**Access to Health Records application (Subject Access Request)**

**Guidance Notes**

Important: Please read these notes before you proceed with your application

**Introduction**

The General Data Protection Regulation (GDPR) 2018 gives every living individual the right to access their own health record, The Access to Health Records Act 1990 (AHRA) gives rights of access to deceased patient health records by specified persons.

The Trust is not obliged to comply with your access request unless they have sufficient information to identify you and to locate the information held about you.

**How long will the request take?**

We aim to provide copies of your requested health record within 30 calendar days of receiving your Identification. Where a request cannot be completed in this time frame, the Access to Records team will inform you of any delays.

**How much does it cost?**

In line with the General Data Protection Regulations (GDPR) copies of health records will be disclosed free of charge. This has also been replicated in the Access to Health Records Act.

Once the disclosure has taken place and a further request is received for the same information or where a request is manifestly unfound or excessive, particularly if it is repetitive, an administration fee will be charged.

**Can I have copies of all the Health Record?**

In some circumstances, the Act permits the Trust to withhold information held in the health record. These cases include but not limited to:

* The information released may cause serious harm to the physical or mental health or condition of the patient, or any other person, or
* Access would disclose information relating to or provided by a third person who has not consented to that disclosure unless:
* The third party is a health professional who has compiled or contributed to the health records or who has been involved in the care of the patient
* The third party, who is not a health professional, gives their consent to the disclosure of information.
* It is reasonable to disclose without that third party’s consent.

When making your request for access, it would be helpful if you could provide details of the periods and parts of the health record you require. Although this is optional, it will help save NHS time and resources.

**How do I get a copy of a Health Record?**

You need to complete the attached Trust’s ‘Access to Health Records’ form and provide proof of identity.

**Who can I contact if I have any other questions?**

Access to Records

Health Records Department

Royal Preston Hospital

Sharoe Green Lane

Preston

PR2 9HT

Telephone: 01257 247028

Email: medicallegal@lthtr.nhs.uk

**Further information**

Complaints about any aspect of an application to obtain access to health records should be discussed firstly with the Health Records Manager on 01772 522060.

For further information about Data Protection, contact:-

Data Protection Officer, Lancashire Teaching Hospital NHS Foundation Trust
Telephone number 01772 716565

Email: DPO@lthtr.nhs.uk

For independent advice you can contact the Information Commissioner:

The Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Telephone number 0845 306 060 or 01625 545 745

Web Site: [www.ico.org.uk](http://www.ico.org.uk/)

**Access to Health Records of a Deceased Person under the Access to Health Records Act 1990**

**Request form for release of health records**

**(Manual or Computerised Health Records)**

**Please print all details**

|  |
| --- |
| To: (Please provide Consultant Name, Hospital and Department here) |

**Identity of the individual about whom information is requested**

|  |  |
| --- | --- |
| Full Name | Former Name(s) |
| Current Address | Former Address |
| Date of Birth | NHS Number or Hospital number (if known) |

|  |  |
| --- | --- |
| I am applying for copies of the above patients health record |  |
| I am applying to view the above patients health record |  |

**Identity of Applicant**

|  |
| --- |
| Print Name and Address  |
| Contact number and Email Address  |
| Relationship to the patient |

In order to make disclosure, the Trust needs to be satisfied that **one** of these grounds arises.  You will be required to **supply** either:-

* A copy of the Grant of Probate (and permission from the executor to release the records to you if you are not the executor) or,
* A copy of the Letters of Administration.  Letters of Administration can be obtained by a solicitor or family/relatives can apply for Letters of Administration or,
* If you have a legal claim arising out of the patient's death, please provide details of the nature of, and basis for, such a claim.

**In addition, please provide copies of your photographic ID and a recent utility bill.**

You do not have to give a reason for applying for access to the health records. However, to help the NHS save time and resources it would be helpful if you could provide details below, informing us of periods and parts of the health records you require, along with details which you may feel have relevance i.e. Consultant Name, location, written diagnosis and reports etc. Please use the space below to document and continue on another page if necessary.

Dates and types of records:

|  |
| --- |
|  |

Signature of applicant\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Print name\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_