‘Seeing your medical records’

Information updates June 2016 – to be reviewed March 2017

Source of Information See pages 11, 17
What we do

We are an independent charity and our motto is **listening to Patients, Speaking up for Change**.

We gather thousands of stories each year about people's experiences of using health and social care services. We use this knowledge to campaign for real improvements across the UK.

We press health and social care organisations to involve patients in decision-making and to listen and respond to their complaints in a positive way. We believe that patients and service users should be involved as full partners in any decision that affects them.

We believe in the power of using people's personal stories to illustrate what is working and what is not working in our health and social care system.

How we help patients and service users

We gather your opinions by carrying out surveys, focus groups, and listening events. We also get feedback from our **Helpline** and from our **Ambassador Network** of volunteers.

We build campaigns from the issues that matter most to you. We target our campaigns where we can make the biggest difference – at politicians, the media, civil servants, other charities, and professional organisations.
How we help health and social care organisations

We help health and social care organisations to listen to their patients and service users in ways that mean people feel their opinions and concerns are welcomed and valued.

Patients and service users trust us because of our independence and our experience. If we work with an organisation, they can expect to hear the real truth about how their services are experienced by the people that use them. They will also get lots of positive ideas about what changes are needed.

This 'listening' work usually results in the organisation taking positive steps to plan and design better services for the future. Our Project Managers work alongside them in the role of a critical friend, helping them to find ways to involve patients and service users in an honest and open way that puts them at the very centre of the services they use.

You will be charged a local rate. If a phone provider does charge, we are happy to return calls.

The Helpline will give you information about health and social care services as well as gathering your views about health and social care services.

You can contact our helpline on:
0845 608 4455/020 8423 8999

See our website for a wide range of advice and information:
www.patients-association.com
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Introduction

This booklet will help you get copies of your medical records, and answer many of your questions about the process. If you have other questions you can check the sources of Further information suggested below or contact The Patients Association helpline on 0845 608 4455/020 8423 8999. We will do our best to help you.

This information relates to England only. The other UK countries have different rules. If you live outside England, we suggest you check online for information or contact a local solicitor.

What are my rights?

Your medical records are kept according to the rules in the Data Protection Act 1998. This gives every living person the right to apply to see their own medical records. The same rules apply to both NHS and private records. They also cover the records held by your dentist and optician.
Can anyone apply?

Yes, but health professionals can refuse to let you see some or all of your records.

- If they think seeing them would be seriously harmful to your physical or mental health.
- If the records also relate to another person.

If you want somebody else to see your records on your behalf, or you are happy for someone else – for example an insurance company – to see them, you can give them your written consent for that to happen.

If the healthcare provider refuses to let you see the records, they don’t have to tell you why. However, you can appeal against their decision (see What if I am not happy with the way my request is dealt with?)

What’s in my health records?

Your records cover all information relating to your physical or mental health which is recorded by a healthcare professional. This includes records made by hospital staff, GPs, dentists and opticians and also any health records kept by your employer, if they were made by a healthcare professional. You have a legal right to ask to see any information kept about you. Box 1 below lists some of the information that may be in your records.

<table>
<thead>
<tr>
<th>Your medical records</th>
</tr>
</thead>
<tbody>
<tr>
<td>These are some of the items which may be included in your records. Please note that this is a general list; your own records may not include all of these items.</td>
</tr>
<tr>
<td>Letters and handwritten notes</td>
</tr>
<tr>
<td>Laboratory reports</td>
</tr>
<tr>
<td>Print-outs</td>
</tr>
<tr>
<td>Out-patient clinical notes</td>
</tr>
<tr>
<td>Casualty department records</td>
</tr>
<tr>
<td>Admitting doctor’s clinical notes</td>
</tr>
<tr>
<td>In-patient clinical notes</td>
</tr>
<tr>
<td>Consent / anaesthetic / operation records</td>
</tr>
<tr>
<td>Nursing records</td>
</tr>
</tbody>
</table>

What do I need to do?
For some items in your medical records you may not need to do anything at all. The Department of Health says that letters healthcare professionals send to each other about you – for example when your GP writes to a hospital consultant – should normally be copied to you, unless

- You say you don’t want them
- They include information about someone else
- The doctor thinks seeing them could be harmful to you.

From April 2015, you should be able to see a summary of your GP records online. Contact your GP surgery to find out how to do this.

