

Patient Authority Consent Form

Access to Health Records under the Data Protection Act 1998

IMPORTANT-Please read these notes before you proceed with your application.

The Data Protection Act 1998, gives every living person the right to apply for access to their health records. Any request for access to health records must be made in writing or electronically to your local GP, for GP records or the Records Manager at the hospital, for your hospital records.

Under the Data Protection Act 1998 (Fees and Miscellaneous Provisions) Regulations 2001, you may be charged to view your health records or to be provided with a copy of them.

To provide copies of patient health records the costs are:-

- Health records held totally on computer: up to a maximum £10 charge.
- Health records held in part on computer and in part manually: up to a maximum £50 charge
- Health records held totally manually: up to a maximum £50 charge

All these maximum charges include postage and packaging costs.

To allow patients to view their health records (where no copy is required) the costs are:-

- Health records held totally on computer: up to a maximum £10 charge. **unless the records have been added to in the last 40 days.**
- Health records held manually: up to a maximum £10 charge. **unless the records have been added to in the last 40 days.**
- Health records held in part on computer and in part manually: a maximum of £10 **unless the records have been added to in the last 40 days.**

Note: if a person wishes to view their health records and then wants to be provided with copies this would still come under the one access request. The £10 maximum fee for viewing would be include within the £50 maximum fee for copies of health records, held in part on computer and in part manually.

Under the Data Protection Act 1998, there is no obligation to comply with an access request unless the health professional has such information as he or she needs to identify the applicant and locate the information and unless the required fee has been paid. **Although the act says the fee has to be paid up front before the health professionals complies with an access request, some organisations may not ask for the fee until all the information is gathered or copied. Please check with the organisation to see what procedure they have in place.**

Once the health professional has all the relevant information and fee where relevant, they should comply with the request promptly, within 21 days and by no later than forty days after the request has been made. In exceptional circumstances if it is not possible to comply within the forty day period the applicant should be informed.

Under the Data Protection Act 1998 there are certain circumstances in which **the record holder may withhold information**. Access may be denied, or limited, where the information might cause serious harm to the physical or mental health or condition of the patient, or any other person, or where giving access would disclose information relating to or provided by a third person who had not consented to the disclosure.

Complaints about any aspect of an application to obtain access to health records should be discussed firstly, with the health professional. If this avenue is unsuccessful a complaint can be made under the NHS Complaints Procedure. Having followed this procedure and being dissatisfied with that outcome of the investigation a person does have the right to take their complaint to the Health Service Ombudsman or, as a last resort, to court. Alternatively, a person has the right to complain to the Information Commissioner, formerly the Data Protection Commissioner at Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF. Tel 01625 545700 or www.dataprotection.gov.uk

Point 7 on the consent form is **optional**. However, due to the increased demand on access to health record requests, it would be helpful if you could provide details of the periods and parts of your health records you require. Not only would this save time and resources on the NHS, but is also likely to reduce the costs of your access request.

Finally, please ensure you have filled in the details on the consent form and sign it. You may wish to keep a copy for yourself. **Thank you.**

Patient Authority Consent Form
Access to Health Records under the Data Protection
Act 1998 (Subject Access Request)

Patient's authority for release of health records
(Manual or Computerised Health Records)

To:

(full name and address of GP/NHS Trust)

The Docs Surgery
55 – 59 Bloom Street
Manchester
M1 3LY

1. Full name (including former name(s)): (Mr/Mrs/Miss/Ms).....
(please **print** all details and use dark ink)

Former name(s).....

2. Date of Birth:

3. NHS Number (if known)

4. Current Address

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.....

(optional) Tel number (including area code).....

(optional) Fax number

5. Former Address/es (if applicable)

(Use separate sheet if necessary)

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6. **I am applying for access to view my health records/ I am applying for copies of my health record**
(Delete as appropriate).

IMPORTANT INFORMATION

7. Under the Data Protection Act 1998 you do not have to give a reason for applying for access to your health records. However, to help us save time and resources, **if you wish**, it would be helpful if you could provide details on **page 3**, informing us of periods and parts of your health records you require, along with details which you may feel have relevance i.e. consultant name and location etc.
(Please turn over to page 3).

Optional-Please use this space below to inform us of certain periods and parts of your health record you may require. This may include specific dates, consultant name and location, and parts of the records you require i.e. written diagnosis and reports.

Below is an example of using the space provided.

Example

1st March 1993 – 31st March 1995- All my GP notes and the consultant reports to my GP concerning back pain within this period.

8. I am applying to access my health records under the Data Protection Act 1998 for health records held at I understand that under the Data Protection Act 1998 (Fees and Miscellaneous Provisions) Regulations 2001, there may be a charge for me to view or to be provided with a copy of my health records.

9. Signed: Date:

(Office use only) Date of application received Received by
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