

Access to the health records of a deceased person is governed by the Access to Health Records Act 1990. Guidance on accessing deceased patient information is provided in the Frequently Asked Questions link below.

### **Application for deceased person's health records**

**Q**

**What are the rights of access to a deceased persons' health records?**

**A**

Health records relating to deceased people do not carry a common law duty of confidentiality. However, it is Department of Health and General Medical Council policy that records relating to deceased people should be treated with the same level of confidentiality as those relating to living people. Access to the health records of a deceased person is governed by the Access to Health Records Act 1990. Under this legislation when a patient has died, their personal representative or executor or administrator or anyone having a claim resulting from the death (this could be a relative or another person), has the right to apply for access to the deceased's health records.

**Q**

**How can a person apply for access to a deceased persons' health records?**

**A**

A request for access should be made in writing to the record holder ensuring that it contains sufficient information to enable the correct records to be identified. The request should also give details of the applicant's right to access the records.

**Q**

**Who is the relevant data controller to apply to?**

**A**

For GP records, the record holder would be the Records Manager at the relevant Primary Care Trust. You can get details of which Primary Care Trust to contact by asking the deceased person's GP. For hospital records, the record holder would be the Records Manager at the hospital that patient attended. The hospital may have retained the records there, or they may have gone to a local archive for storage. If you are unsure of the last NHS organisation that the deceased person was treated at then you can contact the NHS Central Register who should be able to trace the deceased person's records for you, and advise you of the correct data holder to contact. The contact details are: Janet Guy, NHS Central Register, Smedley Hydro, Trafalgar Road, Birkdale, Southport, PR8 2HH. Telephone: 01704 569824.

**Q**

**Will there be a financial charge for accessing copies of the records of deceased people?**

**A**

A fee of £10 may be charged for access to the health records, where the record has not been added to in the 40 days preceding the application. An additional fee may be charged for copying and posting the records. There is no limit on this charge, but it should not result in a profit for the record holder. Please note that some types of records, such as x-rays, may be expensive to copy.

**Q**

**What are the time limits for dealing with a request for copies of records?**

**A**

Once the data controller has all the relevant information and fee where relevant, they should comply with the request promptly and within 21 days, where the record has been added to in the last 40 days, and within 40 days otherwise.

**Q**

**Can a person have unlimited access to the health records of the deceased person?**

**A**

If the deceased person had indicated that they did not wish information to be disclosed, or the record contains information that the deceased person expected to remain confidential then it must remain so. In addition the record holder has the right to deny or restrict access if it felt that disclosure would cause serious harm to the physical or mental health of any other person, or would identify a third person.