

Information for patients

It's your Record



Governance

This leaflet will tell you what you need to know about accessing your health records

Under the Data Protection Act 1998, you now have extra rights with regard to your personal information and how it is handled. One of the rights is to access your health record. This leaflet will tell you what you need to know about this and how the Data Protection Act may affect you.

What is a health record?

A health record is a collection of information that is unique to the individual patient describing their physical or mental health or condition. The record may be made by, or on behalf of a doctor, a nurse or a person looking after you.

Who can apply?

You can apply to see your own records, but you can also apply:

- On behalf of your child, with your child's consent. If the child is unable to understand, you can see the records provided if the doctor in charge of the case decides it is in the child's best interest.
- To see the record of a patient who has died, if you are acting as their personal representative or if you have a claim resulting from their death.
- On behalf of somebody who is not capable of giving permission because of age or illness. However, you would have to be appointed by a court to do this.

Can I directly inspect my medical record?

The Act does not provide you with a right to directly inspect your health record, although this can, of course be agreed between you and the hospital. It is Department of Health policy that patients who wish to see what is written about them in their record should be allowed to do so, subject to given exemptions and procedures, and unless there are compelling reasons to the contrary.

How do I access my health record?

To get access to your records, you have to apply in writing to the Medico-Legal Clerk, Clinical Governance Department, The Robert Jones and Agnes Hunt Orthopaedic and District Hospital NHS Trust, Oswestry, Shropshire SY10 7AG, Tel: **01691 404553**

If you ring the department, the appropriate forms will be sent out for you to fill in.

Will there be a charge for access to my medical record?

Accessing health records is free of charge if:

- the records have been updated in the previous 40 days, and
- you don't require a copy

If the records have not been updated in the last 40 days and you don't require a copy, the maximum charge is £10. If you decide that you do want a copy, the maximum £10 charge for viewing will be included in the fee for obtaining a copy (see below). If you want a copy of the health records, the fee will depend on how the records are stored:

- on computer: maximum £10
- partly on computer and partly in another form: maximum £50
- totally in another form: maximum £50

What are the time limits for dealing with a subject access request?

When we have all the relevant information from you in order to process the request and if the record is available and the fee has been paid (if applicable) then we must respond within 40 days after the request has been made. Where it is not possible for the Trust to comply within this period we will inform you.

Are there any circumstances in which information contained within my health record may be withheld?

Under the Data Protection Act 1998, there are certain circumstances in which the Trust may withhold information. Access may be denied, or limited, where

- the information might cause serious harm to the physical or mental well-being of you, or any other person,
- giving access would disclose information relating to or provided by a third party who has not consented to the disclosure.

Can the Trust refuse to process an application for accessing my health record?

Yes, where an access request has previously been fulfilled, the Act allows the Trust not to respond to a subsequent identical or similar request unless there is a reasonable gap since the last one. To decide this, the Trust will consider the reason for the request, the nature of the information, how often the information is added to, and the reason for processing.

Is the Trust obliged to provide me with a copy?

On receipt of the fee, yes, unless

- you agree not to have a copy
- it is not possible to supply a copy of the information requested (e.g. records have been destroyed)
- to do so would involve disproportionate effort (the amount of work needed to copy the information)

How will my records be shown to me?

If you are given access, you will be sent a photocopy of the relevant parts of your medical record by post. If you require an explanation of any medical terms or abbreviations which are not clear to you, or entries which are difficult to read, then you may request an appointment with a member of staff to have these explained.

Can I change my records?

If you think the record is inaccurate, as to matters of fact, you can ask for it to be corrected. The Trust isn't obliged to accept your corrections, but if it doesn't, a note about why you think the information is inaccurate will be added to your records. You will be sent a copy free of charge.

Do you want to know more?

If you have any questions that this leaflet does not answer, then contact the Medico-Legal Clerk on or **01691 404553** or the Trust's Data Protection Lead on **01691 404123**

You can also find out more information by visiting the NHS Choices website at: www.nhs.uk and searching for the term 'Subject Access Requests'.

If you require a special edition of this leaflet

This leaflet is available in large print. Arrangements can also be made on request for it to be explained in your preferred language. Please contact the Patient Advice and Liaison Service (PALS) email: pals@rjah.nhs.uk / **01691 404606**

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Hospital Stop Smoking Service

For advice and information on quitting smoking, or for an informal chat, please contact the Hospital Stop Smoking Sister on:

01691 404114

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