



# Together For Mental Wellbeing

## Advocacy Services

### *Accessing Medical Records Guidance*



## Accessing Medical Records Guidance

It may be helpful access medical records when you are making a complaint to the NHS. They can be a useful source of information and can be used as evidence when you are making your complaint.

Medical records are made by all NHS healthcare professionals (e.g. GPs, dentists, hospital doctors, clinic staff, district nurses).

They include information about your mental and physical health, as recorded by a healthcare professional, and details of any care or treatment which has been provided such as medication, tests and results, diagnosis, outpatient appointments and in-patient stays.

### Your rights:

Under the Data Protection Act 1998, you have the right to apply for access to health information about you. If you want to see your health records you don't have to give a reason.

### Applying for your records:

You have to apply directly to the NHS organisation to access your records in writing (by email or letter), for example directly to your GP surgery, or to the hospital trust's health records manager.

The GP, health records manager or other healthcare professional will then decide whether or not your request can be approved.

Sometimes they can refuse to disclose all or part of your records, such as:

- Where it contains information that relates to another person
- If they think it would seriously harm you or another person to see the information contained

You may not be informed if there is a partial refusal. It is worth asking if any part of your record has not been made available if you are worried about this.

Records should be made available within 40 days of applying to see them, although government guidance recommends that they should be made available within 21 days where possible.

You can request someone to view your records with you and explain anything which is not easy to understand.

### **Fees to access records:**

Fees may apply when you request medical records, so it's worth to check this beforehand:

- Trusts and GP Practices can charge up to £10 for you access records that have not been added to within the last 40 days.
- You can request paper copies of the records at a charge of up to £50, or electronic copies at a charge of up to £10.

### **Requesting records about someone else:**

If you are requesting records about someone else, the NHS organisation will usually require the patient's permission in writing. You should send a copy of this permission with your request.

There may be circumstances where it is not possible to gain permission:

- If you want to see the health records of someone who has died, you will either need to be a personal representative (the executor or administrator of the deceased person's estate) or someone who has a claim resulting from the death.
- 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 of them appointed by the court, you may be able to access their records if it is considered to be in their best interests.

The NHS organisation will decide whether they will provide the records on a case by case basis. They will consider if you have a valid reason for requesting the notes, your relationship with the patient, as well as any wishes the patient may have expressed about other people viewing the notes.

### **What to do if you think there is information missing or incorrect:**

If you think the records are inaccurate, you can ask for them to be corrected. If the NHS provider disagrees with the changes you want to make, ask for a note recording your disagreement to be attached to the records.

### **Further help and advice:**

An advocate can't help you to access or understand your medical records. However, they can help you to use details from your records when making a complaint.

If you have a problem accessing your medical records you can contact the [Data Protection Information Commissioner](#) on their helpline 0303 123 1113 (local rate).