

Health Records of someone who has died

Under the 'Access to Health Records' Act 1990, only specific people have the right to apply for access to the health records of someone who has died. This is likely to be the personal representative or any person who may have a claim resulting from the person's death

To see deceased person's records, applicants may be required to provide evidence to support their claim and may need to provide evidence of their identity.

If you do not fall under one of the categories above, then access to a deceased person's records will be judged on a case-by-case basis. The person requesting access should show;

- They have a valid reason.
- They have a legitimate relationship to the deceased person.
- That access to the records is in the public interest.

Full details of the process, how and where to apply can be found at www.nhs.uk (under Health Records).

How to apply

There is no specific form to complete. You should write a letter to;

The Managing Partner
Heathgate Medical Practice
The Street
Poringland
Norwich
NR14 7JT

Ensure the letter is dated, includes your full name, address, date of birth, NHS number (if known) and includes your signature.



Heathgate Medical Practice

Access to Medical Records

**Heathgate Medical Practice
The Street
Poringland
Norwich
NR14 7JT**

**01508 494343 (T)
01508 495423(F)**

**Surgeries at;
The Street Poringland
&
The Street Rockland St Mary**

www.heathgatemdicalpractice.co.uk

Your rights

The Data Protection Act 1998 gives patients the legal right to apply for access to health information held about them.

If you wish to see your health records, you do not have to tell us why, but we do need your request in writing.

Requesting sight of your records is known as a Subject Access Request (SAR). Access to the whole medical record will be provided unless;

It is felt that, disclosure would potentially cause serious mental or physical harm to the patient.

or

The information disclosed refers to another identifiable living person whose consent to release that information has not been obtained.

If any part of the record has been removed for any reason (such as those above), we will advise you that the information provided is not complete.

Patients can apply for a court order for full disclosure of the withheld information.

Your records

Applications for access to medical records under the Data Protection Act, should be made in writing by the patient themselves, by someone acting on their behalf (such as a parent with parental responsibility), with a copy of the patient's written consent (such as requests from a Solicitor or Insurance Company) or with the authority of the court, such as that granted via a Lasting Power of Attorney.

The Practice may ask for suitable identification before access is granted to ensure the individual obtaining access is who they claim to be.

Under the Act, requests for access to records should be met within 40 days. However, we will look to follow Department of Health Guidance and aim to provide this within 21 days.

Sight or copies

Access to the records can be by sight or copy. Sight will mean that you can review your records with a member of staff present or alternatively we can provide copies.

Fees

You may have to pay a fee to access your health records. The fees are laid down in the Data Protection Act.

The fee will depend on;

1. Whether the records have been updated in the previous 40 days
2. Whether you would like a copy
3. How the records are stored

Accessing health records (sight of) is free of charge if;

- The record has been updated or added to in the previous 40 days
- They are in the form of paper records, such as letters, test results or hand written clinical notes
- You don't require a copy

If the records have not been updated in the past 40 days and you do not require a copy, a £10 charge is payable. This applies whether the records are on computer, partly on computer and partly in another form, or entirely in another form.

If you require a copy of the health record, the fee will depend on how the record is stored; purely on computer, the fee is £10 or partially or entirely in another form £50.