



19A. Access to medical records

Data Protection Act 1998 - Subject Access Request (SAR)

A Guide for Applicants

The Data Protection Act 1998 gives individuals the right to request access to personal records held on them by organisations such as the St. Andrew' Medical Centre. This is known as a Subject Access Request (SAR).

Who can apply to access medical records?

- The patient
- Another person (with the patients written permission)
- A parent or guardian of a person under 16 (where a child is considered capable of making decisions about his/her medical treatment, the consent of the child must be sought before a person with parental responsibility can be given access)
- A court appointed representative of someone who is unable to manage their own affairs
- Where the patient has died, the executor as named on the will or anyone having a claim resulting from the death may apply to see the records or part of them.

How to request access to your records:

- A. Complete a 19. SAR Application form** which you can download from **Forms & Leaflets** on our website or,
- B. Write a letter** with all the following information for us to process your request, include your name, address, daytime telephone number and date of birth.
- Name and address of the person / agency making the request (if they are making a request on your behalf).
 - Signed consent from the individual whose records are being requested.
 - The records that are required (information such as relevant dates, name of clinic or hospital, etc. would be useful in locating records).
 - Other information that may be relevant - e.g. NHS number.
 - Proof of identity

Where do I send my Application Form or Letter?

The Practice Manager, St. Andrew's Medical Centre, Pinewood Gardens, Southborough, Tunbridge Wells, Kent TN4 0LZ. Tel: 01892 515455.

What proof of identity do I need to provide?

SAMC can't process your request unless we are certain that you are the person that you say you are. In most cases we will require copies of two items of evidence of identity – examples as below (Please do not send original copies):

1. Applying for copies of your own records, you will need to provide us with:

- Proof of your identity.
 - Current passport OR full driving license OR birth certificate AND
 - A copy of a current utility bill OR bank statement to verify your current address

2. Applying for copies of records on behalf of the patient. You will need to provide us with:

- Proof of your identity (as in (1) above)
- Written authorization from the patient for you to have access to their records as well as proof of their identity

3. Applying for the records of a deceased individual. You will need to provide us with:

- Proof of your identity (as in (1) above)
- Proof of your appointment as executor or administrator (e.g. a copy of the will).
- If you have a claim arising from the patient's death you are required to send documentary evidence to support this.

4. Applying on behalf of a child (persons with parental responsibility), or Power of Attorney / Agent applying on behalf of an individual. You will need to provide us with:

- Copy of the birth certificate
- Correspondence addressed to the person with parental responsibility relating to the patient.
- A copy of a court order authorising Power of Attorney / Agent
- Proof of the patient's identity (same as in (1) above)

Can I see all of my medical records?

In general, all the personal records you request will be released to you although there may be circumstances where certain information could be restricted. These are:

- A health care professional can restrict access to information which may cause serious harm to your mental or physical health
- Information may be withheld if the patient has asked for it not to be disclosed
- Old records may have been destroyed in accordance with NHS policy
- Records which identify or relate to another person - these may be fully or partially withheld.

What will happen after I apply and how long will it take?

We will acknowledge your SAR with a request for the appropriate fee. On receipt of payment, copies of the records can be collected or will be posted to you using a 'signed for' postal service.

We aim to make your records available to you within 40 days of receiving your fully completed request, proof of your identity and the fee.

You may however, prefer to only view the records, in which case SAMC will arrange a suitable time and location for you to come in and view the records. A member of staff will be needed to be in attendance during the viewing of the records.

What are the fees for access?

Regulations in the Data Protection Act 1998 set the charges for living patients:

hard copies of paper records only	£50 maximum
hard copies of computerised and paper records	£50 maximum
hard copies of exclusively computerised records	£10 maximum
viewing records only	£10 access charge (If records have been added to in the last 40 days there is no charge)
Charges for deceased patient's records: (Access to Health Records Act 1990)	£10 admin charge and 0.35p per photocopied sheet plus postage & charge

The above charges include postage and packing where requested that hard copies are to be sent.

If you are not satisfied with your response

In the first instance you should write to SAMC at the above address explaining why you are dissatisfied with the response.

If you remain dissatisfied with the response you can contact the body with responsibility for enforcing the Data Protection: The Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Alternatively you can visit www.ico.gov.uk for further information about Subject Access Requests under the Data Protection Act 1998.