

Access to Medical Reports

The Access to Medical Reports Act 1988 governs access to medical reports made by a medical practitioner who is, or has been responsible for the clinical care of the patient, for insurance or employment purposes. Reports prepared by other medical practitioners, such as those contracted by the employer or insurance company, are not covered by the Act. Reports prepared by such medical practitioners are covered by the Data Protection Act 1998.

A person cannot ask a patient's medical practitioner for a medical report on him/her for insurance or employment reasons without the patient's knowledge and consent. Patients have the option of declining to give consent for a report about them to be written.

The patient can apply for access to the report at any time before it is supplied to the employer/insurer, subject to certain exemptions. The medical practitioner should not supply the report until this access has been given, unless 21 days have passed since the patient has communicated with the doctor about making arrangements to see the report. Access incorporates enabling the patient to attend to view the report or providing the patient with a copy of the report.

Freedom of Information

The Freedom of Information Act 2000 (FOI) is an Act to make provision for the disclosure of information which is held by public authorities and those who provide services to public authorities.

The FOI aims to produce a culture of openness in public bodies, by providing members of the public with the right to access information held.

The FOI is not intended to allow people to gain access to private sensitive information about themselves or others, such as information held in health records. Those wishing to access personal information about themselves should apply under the DPA.

All FOI requests must be in writing and addressed to the Practice Manager.

The Practice will seek to satisfy all FOI requests within 20 working days. However, if necessary we will extend this timescale to give full consideration to a Public Interest test. If we do not expect to meet the deadline, we will inform the requester as soon as possible of the reasons for the delay and when we expect to have made a decision

Fees Applicable:

- **Viewing medical records** – Max £10
- **Copies of medical records** – Max £50
- **Medical reports** – costs vary, see 'fees and charges' form
- **Freedom of information requests** – information in a publication scheme is available free of charge. There may be charges for some other information.

Making an Access Request / Request for Information

Send any applications / requests for information to:

The Practice Manager
Whitley House Surgery
Crompton Building
Writtle Road
Chelmsford
Essex
CM1 3RW

Please ensure you have fully completed any appropriate application forms, as stated within the leaflet.

Your request will be considered and you will be advised of the decision within the timeframes specified.

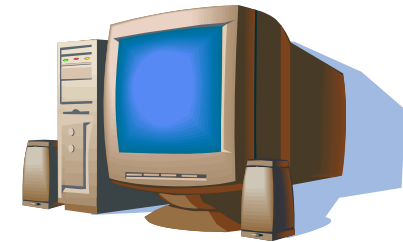
Please note that there is no facility for immediate access

Whitley House Surgery

Crompton Building, Writtle Road, Chelmsford | Tel: 01245 347539

Patient Leaflet:

**Access to Medical Records
Access to Medical Reports
Freedom of Information
Sharing Data with Third Parties**



Last updated: September 2013

Living Patients: Access to notes for the “Data Subject”

The Data Protection Act gives individuals (known as data subjects), or their authorised representative, the right to apply to see certain personal data held about them, including health records. These rights are known as “subject access rights”,

All requests for access must be in writing on a **Data Access form** which will be provided on request and submitted to the Data Controller (The GP Practice). The form must be fully completed.

There are circumstances where records may be limited or access denied. A response will be provided as soon as possible, and in any event within 40 days. Where an application is declined, a reason will be given. In some circumstances, some parts of your record may be withheld.

When the necessary information and the fee (where relevant) are obtained, the request should be complied with within 21 days*. In exceptional circumstances where it is not possible to comply within this period the applicant will be informed.

**Although the DPA states 40 days to comply, a Government commitment requires that for health records requests should normally be handled within 21 days. This commitment reflected the time period for compliance in existing legislation replaced by the DPA.*

Deceased Patients: Access to notes

The Access to Health Records Act 1990 (AHRA) provides a small cohort of people with a statutory right of to apply for access to information contained within a deceased person’s health record

These individuals are defined under Section 3(1)(f) of that Act as, ‘the patient’s personal representative and any person who may have a claim arising out of the patient’s death’. A personal representative is the executor or administrator of the deceased person’s estate.

All requests for access must be in writing on a **Data Access form** and submitted to the Data Controller (The GP Practice) which will be provided on request. The form must be fully completed.

The same timeframe applies as for living patients.

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The same timeframe applies as for living patients.

Provision of Information to Third Parties

The practice may share your personal information with other NHS organisations where this is appropriate for your healthcare.

In other circumstances we may approach you for specific consent to release personal information to third parties.

Information will not normally be released to other family members without written patient consent

In some circumstances there are statutory or ethical obligations to disclose information to others (such as public health issues) which may not require your consent, however you may be consulted about these in advance.

All staff have access to your medical and personal details which is required in relation to their roles, and have completed confidentiality agreements.

Under the Health and Social Care Act 2012, NHS England may request patient data from GP Practices without obtaining patient consent. If you wish to opt out of sharing your data, please complete an appropriate **opt out form** – see reception.

The practice, with others in NHS Mid Essex Clinical Commissioning Group provides information into a risk stratification tool – this uses automated decision making to identify patients at risk of adverse outcomes e.g. unplanned hospital admissions. Your identifiable data will only be available to your GP but if you don’t want your data to be used please see reception for an appropriate **opt out form**.

Complaints

These must be in writing and addressed to the Practice Manager.

Where the complaint is by a third party, and the complaint or enquiry related to someone else, the written consent of the Data Subject is required. Where this is not possible full justification must be given.

All complaints will be acknowledged within 3 working days, and a response provided within 10 days or we will write to you with an update and estimated timescale.

Terms Used

Data Controller

This is the controller of the data and the system, as defined in the Act. In this case the Controller is the [Practice partner name].

Data Subject

This is the person who has rights of access as determined under the Act.

Third Party

A person or body other than the Data Subject who requests access.

Guidance which covers legislation pertinent to accessing health records includes:

- Data Protection Act 1998
- Access to Health Records Act 1990
- Freedom of Information Act 2000
- Access to Medical Reports Act 1988
- Health and Social Care Act 2012