, or where giving access would disclose information relating to or provided by a third party, who is not a professional engaged in the provision of the patient's healthcare and who has not consented to the disclosure.

Requests for Access from Third Parties

The law regards young people aged 16 or 17 to be adults for the purposes of consent to treatment and the right to confidentiality.

Parents are advised that they must produce evidence of their own identity, plus identity that proves their relationship to the child, such as a copy of the child's birth certificate, before access to their child's health records will ordinarily be granted. This is to protect the health record against bogus applicants: whilst on many occasions staff will know the parents of a particular child, this will not always be the case.

People with Parental Responsibility that has been awarded by the Courts are advised that, in addition to evidencing their own identity, they must provide the practice with evidence of this formal role before access to their child's health records will be granted.

In certain circumstances, access may be denied to parents, or those with Parental Responsibility as awarded by the Courts, if the health professional believes a child is capable of making decisions about his/her medical treatment; in such circumstances, the consent of the child must be sought before a person with parental responsibility may be given access. Where, in the view of the health professional, the child patient is not capable of understanding the nature of the application, the holder of the record is entitled to deny access if it is not felt to be in the patient's best interests.

Patients whose **solicitors** request access to health records on a patient's behalf to, for instance, fight a legal claim, are particularly asked to consider providing us with information on the consent form about specific parts of the health record that you wish the solicitor to see/have copies of, rather than the whole record, unless this is absolutely necessary. Doing this would mean that the need for third parties to see parts of a patient's record that are irrelevant to a case is eliminated, as well as the added benefit of saving NHS time and resources.

No evidence of identity is required other than for the request to be made on solicitors' headed notepaper and accompanied by the patient's signed authority.

Representatives of the Deceased are advised that the Access to Health Records Act 1990 governs access to the health records of people that have died and that access is limited to entries made after 1st November 1991.

In addition, applicants must either be:

- the executor of the deceased's will
- someone who has been appointed as an Administrator of the Estate (granted Probate) by the Courts
- someone who has the written consent of either of the above to be given access
- someone who is in the process of challenging the deceased's will

In all circumstances, evidence must be provided that confirms the status described above. The circumstances in which information may be withheld are the same as those described for the Data Protection Act 2018.

Patients, or those acting for them, have the right to request the erasure or amendment of any entries in a medical record that they believe to be untrue or inaccurate and the record holder must consider any such petition made by the subject. If, however, the record holder believes the statements in question to be accurate, and is therefore unwilling to amend them, the subject has the right to have recorded in the medical record the fact of this dispute.

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Complaints about any aspect of an application to obtain access to health records should be discussed firstly with the health professional involved. If this avenue is unsuccessful a complaint can be made under the NHS Complaints Procedure. Having followed this procedure, if you remain dissatisfied with the outcome of the investigation you have the right to take your complaint to the Healthcare Commission, the contact details of which will be provided to you at the conclusion of the investigation. Alternatively, you have the right to complain direct to the Information Commissioner at the following address:

Information Commissioner's Office

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Telephone: 01625 545700

Website: www.dataprotection.gov.uk

Providing us with information on the consent form about specific parts of the health record that you wish to see/have copies of, rather than the whole record, is optional. However, due to the increased demand for access to health records, it would be extremely helpful if you could provide details of the period and parts of your health records you require. This will save time and NHS resources.

Please be advised that requests may take up to one calendar month.

Finally, please ensure you have filled in the details on the consent form and signed it. You may wish to keep a copy for yourself.

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Subject Access Request for Access to Health Records

(Data Protection Act 2018/Access to Health Records Act 1990 Refer)

Full Name of Patient

Former Name (Names)

Date of Birth

NHS Number (if known)

Current Address

(Optional) Telephone Number (including area code)

Former Address (if applicable)

Evidence of Identity Attached

Requests to access records on behalf of a patient

Full Name of Applicant

Address

(Optional) Telephone Number (including area code)

Relationship to Patient

(eg, Executor; Parent; Legal Advisor)

Evidence of Identity and Relationship Enclosed

NB: the application cannot be processed without evidencing both your own identity and the relationship to the patient.

I am applying for access to view the health record specified overleaf *

I am applying for copies of the health record specified overleaf *

* Delete as appropriate

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IMPORTANT INFORMATION

Under the Data Protection Act 2018 and the Access to Health Records Act 1990, you do not have to give a reason for applying for access to your/a (if you are a third party applicant) health record. However, we need you to provide details below informing us of which parts of your health records you require, along with details which you may feel have relevance, ie consultant name, location, dates, etc.

Please use this space below to inform us from which of our services you require records and of which periods and parts of your health record you may require to see/have copies.

Example:

1st March 2017-31st May 2018: All my Physiotherapy notes and the reports to my GP concerning back pain within this period.

I am applying to access my health records under the Data Protection Act 2018/Access to Health Records Act 1990.

Signed: Date:

Please return pages 5 and 6 only of the completed form with your ID document(s) e.g. copy of a household bill with your name and address to:

**Patient Liaison Team
East Coast Community Healthcare
Hamilton House
Battery Green Rd
Lowestoft
NR32 1DE**