If you want to see the full, original records, you can ask your GP or hospital for an ‘informal’ look. This may mean making an appointment to visit the Records department. You will not be able to take anything away to keep.

If you speak informally to your GP you might be given a form to fill in. This might be all that you need to do to see the records you want but it is better to put in a written request as outlined below. Healthcare providers have a right to ask for a formal letter. If you don’t send one they have no legal obligation to do what you want. So it is a good idea to do it in writing.

If you want to have copies of your records, you must apply in writing. Getting the copies may take some time. Healthcare providers need to be sure that you are entitled to see them. Here are some basic actions you may need to take.
**A formal request**

**Step 1**
Find out where the records you want to see are held – your GP or their Practice manager should be able to tell you who to contact. Dentists and opticians have their own records of any work they have done for you.

**Step 2**
Write a letter or email making a formal request for copies of your records. If you don’t know the name of the person you need to write to, you can send your letter to ‘The Medical Records Office’ at the surgery/ hospital / dentist / opticians. You can help healthcare staff reply to your request more efficiently and quickly by saying exactly what it is you want to see (you don’t have to say why you want to see it). An example of how to set out this letter or email is offered in Box 2 below.

**Step 3**
Reply quickly if the healthcare provider asks for more information and tell them as much as you can to help them find the records you want. If you haven’t heard from the provider within 3 weeks of sending your letter, write again or see if you can find a number to call. If you haven’t heard anything 40 days after you sent your first letter you can make a formal complaint - see What if I am not happy with the way my request is dealt with? below.

**Step 4**
Keep copies of the letters you send and receive.

**Step 5**
Be prepared to give them proof of who you are – such as a passport or driving licence. You may need to show it to someone when you go to see your records.

Don’t send original items in the post.
An example of a request letter:

Dear Medical Records Officer,

I would like to apply to see/have copies of my medical records under the Data Protection Act 1998.

My details are:

- Full name and any previous name(s) used
- Date of birth
- NHS number
- Hospital number
- GP's name and surgery address

I would like to see/have copies of all my records/my records from (insert date) to (insert date). I am particularly interested in any records you have about my treatment for (insert medical condition, such as broken leg, pneumonia) in (insert month/year).

Please could you let me know what the fee will be and send me your application form.

I look forward to hearing from you.

Yours sincerely

Name

Do I have to say why I want the records?

No. The healthcare provider might ask if you are thinking of taking any legal action against them but you don’t have to give a reason. If you decide to give reasons, they make no difference to your right to see the records.
What will I have to pay?

The law allows providers to charge for copies of records. These charges apply to all patients, rich or poor, and your healthcare provider doesn’t have to give you any copies if you don’t pay. As at November 2015, the scale of charges is:-

- up to £10 for records that are wholly computer-based
- up to £50 for records that are all on paper
- up to £50 for records that are partly on computer and partly on paper.

If something has been added to your records in the 40 days before you apply to see them, there should be no charge.

These fees are capped by law. If you are overcharged for copies, you should complain to the healthcare provider.

How long will it all take?

Once you’ve put in a written request, you should have copies within 40 days (most providers aim to reply within 21 days). In exceptional circumstances, where this isn’t possible, you should be told about any delay.
Can I get the records of someone who has died?

Yes, but the rules for that are a bit different. You can apply to see someone else’s records if you are:

- Their personal representative – for example if you had Power of Attorney to manage their affairs when they were alive;
- An Executor named in their will;
- Someone with a claim as a result of their death – for example if you are legally entitled to any compensation that would have been paid to them when they were alive.

When someone dies, their GP’s records are sent to the NHS England Local Area Team, so you need to write to the Records Manager of that Team. (The Practice Manager for the GP will be able to tell you which Team to write to and give you their contact details.)

Applications for hospital records should be made to the Records Manager of the hospital where they were treated. If you do not know which hospital that was, their GP should be able to tell you (and the information should be noted in the GP records held by the NHS England Local Area Team.

You may be charged a fee of £10 for access to the health records and a further fee for photocopying and postage. There is no maximum fee, so it is a good idea to ask what the cost will be when you apply for the records.

In making your written application you can use a letter / email that is similar to the example given on page 9.
An example of a request letter of someone who has died

<table>
<thead>
<tr>
<th>An example of a request for the records of someone who has died</th>
</tr>
</thead>
<tbody>
<tr>
<td>The shaded areas show where you should write your personal information.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Your address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Postcode</td>
</tr>
<tr>
<td>Email address</td>
</tr>
<tr>
<td>Date</td>
</tr>
</tbody>
</table>

Dear Medical Records Officer,

Full name of deceased person

I would like to apply to have copies of the medical records for the person named above under the Access to Healthcare Records Act 1990.

