


Access to Healthcare Records Policy

Version: 1

Summary:	<i>This document is the policy by which all policy documents of St. Michael's Hospice (North Hampshire) will be prepared, approved and implemented.</i>		
Target Audience:	<i>St. Michael's Hospice (North Hampshire) Staff, patients and their relatives</i>		
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Version Control

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Date	Author	Version	Page	Reason for Change

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Name	Position	Version Reviewed & Date

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SMH Access to Healthcare Records Policy

1. Introduction

Under the Data Protection Act 2018 and the General Data Protection Regulations, patients have the right to obtain a copy of their health records. For someone else to access your health records they must:

- Be acting on your behalf
- Have legal authority to make decisions on your behalf (power of attorney), or
- Have another legal basis for access

Personal representatives of deceased patients or any other person who is a representative of the patient following their death have the right to request access under the Access to Health Records Act 1990 (see below).

2. Who does this policy apply to?

St Michael's Hospice staff, patients, and their families.

3. Accessing your Health Record

There are two ways which a patient may legally access their own health records:

1. An informal request can be made by the patient at the time of a consultation or an inpatient episode. The staff member should then ask this to be put in writing and passed to the Data Protection Officer to collate the necessary information
2. A formal request may be made after the patient has left the Hospice

Patients do not have the right to sit and read through the original copies of their health records unsupervised, nor does any friend or relative of the patient.

In line with current Data Protection legislation (the Data Protection Act 2018 and the General Data Protection Regulations), a charge may be made by the Hospice if a request is found to be manifestly excessive; however, unless this is the case, then the Hospice will not make a charge to respond to the request.

Patients are able therefore to obtain a copy of all the information held in their health records unless:

- In the Hospice's opinion, based on the assessment of the healthcare professional in charge of the care, access would disclose information likely to cause serious harm to the physical or mental health or condition to the patient or to any other person.
- Giving access would disclose information which would identify information about a third party (this does not apply if the third party concerned has given their consent for their information to be released).

4. The Data protection Act 2018

Under the Data Protection Act 2018, applicants have the right to the following once copies of medical records have been provided

- An explanation of any terms in the records that they do not understand – e.g. technical language or terminology
- The right to ask for corrections to be made to the record if the information is inaccurate and to request a copy of the corrections which are made

5. Accessing the records of someone who has died

The Access to Health Records Act 1990 now only applies to the health records of deceased patients. Under the terms of the act, you will only be able to access the deceased's health records if you're either:

- A personal representative (the executor or administrator of the deceased person's estate)

- Someone who has a claim resulting from the death (this could be a relative or another person). In this case only information directly relevant to a claim will be disclosed.

6. Freedom of Information Act 2000

The Freedom of Information Act 2000 does not allow people to gain access to personal information about themselves or others, such as information held in health records. Application for health records need to be made under the Data Protection Act 2018.

7. How to make a request to access the records of someone who has died

All requests should be made in writing to the Hospice’s Data Protection Officer at dpo@stmichaelshospice.org.uk. The request should include:

- Your name, date of birth, and address (or those of the subject)
- Contact details for fulfilling the request including telephone and email
- Will and/or Grant of probate confirming you are estate executor if applicable
- Details of the records you are requesting

The Hospice has a duty to provide you with access to your medical records within one calendar month from your request. You will normally be required to provide some form of identification before your request can be processed by the Trust.

8. Where can I find more about how the Hospice uses my information and my rights?

Please see our Privacy Notice included on our website.

9. Monitoring compliance

Element to be monitored	Lead	Tool	Frequency	Reporting arrangements
To keep a log of information requests	Data Protection Officer	Folder on T Drive	Ongoing	Information Governance Group

Appendix 1. Training needs analysis

None

Appendix 2. Equality Impact Assessment Tool

N/A