

# Application Form for Access to Health Records

Data Protection Act 2018, Access to Health Records Act 1990,

General Data Protection Regulations (GDPR) and other relevant legislation

# Please read accompanying notes prior to completing this form

**Patients’ details**

|  |  |
| --- | --- |
| Full Name | Former Name(s) |
| Current Address | Former Address |
| Date of Birth | NHS Number or Hospital number (if known) |
| Contact number  Home  Mobile | Email Address (preferable) |

**What is being applied for (tick as applicable).**

I am applying for **copies** of my health record

**Please tick the appropriate box identifying whether you or a representative on your behalf is applying for access:**

|  |  |
| --- | --- |
| I am applying to access my health records |  |
| I have instructed my authorised representative to apply on my behalf |  |
| I am the child’s biological/adoptive parent/guardian and have Parental Responsibility |  |
| I am applying for a deceased patient record |  |

**If you are the patients’ representative, please give details here**

|  |  |
| --- | --- |
| Print Name and Address of representative |  |
| Contact number and Email |  |
| Signature of representative |  |

You do not have to give a reason for applying for access to your health records. However, to help the NHS save time and resources it would be helpful if you could provide details below, informing us of periods and parts of your health records you require, along with details which you may feel have relevance i.e., Consultant Name, location, written diagnosis, and reports etc. Please use the space below to document and continue on another page if necessary.

**Dates and types of records:**

**NB** If you are requesting access to records for a child, and where a child is aged 13 or older and has the capacity to do so, they **will** be required to sign and complete the below.

Signature of Patient

Print name

Date

**In addition, please provide copies of your photographic ID and a recent utility bill.**

Please send your documents and this form either: - Via Email: - [subjectaccessrequest@elht.nhs.uk](mailto:subjectaccessrequest@elht.nhs.uk)

Or

By Post – Access and Request Department Information Governance

Burnley General Teaching Hospital Casterton Avenue

Burnley Lancashire BB10 2PQ

**Guidance Notes**

## Your Rights

The Data Protection Act 2018, and General Data Protection Regulations (GDPR) article 15, allows you to find out what information about you is held on computer and in certain manual records. This is known as "right of subject access". As the 'holder' of your records the Trust is known as the 'data controller', and the patient is known as the 'data subject' under the Act. The Act supersedes the previous rights of access for living patients under the Access to Health Records Act 1990.

## Terms & Conditions

You are entitled to receive a copy of your medical records but should also be aware that under the Data Protection Act 2018 there are certain circumstances. in which the record holder may withhold information, for example where it would identify a third party. Access can be denied or limited where the information is likely to cause serious harm to the physical or mental health condition of you or any other person, or where giving access would disclose information relating to or provided by a third person who has not consented to the disclosure.

## Can I request a deceased patient record?

The Access to Health Records Act 1990 gives people a right to see the health records of somebody who has died. These people are defined under section 3(1)(f) of that act as **‘the patient’s personal representative and any person who may have a claim arising out of the patient’s death**. **Next of kin have no automatic right of access to these records**. Individuals meeting the criteria above will be required to provide proof, e.g., a copy of the will naming the requestor as the executor, grant of probate or a letter from a solicitor regarding a claim. The Act only allows access to records recorded after 1 November 1991.

## How long will the request take?

We aim to provide copies of your health record within 30 calendar days of receiving your completed application form and Identification/documentation under GDPR. Applications under the **Access to health records Act 1990** for deceased patients have a time frame of 21 days. Where a request cannot be completed in this time frame, the Subject Access Team will inform you of any delays.

## Can I gain access to my child’s records?

Yes, however if the child is aged 13 or over and has the capacity to consent, the consent to release the medical records must be sought before any information can be released. Your child will be required to sign the bottom of the application form.

## How much does it cost?

In line with the General Data Protection Regulations (GDPR)2018 copies of health records will be disclosed free of charge. Once the disclosure has taken place and a further request is received for the same information or where a request is manifestly unfound or excessive particularly if it is repetitive, a reasonable administration fee can be charged. As stated by the Information

Commissioner’s office an organisation can charge a reasonable fee to cover their administrative costs – if they think your request is [**‘manifestly unfounded or excessive**](https://ico.org.uk/for-the-public/your-right-to-get-copies-of-your-data/what-to-expect-after-making-a-subject-access-request/#f)**’**. They can also charge a fee if you ask for further copies of your information following a request.

**How do I access a copy of my Health Record?**

You need to complete the Trust’s ‘Access to Health Records’ form and provide the proof of identity/documentation i.e., Drivers License, Passport, utility bill, letter showing name and address of requestor.