



Accessing Medical Records

The Data Protection Act 2018 (DPA) and the General Data Protection Regulations (GDPR), gives you the right to see your medical records.

Sometimes this is known as a Subject Access Request.

Where some of that information is factually wrong, for example the home address it can be amended.

Since patients have been able to access their medical records, they have also been able to request amendments and have their objections recorded in their medical records.

Under the NHS constitution, the Government reasserted the patient's rights to access their health records and added that they have the right to 'have any factual inaccuracies corrected'. This does not give the patient the right to change a clinical opinion. However, any disagreement over a clinical opinion should still be noted in the record.

Applying for your records:

- You have to apply to see your records, and some organisations have a form specially designed for this that you are asked to complete. Some larger Hospital Trusts may also have a special department dealing with such requests.
- Records should be made available within one calendar month. If the request is complex or numerous then this period can be extended by a further two months
- You can ask for someone to view your records with you and explain anything in there which is not easy to read or uses technical, medical language

To help reduce the time this might take, it might be a good idea to think about the specific section of records you would be interested in, for example, you could request notes only from a specific department, or for a particular length of time.

What to do if you feel there is information missing from your record or you think your record is incorrect

You do not have the right to demand to have information removed or deleted from your medical records, unless of course these relate to another patient. Equally you don't have the right to have something changed that is already written on the record.

However, you can ask to have information added or to have your own comments inserted as an 'Addendum'. This is something you will need to talk about with the NHS service who holds the record you are concerned about.

Obtaining records about someone else

If you are obtaining records about someone else, the NHS organisation will usually require the patient's permission in writing. This includes a parent or guardian applying to see the records of a child if they cannot understand these themselves. In this case, the NHS service will decide if it is in the best interests of the child.

Where a patient is unable to give permission because of incapacity or illness, you may need to seek legal advice and a court authorisation. If you are a representative for them appointed by the court, you may be able to access their records, again, if it is considered to be in their best interests.

If you are seeking the records for a patient who has died, these can only be obtained by certain people. This is known as a Personal Representative and is usually an Executor, or someone making a claim arising from the death.

If you do not fall into one of these categories, 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 and any wishes the patient may have expressed about other people viewing the notes.

Be aware - a patient can at any time instruct an organisation that their records are not to be shared under any circumstances. This is the patient's choice, and can also apply when the records refer to someone who is deceased.

The NHS Trust might decide that the notes cannot be shared as this could cause you distress, or damage the reputation of the person who has died. The organisation should consider the views of any surviving family, and make a decision using all the information available.

When can I be refused access to my records?

Under the Data Protection Act 2018 and GDPR you have a right to see you own records unless:

1. The information might cause serious harm to the physical or mental health or condition of the patient, or any other person

Be aware, this refusal can apply to part of your records and there is no obligation to inform you of such a partial refusal. It is worth asking if any part of your records has not been made available if you are worried about this.

2. Provision of access would disclose information relating to, or provided by a third person who had not consented to disclosure

How we can help

We cannot apply for access to medical records on your behalf and we are not qualified to give you advice to help you to understand them. We assist you in asking for clarification about any part of your medical records as part of your complaint.

Other guidance

There is additional information about access to medical records on the NHS website. Go to www.nhs.uk then typing the words 'access medical records' in the search box.

Contact us

Call 0300 77 77 007

Text / WhatsApp: 07842 552 878

Email: enquiries@healthwatchliverpool.co.uk

Write: 151 Dale Street, L2 2AH

www.healthwatchliverpool.co.uk/complaints

