

Health care professionals keep health records for their patients, including symptoms, test results, diagnosis and treatment. This is to help them provide good care.

Occasionally it is important for you to see your health records especially if you feel that information in the records may be inaccurate. If you would like to see your records, tell the doctor or professional and ask for an appointment so that you can see them and they can explain them to you.

If you do not want to do this, or the doctor or professional is not able or willing to show you the records, you have the right to see records about you under the Data Protection Act 1998.

How do I apply to see my records?

First, ask the organisation which holds the records. This is usually the GP, PCT or hospital. Someone else, such as a relative or friend, can ask for your records on your behalf but you will need to give your written permission to allow them to do so.

You must be given access to your records within 40 calendar days of your written application being received, provided that you have given the record holder all of the information they require in which to deal with your request.

Can I be refused access?

The person who holds your records can refuse to let you see your written or computer records for the following reasons:

- The record holder has the right to verify 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; the record holder may refuse to disclose information from the health records
- When the record holder thinks access is likely to cause you or anyone else serious physical and mental harm
- When a record contains details which the patient has asked not to be revealed
- When disclosing the records would reveal information which 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 or the required information (because for instance the records have been destroyed)

You may not be told if information has been withheld. If you think that there are gaps, you can ask if any information has been withheld.

If access is denied, or if you feel that information may have been withheld, you can make a complaint under the NHS complaints procedure or apply to the Information Commissioner. You can also take legal action.

You can ask for a photocopy of any of the records. If you have difficulty in understanding the abbreviations or jargon, ask to have these explained to you.

Can I correct the records?

If you think information in your records is inaccurate, you can ask for it to be corrected. If the person who holds your record does not agree to change the record, you can ask for a personal statement to be added to your record indicating what information you feel is inaccurate and why. You can also make a complaint under the NHS complaints procedure.

What will it cost to obtain copies of my records?

No fees will be charged where you just inspect the written records but do not take away a copy. If you are given copies of the records, the maximum fee that can be charged for providing copies of health records is **£10** for computer records, and **£50** for copies of manual records or for a mixture of manual and computer records. Charges are for copying and posting the records only. Please be aware that some types of records, such as x-rays, may be expensive to copy.

Can I see the records of my child?

Children can apply to see their own records.

Parents can apply on behalf of a child under the age of 16, though normally the child will need to agree. If the child is not able to understand the nature of the request, the record holder must be satisfied that it is in the interests of the child for parents to see the records. Parents may not be allowed to see information, which the child has given in confidence, such as about contraception or problems within the home.

Can I see the records of someone who has died?

You can apply to see such records under the Access to Health Records Act 1990, though you will need to give proof that you are the personal representative (e.g. the executor) of the deceased patient.

If there is a possibility that the death was caused by negligence, someone who is entitled to compensation is allowed to see the records relating to the cause of death.

What can I do if I am not satisfied?

If you are dissatisfied with the way your application for records has been dealt with, you can complain to the Information Commissioner.

The Information Commissioner can be contacted at Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF, telephone number 01625 545745. Further information about the Information Commissioner can be found on their website at www.ico.gov.uk

Please note;

Patients are not permitted private access to their records but must be accompanied by a member of reception staff. Therefore patients must arrange a viewing in advance

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Access to Patient Records
Data Protection Act 1998 &
Access to Medical Records Act 1995

Notes for patients