

Accessing your Medical Health Records

A patient guide to the Data Protection Act 1998

What do we mean by "accessing health records"?

This means that you can see and/or have copies of your health records. These records could be those at the hospital or those held by your GP, dentist, pharmacist or optician. They also include records written by health visitors, district nurses and other community staff as well as the ambulance service. Records includes x-rays, scans reports etc

Why would I want to access my health records?

You may want to know what's been written in your health records for many reasons. You may be thinking of making a complaint about your health care. You do not have to tell anyone the reason why you want to access your health records.

Will I have to pay any charges?

- Normally you may be asked to pay a fee of £10. (However if you are viewing manual records, and they have had something added to them in the 40 days before you applied for access to them, there is no charge).
- If you require copies of your health records, then a charge may be made which should be the actual costs incurred to provide the record, and in any case should not exceed £50 (including the £10 fee for access).
- You can also ask for somebody to be present, to provide any necessary explanations of what is written in your health records.
- The person providing the record is obliged to provide an explanation of unintelligible records, whether this is because they are illegible or for some other reason, such as the use of technical terms. No charge can be made for the supply of such an explanation.

Are there any date or time restrictions on health records that I can access?

No. You can request access to any health record that you know exists. (The cut off point in earlier legislation of November 1991 no longer applies).

How long should it take for my request to be processed?

You should be able to view and/or have copies of your health records within 40 days of your request being made and any necessary fee being paid.

What if I'm requesting access to health records of somebody who has died?

Your rights are different. As the duty of confidentiality survives a patients death then you have to have good reasons for wanting access. This may be because you are

- The patients personal representative

- An executor of their will
- A person granted letters of administration by the probate registry, or
- A person with a claim arising out of the patient's death.

You can only access health records that were made from 1 November 1991. Similar charges apply as above.

You can ask for somebody to be present, to provide any necessary explanations of what is written in the health records.

Can my request be refused?

Yes. Where the record holder feels that it would cause serious harm to the physical or mental health of you or anyone else then you may be refused access. If you are refused access for this reason then you have the right to be advised about this refusal.

You may also be refused access where your health records contain information about someone else

If I am unhappy about how my request for access has been handled, is there anyone I can complain to?

Yes. You can complain direct to the practice, formally via the Complaints Procedure or informally by speaking to the practice manager. Alternatively, you can contact the Complaints Officer at Tayside Health Board (tel: 01382 561818) or the Data Protection Commissioner who can offer advice and guidance. They can be contacted by telephoning 01625 545745 or by writing to:

The Office of the Data Protection Registrar
Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

What if I think the record is wrong?

If you consider that information is not accurate you can ask for it to be corrected. If the health professional believes the information to be accurate then it would be good practice for them to add a note indicating that you disagree.

If the health professional refuses to make the necessary correction a complaint can be made to the office of the Data Protection Commissioner or application to the court for an order that the data be corrected. It may also be a matter you could report to the Health Service Commissioner.

How can I access my GP medical records?

You may speak to your general practitioner or contact the practice manager in the first instance. You must put your request in writing.

How can I access my health records held by other NHS organisations?

For Hospital Records	For Perth Royal Infirmary	Write to: Mr R Anderson Medical Records Officer Perth Royal Infirmary PERTH Include Full Name, Date of Birth and Full Address.	Tel: 01738 623311
	For Ninewells Hospital, Dundee	Medical Records Officer Ninewells Hospital DUNDEE	Tel: 01382 660111
For Community Records			Tel: 01738
For Ambulance Records			Tel:
For Learning Disabilities Records			Tel:
For Mental Health Records	Murray Royal Hospital		Tel:
For GP Records of a Deceased Person			Tel:

If you have any questions about accessing health records then please contact the practice manager