

## Obtaining Records About Someone Else

If you are applying to obtain someone else's records, you must have the patient's authorisation in writing, including parents applying to see a child's records if the child is able to understand matters. Where a patient is unable to give permission because of incapacity or illness, you may need legal advice and a court authorisation.

In the case of a deceased patient, records can only be obtained by a personal representative; usually an executor, or someone making a claim arising from the death, unless the deceased specifically requested in the records that they did not want that person to have access to their records.

## Can An Advocate Help Me Access My Medical Records?

An advocate cannot help you to access your medical records, or help you to understand their content. They can help you to use details from these in your letter of complaint, or when you are preparing for a meeting.

## Contact us



**Healthwatch Cheshire CIC**  
Sension House  
Denton Drive  
Northwich  
Cheshire  
CW9 7LU

**0300 323 0006**

[www.healthwatchcheshire.org.uk](http://www.healthwatchcheshire.org.uk)

Email: [info@icascheshire.org.uk](mailto:info@icascheshire.org.uk)

 @HealthwatchCW

 @HealthwatchCE

**healthwatch**

Cheshire West

**healthwatch**

Cheshire East



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## Obtaining Patient Medical Records

Under the Data Protection Act 1998, you have the right to see your medical records. Sometimes this is known as a Subject Access Request.

## Medical Records

All NHS staff have a duty of confidentiality towards all patients and their records. Patient records are made by any NHS Service you use and would include:

- GP Surgery
- Clinic Staff
- Dentist
- Mental Health Services
- Ambulance Service
- Hospital doctors
- Hospital Nurses
- District Nurses

These should store details of any care or treatment which has been provided such as:

- Medication
- X-rays and scans
- Tests and their results
- Referrals and letters
- Diagnosis
- Consultations
- Outpatient appointments
- In-patient stays

## Applying For Your Records

You have to apply to see your records, and some GP Practices and Trusts have a form specially designed for this that you are asked to complete. Most Trusts also have a specially appointed person, part of whose job is to deal with such requests.

Records should be made available within 40 days of applying to see them, 21 days if they have been added to within the last 40 days.

Trusts and GP Practices are allowed to charge you for seeing your records if they have not been added to within the last 40 days. This charge should not be more than £10.

Trusts and GP Practices also have to explain to you anything in the records that is not easily readable, or which uses technical language that you do not understand.

If you want copies of the records, Trusts or GP Practices can charge you for the actual cost of postage and photocopying, up to a maximum of £50, including the £10 charge if that is made.

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

Under the Data Protection Act 1998, you have a right to see your records, unless your doctor thinks that to do so would seriously harm you or another person.

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.

A Trust or GP Practice may also refuse you access to your records if to provide them would involve “disproportionate effort”. Disproportionate effort is not defined, but the Data Protection Information Commissioner has warned against abusing this reason.

## What To Do If You Feel There Is Information Missing Or Incorrect

If you think your records are inaccurate, you can ask for them to be corrected. If the Trust or doctor disagrees with the changes you want to make, ask for a note recording your disagreement to be attached to the records (known as an addendum). You are entitled to a copy of the changed record free of charge.

If the Trust or doctor refuses to make changes or add an addendum you can approach the Information Commissioner's Office for support at:

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

Tel: 0303 123 1113 or 01625 545 745

Fax: 01625 524 510