

## INFORMATION FOR PATIENTS

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# Accessing Health Records

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**This leaflet has been produced to accompany the 'APPLICATION TO HEALTH RECORDS' form (DPA1) and to answer questions that you may have about how to receive a copy of your personal information.**

### What is a health record?

When you visit an NHS or social care service, information about you and the care you receive is recorded and stored in a health and care record. This is so people caring for you can make the best decisions about your care. The information in your records can include your:

- name, age and address
- health conditions
- treatments and medicines
- allergies and past reactions to medicines
- tests, scans and X-ray results
- specialist care, such as maternity
- lifestyle information, such as whether you smoke or drink
- hospital admission and discharge information
- our privacy notice is [here](#)<sup>1</sup>:

### Who can access health records?

Individuals have the right to access and receive a copy of their personal data, and other supplementary information under the UK General Data Protection Regulation (UK GDPR). The following may apply for access:

- The individual (patient)
- An individual may ask a third party (e.g a relative, friend or solicitor) to make a request on their behalf. Before responding, we will need to be satisfied that the third party making the request is

entitled to act on your behalf. It is the third party's responsibility to provide us with evidence of their authority e.g Power of Attorney, parental responsibility.

- A parent/guardian of a person under the age of 16 if that child consents or it is considered to be in the best interests of the child
- A parent/guardian of a person under the age of 18 if that child consents
- **Children aged 16/17** are regarded as an adult and entitled to their own information. Applications made on their behalf must be accompanied by their written consent.
- If the **child aged under 16 understands** the nature of the request they are entitled to exercise their own right of access. Alternatively a person with parental responsibility can make an application on behalf of the child and a reply will be sent to them.
- You may, however, allow the parent or guardian to exercise the child's rights on their behalf if the child authorises this, or if it is evident that this is in the best interests of the child. If a child is competent, they may authorise someone else, other than a parent or guardian, to make a SAR on their behalf. If the **child under 16 does not understand** the person with parental responsibility can make a request.
- In all cases requests can only be made in the child's best interests and not the person's with parental responsibilities' interest.

### What can I do if the individual has died?

Access to Health Records Act 1990 applies to records of deceased patients. The following may apply for access:

- Deceased patient's personal representative(s) who may have a claim arising from the patient's death

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<sup>1</sup> <https://www.sfh-tr.nhs.uk/for-patients-visitors/your-medical-record/>

- A court appointed 'personal representative' of the deceased, executors and legal administrators of the deceased person's estate. If you are applying for records in this capacity we require all applicants to provide appropriate documentary evidence, such as Grant of Representation from the Probate Service, a letter of administration or a copy of the will where the 'applicant' is named as Executor.
- 'Anyone else' who applies for disclosure of records for deceased patients must provide adequate evidence that 'they have a claim arising from a patient's death' and that they have a legal right of access. This could be a copy of a claim instruction from a Solicitor, or evidence of a legal challenge of mental capacity or similar document will usually be sufficient.

#### **How do I make a request?**

Subject Access Requests (SAR) can be made verbally or in writing. We have an application form that we invite you to use, however you do not need to use this form. Our 'Application to Access Health Records' Form **DPA1**, can be downloaded from our website [Sherwood Forest Hospitals \(sfh-tr.nhs.uk\)](https://www.sfh-tr.nhs.uk)<sup>2</sup>. Alternatively you can write and ask for an application form to be posted/mailed to you or telephone/email our Access to Health Records department Tel: 01623 672231 Email: [sfh-tr.sar@nhs.net](mailto:sfh-tr.sar@nhs.net).

#### **How long will it take?**

We aim to provide information within 21 calendar days. However, the UK GDPR allows us a legal timescale of one calendar month.

<sup>2</sup> <https://www.sfh-tr.nhs.uk/our-services/access-to-health-records/>

#### **How much will it cost?**

There is no charge for this service. However, we can charge a 'reasonable fee' for the administrative costs of complying with a request if it is manifestly unfounded or excessive, or if an individual requests further copies of their data.

#### **Can I have the records on paper or digitally?**

It's up to you. However, images will need to be supplied on CD. When prepared the records can either be collected, emailed or posted using Royal Mail's second-class postal service.

#### **Do I have to prove who I am?**

Yes. We need to be satisfied that we know the identity of the requester (or the person the request is made on behalf of). If we are unsure, we can ask for information to verify your identity. The timescale for responding to your request does not begin until we have received the requested information. We will request ID documents promptly. The 'Application to Health Records' form (DPA1) explains what identification documents are suitable.

#### **Children and Young People**

Before responding to a SAR for information held about a child, we will consider whether the child is mature enough to understand their rights. If the request is from a child and we are confident they can understand their rights, we will respond directly to the child. We do allow the parent or guardian to exercise the child's rights on their behalf if the child authorises this, or if it is evident that this is in the best interests of the child. If a child is competent, they may authorise someone else, other than a parent or guardian, to make a SAR on their behalf.

#### **Contact details**

Access to Health Records department  
Tel: 01623 672231 Email: [sfh-tr.sar@nhs.net](mailto:sfh-tr.sar@nhs.net).