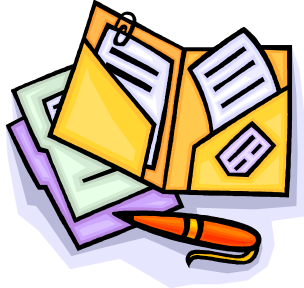


## **Patient Information**

### **Accessing your Medical Records**

#### **Data Protection Act 1998**



#### **Accessing your Records**

Under the Data protection act 1998 you have the right to see and/or have copies of any of your health records that you know exists. (The cut off point in earlier legislation of November 1991 no longer applies). These records could be those at the hospital or those held by your GP, dentist, pharmacist or optician. They also include records written by health visitors district nurses and other community staff as well as the ambulance service Records includes x-rays, scans reports etc

You must put your request in writing.

You should be able to view and/or have copies of your health records within 40 days of your request being made and any necessary fee being paid.

#### **Access - Refused**

Your request to access your records can be refused. If the holder of the record feels that it would cause serious harm to the physical or mental health of you or anyone else then you may be refused access. If you are refused access for this reason then you have the right to be advised about this refusal.

You may also be refused access where your health records contain information about someone else

#### **Charges**

- Normally you may be asked to pay a fee of £10. (However if you are viewing manual records, and they have had something added to them in the 40 days before you applied for access to them, there is no charge).
- If you require copies of your health records, then a charge may be made which should be the actual costs incurred to provide the record, and in any case should not exceed £50 (including the £10 fee for access).
- You can also ask for somebody to be present, to provide any necessary explanations of what is written in your health records.
- The person providing the record is obliged to provide an explanation of unintelligible records, whether this is because they are illegible or for some other reason, such as the use of technical terms. No charge can be made for the supply of such an explanation.

### **What if I think the record is wrong?**

If you consider that information is not accurate you can ask for it to be corrected. If the health professional believes the information to be accurate then it would be good practice for them to add a note indicating that you disagree.

If the health professional refuses to make the necessary correction a complaint can be made to the office of the Data Protection Commissioner or application to the court for an order that the data be corrected. It may also be a matter you could report to the Health Service Commissioner.

### **Requesting access to health records of somebody who has died?**

Your rights are different. As the duty of confidentiality survives a patient's death then you have to have good reasons for wanting access. This may be because you are

- The patient's personal representative
- An executor of their will
- A person granted letters of administration by the probate registry, or
- A person with a claim arising out of the patient's death.

You can only access health records that were made from 1 November 1991. Similar charges apply as above.

You can ask for somebody to be present, to provide any necessary explanations of what is written in the health records.

[Click here for further information](#)

### **Complaint**

If you are unhappy with the way in which your request was handled then you can complain by following the Bury Knowle Complaints procedure (leaflets are available at reception).

### **Queries**

If you have any questions about accessing health records then please contact the practice manager Claire Crook

For further guidance on the Protection and use of Patient Information click on the following URL [www.doh.gov.uk/confiden/pguide.htm](http://www.doh.gov.uk/confiden/pguide.htm)