I am making this request because I am the person’s Executor / Personal Representative / I have a claim on his / her estate.

His / Her full details are:

Full name and any previous name(s) used

Date of birth

Date and place of death

NHS number

Hospital number

GP’s name and surgery address

I would like to see all the records/records from (insert date to (insert date). I am particularly interested in any records you have about their treatment for (insert medical condition, such as broken leg, pneumonia) in (insert month/year).

Please could you let me know what the fee will be and send me your application form.

I look forward to hearing from you.

Yours sincerely

Name

Who is allowed to see a child’s records?

You can ask to see the records of a child under 16 if you have ‘parental responsibility’ for them (see https://www.gov.uk/parental-rights-responsibilities/who-has-parental-responsibilityexplain for an explanation of what that means). You may also be able to see the records for children aged 16 or 17 if they give their permission. 16 and 17 year-olds have their own legal right to confidentiality and you should respect that right. You should also respect the rights of younger children, who are able to understand what it is you want to do.

If you are a foster parent and want to see the records for your foster child you may need to check with your local authority or the child’s social worker to make sure you have the legal right to do this.
What happens if I want to see the records for a vulnerable adult, for example a relative with learning disabilities or dementia?

Vulnerable adults have the same rights to confidentiality as any other adult. You may be able to see their records if healthcare professionals think that will help the patient. You should begin by

- Asking the person if they agree that you can see their records. You will need their written consent.
- If they say Yes – or they are not capable of deciding you should
- Contact their GP or healthcare provider. You will need to have clear reasons why you want to see the records and say how that will help the adult you are supporting. The healthcare professional has to follow strict professional guidelines to safeguard the patient’s privacy and well-being. This could mean that you will not be allowed to see the records or that you will only be allowed to see what the doctor thinks you need to know.

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**Vulnerable adults – when might you be able to see their records?**

Mr X is in a care home. He has dementia and his condition is getting worse. His son is worried that the care home can’t look after his father properly and asks to see Dad’s records to help him decide what’s in his father’s best interests.

Mr X’s GP visits him in the care home and agrees that he’s not able to take sensible decisions about his own needs. He agrees to let the son see some of the records – the parts that relate to the current concerns. There is a lot of information in the records that has nothing to do with Mr X’s current needs and the GP thinks Mr X might not want his son to see everything.

(Adapted from BMA guidance Safeguarding Vulnerable Adults – a Toolkit for GPs, 2011)
**Can I see my original records?**

The Department of Health says that patients should be able to see their original records, if they want to, unless there are very good reasons not to, for example if the healthcare provider believes that seeing the original records would harm your physical or mental health. If you want to see the originals, rather than copies, make sure that you say so in your formal application letter.

**Will I understand the records?**

If the information in your records is difficult to understand, the healthcare provider should explain what’s in them – they should tell you what medical words and jargon mean.
Can anybody else see my records?

Your medical records are confidential, and nobody else is allowed to see them unless they have your written permission or they have legal rights (such as a Power of Attorney) to deal with your affairs.

However, the use of national databases means that healthcare providers can now share their data with other organisations. If you are worried about this, you should discuss it with your provider.

What if I live abroad?

If you have moved abroad permanently, your GP records will have been sent to your NHS England Local Area Team (your last GP in the UK will be able to tell you how to contact them), and they will be kept for at least 10 years. Your hospital records will be stored at the relevant hospital for a minimum of 8 years. You cannot take your original records abroad, but you can apply to the Local Area Team or hospital for copies to take with you.
What if I am not happy with the way my request is dealt with?

If you disagree with a provider’s decision not to let you see medical records, or you are unhappy about the process, you can complain to the healthcare provider. If you are still not satisfied, you can make a complaint to the Information Commissioner (see the contact details below). You will need to give the Information Commissioner your details, and say exactly what you think the healthcare provider has done wrong. You should also send the Commissioner copies of any relevant letters or emails between you and the provider. You should contact the Information Commissioner as soon as possible. They do not often investigate complaints if there is more than a year between the events you complain about and your first contact with them.

How long are records kept?

