

Health complaints Advocacy

How to access your Medical Records



What might be in my medical records?

- Information of treatment, medication, tests, results, diagnosis, referrals, etc.
- Records of visits to the practice, clinic or hospital
- Records of visits to you
- Nursing records, and those made by other NHS staff
- Hospital and GP Records

Are there any restrictions on providing my medical records?

- At any stage during the NHS Complaints Procedure, or even if you are not making a complaint, you can apply to see your medical records.
- You have the **right** to see your records under the Data Protection Act 1968, **unless**:
 - If your doctor thinks you would seriously harm yourself or another by sight of the medical records your request can be **refused**. There is **no** obligation to inform you of this refusal. Therefore, it is worth asking if all or parts of your records are being withheld.

How do I apply to see my medical records?

- You have to **apply** to see your records and sometimes you may be asked to complete a form. NHS Trusts often have a person responsible for dealing with these requests.
- Trusts, GP Practices and other NHS providers **cannot charge** you for seeing your records. However, if they think the request is 'unfounded or excessive' (particularly if it is repetitive) they can charge a 'reasonable fee' (based on the administrative cost of providing the information).
- Trusts, GP Practices and other NHS providers should let you see your records within a month of your request.

Can I apply to see someone else's records?

Yes, but they must give you permission in writing. This will include parents applying to see a child's records, if the child is able to understand matters. Where the patient is unable to give permission because of incapacity or illness, you may need to obtain legal advice or get a court authorisation.

Can I apply to see the records for someone who has died?

Yes, this is your right if you are their personal representative or if you may have a legal claim resulting from the person's death.

Any other person can apply, and their request will be dealt with on a case by case basis. You should show how you were related to the deceased person, that you have a valid reason for your request and that access would be in the public interest. Your request may be refused if for example the deceased person had made clear that they did not want their records disclosed, or disclosure might affect their reputation, or disclosure might cause distress to a living person, or the surviving family do not want disclosure.

Inaccuracies and explanations in medical records:

- GP Practices and Trusts have to explain to you anything in your records that is not easy to read, or which uses technical language that you do not understand.
- 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, ask for a note recording your comments to be attached to the records.

Any complaint about changing, or refusing to change your Medical Records can be made to: The Information Commissioners Office on 0303 123 1113 or at

<https://ico.org.uk/make-a-complaint/>