

Complaints

If you have any complaints about any aspect of your application to obtain access to your health records, you should first discuss this with the clinician concerned. If this proves unsuccessful, you can make a complaint through the NHS Complaints Procedure by contacting the Practice Manager.

Further information about the NHS Complaints Procedure is available on the NHS Choices website.

Alternatively you can contact the Information Commissioners Office (responsible for governing Data Protection compliance) –

Wycliffe House,
Water Lane,
Wilmslow,
Cheshire,
SK9 5AF

Tel 01625 545745 or www.ico.gov.uk/

All complaints will be acknowledged within three working days and a full response will be provided within 20 working days. If a complaint is made verbally to the practice, this will be documented and you will be asked to confirm in writing that you agree with what has been recorded.

Access to Medical Records under the Data Protection Act 1988



**Churchdown Surgery
24. St. Johns Avenue
Churchdown
Gloucester
GL3 2DB**

If you require this leaflet in a different format or you need further information or assistance, please contact Reception.

Online Access / Making a Subject Access Request (SAR)

Introduction

The Data Protection Act 1998 gives every living person (or authorised representative) the right to apply for access to their health records.

Online Access to Medical Records

From March 2016, [Coded information from Medical Records / Full Medical Records] can be accessed as part of the Practice's online services. For security reasons, you will have to visit the practice to undertake an identity check before you are granted access to these records.

To make a subject access request

A request for your medical health records held at Churchdown Surgery must be made in writing (e-mails accepted) to the data controller who is: The Practice Manager –Mrs. Trudy Morris.

You can apply using an Application for Access to Medical Records Form available from reception if you wish.

Costs

Under the Data Protection Act 1998 (Fees and Miscellaneous Provisions) Regulations 2000, you may be charged a fee to view your health records or to be provided with a copy of them. The maximum permitted charges are set out in the tables on the following page.

Making a Subject Access Request (SAR) continued....

Costs continued

For a copy of your health record, the costs are:

- Health records held solely on computer: up to £10
- Health records held in-part on computer and in-part on paper: up to £50
- Health records held totally on paper: up to £50.

To allow you to view your health record (where no copy is required) the costs are:

- Records held solely on computer: up to £10.
- Records held in-part on computer and in-part on paper: up to £10.
- Records held on paper: up to £10 unless the records have been added to in the last 40 days, in which case viewing should be free.

All the above maximum charges include postage and packaging costs.

Once the data controller has all the required information, and fee where relevant, your request should be fulfilled within 21 days (*in exceptional circumstances where it is not possible to comply within this period you will be informed of the delay and given a timescale for when your request is likely to be met*).

Exemptions

In some circumstances, the Act permits the data controller to withhold information held in your health record. These rare cases are:

Making a Subject Access Request (SAR) continued....

- Where it has been judged that supplying you with the information is likely to cause serious harm to the physical or mental health or condition of you, or any other person, or;
- Where providing you with access would disclose information relating to or provided by a third person who had not consented to the disclosure. This exemption does not apply where that third person is a clinician involved in your care.

When making your request for access, it would be helpful if you could provide details of the time-periods and aspects of your health record you require (*this is optional, but it may help save practice time and resources and reduce the cost of your access request*).

If you are using an authorised representative, you need to be aware that in doing so, they may gain access to all health records concerning you, which may not all be relevant. If this is a concern, you should inform your representative of what information you wish them to specifically request when they are applying for access.

GPs have ethical obligations around how patient records are shared, and should explain to patients, in broad terms, the implications of making a Subject Access Request so they can make an informed decision on whether they wish to exercise their rights under the Data Protection Act.