When a person dies, their GP records should be kept for at least 10 years. Hospital records are kept for at least 8 years following the end of treatment or a person’s death. Children’s records should be kept until they are aged 25.
What can I do if I think that some of the information in my records is wrong?

If you find something in your records which you think is wrong, you should write to your GP or to the hospital. You need to tell them what you think is wrong and give them any evidence that backs up your version. Medical records cannot usually be changed, because they are supposed to show what was written at the relevant time. However, a note can be added to the records explaining why you think they are wrong, and giving your version of events. You do not have to pay for a note to be added in this way.

Sample application form

When you have written to the healthcare provider they will probably send you an application form. An example of a typical form is included in the box below.

<table>
<thead>
<tr>
<th>Example of an application form for access to health records</th>
</tr>
</thead>
<tbody>
<tr>
<td>Patient Details:</td>
</tr>
<tr>
<td>Surname:...........................................................................</td>
</tr>
<tr>
<td>Forename(s):.....................................................................</td>
</tr>
<tr>
<td>Address:............................................................................</td>
</tr>
<tr>
<td>................................................................................. Postcode:</td>
</tr>
<tr>
<td>Date of Birth: ....../....../...... Hospital Number: .................</td>
</tr>
<tr>
<td>NHS Number: .......................................................................</td>
</tr>
<tr>
<td>Episode of Treatment for Which Access is Required</td>
</tr>
<tr>
<td>Condition/Treatment: ..........................................................</td>
</tr>
<tr>
<td>Date (approximate if unknown): .............................................</td>
</tr>
<tr>
<td>Please submit the following documents when you submit this form.</td>
</tr>
<tr>
<td>If you are Requesting Copies of Your Own Medical Records</td>
</tr>
<tr>
<td>• A copy of your driving licence or passport.</td>
</tr>
<tr>
<td>If you are Requesting Copies of a Child’s Medical Records</td>
</tr>
<tr>
<td>• A copy of your driving licence or passport.</td>
</tr>
<tr>
<td>• A copy of the child’s birth certificate.</td>
</tr>
<tr>
<td>• A letter from the child authorising the application, if they are capable of giving consent themselves.</td>
</tr>
<tr>
<td>Declaration</td>
</tr>
<tr>
<td>I declare that the information given by me is correct to the best of my knowledge, that I am entitled to apply for access to the health records referred to under the terms of the Data Protection Act 1998 and that (tick as appropriate):</td>
</tr>
<tr>
<td>• I am the patient.</td>
</tr>
<tr>
<td>• I have been asked to act on behalf of the patient and attach the patient’s authority to do so.</td>
</tr>
<tr>
<td>• I am acting in loco parentis. The patient is under 16 and is incapable of understanding the request.</td>
</tr>
<tr>
<td>Signature: ___________________ Date: ____________________</td>
</tr>
</tbody>
</table>
Further Information and Help

If you need more information on how to see your records, contact the Information Commissioner’s Office. Their helpline number is 0303 123 1113 and their website address is www.ico.gov.uk. You could also ask for additional advice from your GP or local Citizens’ Advice Bureau.

Information Commissioner’s Office – England
Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
Telephone: 01625 545 745, 0303 123 1113
Email casework@ico.org.uk (please include your telephone number)

Information Commissioner’s Office – Wales
Churchill House, 17 Churchill Way, Cardiff CF10 2HH
Telephone: 029 2067 8400
Email: wales@ico.org.uk (please include your telephone number)

NHS Patient Online – Frequently Asked Questions

NHS – Updated NHS Choices your health, your choices - http://www.nhs.uk/ServiceSearch/Patient%20advice%20and%20liaison%20services%20(PALs)/LocationSearch/363

NHS Scotland
For a useful guide to the system in Scotland see ‘How to see your Health Records’. You can find this online at http://www.nhsinform.co.uk/rights/publications/leaflets/~media/hrisdocuments/leaflets/how%20to%20see%20health%20records%20leaflet%20v5.ashx

Patient Advice and Liaison Service (PALS)
PALS may be able to help you. You can find your local PALS service through http://www.nhs.uk/ServiceSearch/Patient%20advice%20and%20liaison%20services%20(PALS)/LocationSearch/363.

POWER Advocacy Services
To find out which of the local POWER offices covers your area, use the A-Z place finder on their website http://www.pohwer.net/southern-england

Parental rights and responsibilities
https://www.gov.uk/parental-rights-responsibilities/who-has-parental-responsibilityexplain
The Patients Association
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HA1 3YJ

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