

How To Obtain Access To Your Medical Records

Under the Data Protection Act 1998 and the Access to Health Records Act 1990 everyone has the right to access personal data about themselves held either in computerised or manual form. Records include NHS medical records and private records made by doctors and other health professionals.

This leaflet deals with:

- **Who can access a medical record?**
- **How to gain access to a medical record?**
- **How long will it take to get 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?**
- **What to do if access is refused?**
- **The cost of obtaining access to your records**

Who can see a medical record?

- You.
- Another person with your written permission.
- A parent or guardian of a person under 16, if that person agrees.
- A court appointed representative of someone who is not able to manage their own affairs.
- Where 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. The person holding the records need not disclose anything that dates from before November 1991.

How to gain access to a medical record?

- If you want a copy of the records or a written explanation of any information in them you must make a written request to the Practice. You will be asked to complete a form for this purpose which is available from reception and you may also have to produce some proof of your identity.
- When a written request is received the Practice Secretaries will contact you when the copies are read for collection. You will be required to pay a fee – costs are listed at the end of leaflet.
- In order to save time and expense the practice may ask you to identify which parts of the records you require. Should you require a copy of all records please bear in mind a considerable cost may be involved – see costs at end of leaflet.
- If you wish to view your records at surgery, please contact the Practice Manager who will arrange for you to see them as soon as possible.
- Should you wish to access someone else's records you will need written permission before this can be arranged.
- Should you wish to access 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. (in this situation proof will be required)

If you need help with making your request contact NHS Walsall Customer Care Department Jubilee House, Bloxwich Lane, Walsall, WS2 7JL or telephone 01922 618358

How long will it take to get access?

Requests for access to your records should be dealt with promptly. It should take no longer than 10 days after the person holding your records has got your request, the fee for disclosure and, if necessary, proof of your identity and confirmation of the location of the information you want.

What to do if you don't understand something in your record?

You have the right to have any part of the records that you do not understand explained by the record holder on written request. You should not be charged for the explanation.

When can the record holder refuse to provide information?

- The record holder has the right to make sure of your identity when you request information from your health records. If you are applying on someone else's behalf the record holder has the right to check that you have permission to do so. In some situations the record holder may refuse to disclose information requested from the health records as follows:
 - When the record holder thinks access is likely to cause you or anyone else serious physical or mental harm.
 - When a record contains details that the patient has asked not to be revealed.
 - 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.
 - Where it is not possible to supply you with a copy of the required information (because for instance the records have been destroyed or following a death records have been returned to the tPCT for storage).

What to do if you feel something is wrong with your record?

If you think that your records are inaccurate ask the record holder to correct them. They must make amendments or attach a statement from you. You have a right to apply to the court for corrections of inaccurate information in your records.

What to do if access is refused?

If you encounter problems contact **NHS Walsall Customer Care Department Jubilee House, Bloxwich Lane, Walsall, WS2 7JL or telephone 01922 618358** for advice. You may also be able to obtain advice from the [Data Protection Commission](#).

The cost of obtaining access to your records.

- Information in your records that has been added in the last **40 days** is free if you don't need a permanent copy (i.e. a photocopy) of the information in your records.
- If you wish to see information added prior to the last 40 days you will be charged a **standard access fee of £15.00**.
- If you want a copy of the information in your records the practice charges an **additional 35p** per photocopy up to a maximum of £50.00.
- If the records are held totally on computer a **standard fee of £10.00**

The position is different if you wish to obtain the records of a patient who has died. If the records were made or added to within 40 days prior to your application and you just want to look at them, there is no charge, but if you want copies you will have to pay the copying charges and postage, if applicable. If the records have not been made or added to within 40 days prior to your application, you will be charged the standard access fee of £15.00 and if you want a copy, again you will have to pay the 35p per copy charge and postage, if necessary