



## DEFENCE SECONDARY CARE AGENCY (DSCA)

Ian Pieri Data Protection Officer (DPO)

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Mrs Carby

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Your Reference:

Our Reference: CHRL/1/5 Case No Code A

Date: 17 June 2002

### REQUEST FOR MEDICAL RECORDS - MRS CARBY D.O.B Code A

1. Further to our telephone conversation Tuesday 11<sup>th</sup> June 2002 and subsequent conversation with your daughter later that day regarding your request for access to your late husbands medical records.
2. I must firstly apologise for any inconvenience or undue distress this episode may have caused you. As I explained to your daughter after looking into the matter it is evident that records had been released to the Gosport War Memorial inadvertently. It was understood that these records were needed to complete a request by you through this hospital and subsequent information that should have been asked for was not pursued before release. I have now had assurances from Jan Peach (Service Manager, Gosport War Memorial Hospital), that any copies of records that they held have now been passed back to MoD and that they no longer hold any copies relating to your husband which are MoD owned information. I have asked for her written confirmation of this fact.
3. I would like to take this opportunity to explain the process of events we must go through before we can release any data held by this organisation. As the records required are of a deceased individual the Access to Health Records Act 1990 applies. This means that according to our policy we have to ensure firstly that the individuals requesting the information have right of access. This would take the form of consent from all executors, where there are no executors, the consent is required of the administrator of the estate or whoever obtains the letters of administration. Once this has been established the data concerned would have a health professional check the data to ensure that the individual has not expressed explicitly that they did not want release of information to certain parties and that there are no third parties mentioned. Any anachronism, abbreviation will have to be explained so that the individual understands the context of the data supplied and finally that there is no data that would cause harm or distress to the individual gaining access.



4. Since our conversation and my investigation into this matter I have related the problem of release with my legal advisor who has now given me permission for release with the information we currently hold. I have already spoken to your daughter on this and once our health professional has looked at the medical records these will hopefully be sent to you very soon. Please do not hesitate to contact me on this matter if you need any further information on this matter.

Yours faithfully,

**Code A**

**Ian Pieri**  
Data Protection Officer  
For DSCA

