

Guidance on accessing patient records

Information about your personal treatment and care is confidential and will normally be something you will discuss with the healthcare professionals you meet. However, there may be other issues about which you would like further information or you may just want to have a copy of the information we hold about you.

Your right to request access to your personal records:

The General Data Protection Regulation (GDPR) 2016 gives living individuals the right to request access to personal records held about them by organisations such as United Lincolnshire Hospitals Trust. This is known as a Subject Access Request (SAR). The GDPR requires the Trust to comply with requests for information within 1 calendar month.

Any individual can make a Subject Access Request (SAR). In addition, an individual may nominate a representative (such as a solicitor, relative or just someone they trust) to apply on their behalf. In this case, there must be a valid consent signed by the individual who authorises the release of information to the representative.

A person who has parental responsibility for a young child can request access to the child's records. Release of records is usually only made in the best interests of the child. Children may apply themselves - where it is considered that the child has the competence to be able to understand the nature and implications of making a request. If they are considered competent, they should also be consulted regarding any request that has been made for their records by another individual, i.e. a person with parental responsibility. The competence of the child in respect of requests for records can be considered from the age of 12.

For mentally incapacitated adults a person may make a request on their behalf if they have been granted power of attorney or agent by a court to manage their affairs. The request must be made in relation to the management of their affairs and finances.

Access to deceased patient records:

The Access to Health Records Act 1990 provides certain individuals with a right of access to the health records of a deceased individual. These individuals are defined under section 3 (1) (f) of the act as 'the patients personal representative and any person who may have a claim arising out of the patients death'. A personal representative is the executor or administrator of the deceased persons estate.

Due to the requirements set by legislation we cannot release copies of records to the next of kin.

How to request access:

If you wish to request access to patient records you will need to complete the Request for Information form and send this to the hospital site you received your treatment.

The contact details are:

Lincoln County Hospital-

Address: Access to Health Records, Health Records Department, Lincoln County Hospital, Greetwell Road, Lincoln LN2 5QY
Tel: 01522 573249

Email: accesstoinformation.lincoln@ulh.nhs.uk

Pilgrim Hospital-

Address: Access to Health Records, Health Records Department Pilgrim Hospital, Sibsey Road, Boston PE21 9QS

Tel: 01205 445279

Email: accesstoinformation.boston@ulh.nhs.uk

Grantham & District Hospital-

Address: Access to Health Records, Health Records Department, Grantham Hospital, 101 Manthorpe Road, Grantham, Lincs NG31 8DG

Tel: 01476 464544

Email: accesstoinformation.grantham@ulh.nhs.uk

What documentation will I need to provide:

In most cases we will require copies of two items of evidence of identity. For example:

| Type of Applicant | Type of Evidence |
|--|---|
| An individual applying for his/ her own records | Two copies of identity required E.g. copy of birth certificate, passport, driving license, marriage certificate etc. |
| Someone Applying on behalf of an individual | One item of proof of the person's identity and one item of proof of the representatives identity (see examples above) |
| Person with parental responsibility applying on behalf of a child | Proof of identity for each person with Parental Responsibility (see examples above). Copy of Birth Certificate or copy of Court Order appointing Parental Responsibility, Adoption Order etc. |
| Power of Attorney/ Agent applying on behalf of an individual | Copy of Power of Attorney plus one item of proof of the person's identity and one item of proof of the representative's identity (see examples above). |
| Deceased Records: Patients representative e.g. executor or administrator of estate | Proof of identity and evidence that they are either Executor of the Will or the Administrator of the deceased patients estate. Evidence could be: <ul style="list-style-type: none"> • Solicitors letter • Copy of the will/ probate documents • Letter from the Executor to giving authority to another individual to access to the records. |
| Person with a claim arising out of the patients death | Proof of identity and evidence of actual claim. Evidence could be: <ul style="list-style-type: none"> • Solicitors letter • Insurance claim or letter • Evidence of genetic problem-doctors or solicitors letter to support the request. |

Exemptions to the release of personal information:

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 include:

- If it is considered that information in the records, if released, may cause serious harm to yourself or any other individual.
- Where there is personal information concerning another person contained within your records.

How will the information be provided?

In most cases, copies of the records will be made and sent to you (or you can collect the copies if you prefer). You may however prefer to view the records, in which case the Trust will arrange with you a suitable time and location for you to come in and view the records.

Will I be charged for access to the records?

Under GDPR the trust cannot charge automatically for a request unless the information has already been provided to you in a previous request or the request is manifestly excessive. You will be advised of this at the earliest stage of the request.

If you are not satisfied with your response:

In the first instance you should write to the team that handled your request explaining why you are dissatisfied with the response and asking for a review to be carried out.

If you remain unhappy and you wish to discuss further you can do this by writing to the Trust's Data Protection Officer.

Post: Data Protection Officer
Information Governance Department
Robey House
Lincoln County Hospital
Greetwell Road
Lincoln
Lincolnshire
LN2 5QY

Email: ulh.dpo@nhs.net

Independent Advice

If you remain dissatisfied with the Trust's response you can contact the Office of the Information Commissioner - the body with responsibility for enforcing the Data Protection Act. The address is:

**Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow
Cheshire, SK9 5AF**

Tel: 0303 123 1113 (local rate) or 01625 545 745 if you prefer to use a national rate number
Alternatively you can visit their website (www.ico.gov.uk) for further information about Subject Access Requests under the General Data Protection Regulation 2016.

Please note that the ICO does not support complaints or queries that have been made under the access to health records act 1990.

Requests for other health records e.g. GP:

If you require access to your primary care health record, the request should be made to the relevant GP, dentist, pharmacist, or optometrist. Records for secondary care records (now including community services records) should be made to the local acute, mental health, community service trust or social enterprise