

Leeds Independent Health Complaints Advocacy Accessing Medical Records

Formal and informal Requests to see your Medical Records

It may not be necessary to make a formal request to see your medical records. A health professional is permitted to show you your own records, although this may not always be practical.

You can make an informal request during a consultation, or by phoning your GP surgery or hospital to arrange a time to see your records.

You don't have to give a reason to see your health records.

You can ask to see all your records or just some of them, perhaps between certain dates or relating to a particular incident or illness.

Under the Data Protection Act 1998 everyone has the right to access their medical records however:

- A medical professional can refuse your request if they believe that viewing the information may cause serious harm to your physical or mental health or that of another person. This can apply to part of your records and you may not be informed that some of it has been withheld. It may be helpful to ask whether any part of your records was not supplied.
- Providing your records would involve 'disproportionate effort' on behalf of the NHS Organisation.
It has not been made clear what this actually means however the Information Commissioner has said that NHS Organisations must not use this clause to avoid providing records.

Different types of Medical Records:

Your GP holds your main medical records. These will include letters between your GP and hospitals, clinics and other clinicians but not notes made by another NHS organisation such as a hospital, dentist, or optician, these and other NHS organisations keep their own medical records.

Depending on which records you want to see you should apply to:

- Your GP Surgery
- Your dentist
- Your Optician
- The hospital where you received treatment
- Another NHS organisation where you have received treatment

Leeds Independent Health Complaints Advocacy Accessing Medical Records

How to apply for your records

- Some GP Practices and NHS Trusts have a form which they will ask you to complete. It will be useful to check with them before making a request.
- If they do not have a special form you should apply in writing, by letter or email.

Time limits for making Medical Records available

NHS Organisations should aim to make your records available within 21 days however it may take up to 40 days, especially if they haven't been added to recently.

Understanding your records

- You can request someone to view your records with you and explain anything which is unclear or uses medical terminology.
- If you have received copies of your records and have difficulty understanding them your GP may be able to help you.

Cost

NHS organisations can charge you for accessing your medical records

- Viewing your medical records
The charge for viewing your medical records should not be more than £10.
- Copies of your medical records
If you would like a copy of your records, NHS organisations can charge you for the actual cost of postage and photocopying up to a maximum of £50.

You should be informed about any charges when you request your records.

Amending your records

- It is not possible to change, remove or delete information from your medical records unless the information does not relate to you. For example if the records belong to another patient.
- If you believe there is something incorrect in your medical records you can ask to have an addendum added to them. (An Addendum is supplemental information which can be read in conjunction with your medical records.)

Leeds Independent Health Complaints Advocacy Accessing Medical Records

Obtaining someone else's records

- If you wish to access records about someone else, the NHS organisation will usually require the patient's permission in writing. This includes the records of a child, however where a child is unable to provide consent the parent or guardian may obtain their records if it is considered to be in the best interests of the child by the NHS body.
- Where a patient is unable to give permission because of incapacity or illness you may need to seek legal advice and court authorisation.
- If you are a representative for the person appointed by a court you may be able to obtain their records if it is considered by the NHS body to be in the best interest of the person concerned.

Obtaining records about someone who has died

- If you are requesting the records of a patient who has died only certain people have the right to apply. These are:
 - The personal representative of the person who has died.
 - Any person who may have a claim resulting from the person's death.
- If you do not fall into one of these categories the NHS organisation will decide whether they can provide the records on a case by case basis. They will consider:
 - Whether the person asking has a valid reason and a legitimate relationship with the person who has died.
 - Any distress the knowledge of this information may cause to someone else.
 - How any loss of privacy may affect the reputation of the person who has died.
 - The views of the surviving family.
 - Any wishes the patient expressed before their death.

A Patient can at any time instruct an organisation that their records are not to be shared in any circumstances. Every patient has the option to make this decision and this continues to apply to records when someone has died.