

# Isle of Wight, Portsmouth and

## South East Hampshire

Health Authority

### ACCESSING YOUR MEDICAL HEALTH RECORDS

#### A guide to the Data Protection Act 1998

#### What do we mean by "accessing health records"?

This means that you can see and/or have copies of your health records. These records could be those at the hospital or those held by your GP, dentist, pharmacist or optician. They also include those written by health visitors, district nurses and other community staff as well as the ambulance service records, includes x-rays, scans, reports, etc.

#### Will I have to pay any charges?

- Normally you may be asked to pay a fee of £10. (However, if you are viewing manual records, and they have had something added to them in the 40 days before you applied for access to them, there is no charge).
- If you require copies of your health records, then a charge may be made which should be the actual costs incurred to provide the record, and in any case should not exceed £50 (including the £10 fee for access).
- You can also ask for somebody to be present, to provide any necessary explanations of what is written in your health records.
- The person providing the record is obliged to provide an explanation of unintelligible records, whether this is because they are illegible or for some other reason, such as the use of technical terms. No charge can be made for the supply of such an explanation.

#### Are there any date or time restrictions on health records that I can access?

No. You can request access to any health record that you know exists. (Subject to some exceptions the cut off point of the right to access records identified in earlier legislation, of November 1991, no longer applies).

#### How long should it take for my request to be processed?

You should be able to view and/or have copies of your health records within 40 days of your request being made and any necessary fee being paid.

#### What if I'm requesting access to health records of somebody who has died?

Your rights are different. As the duty of confidentiality survives a patient's death then you have to have good reasons for wanting access. This may be because you are;

- The patient's personal representative
- An executor of their will
- A person granted letters of administration by the probate registry, or
- A person with a claim arising out of the patient's death.

Under these circumstances there is no obligation to disclose records made before 1<sup>st</sup> November 1991. Similar charges apply as above.

You can ask for somebody to be present, to provide any necessary explanations of what is written in the health records.

### **Can my request be refused?**

Yes. Where the record holder feels that it would cause serious harm to the physical or mental health of you or anyone else then you may be refused access. If you are refused access for this reason then you have the right to be advised about this refusal.

You may also be refused access where your health records contain information about someone else.

### **If I am unhappy about how my request for access has been handled, is there anyone I can complain to?**

Yes. You can complain direct to the organisation concerned under the NHS Complaints Procedure. Every NHS organisation can give you details on this.

Alternatively, you can contact the Data Protection Commissioner who can offer advice and guidance. They can be contacted by telephoning 01625 545745 or by writing to;

The Office of the Data Protection Registrar  
Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

### **What if I think the record is wrong?**

If you consider that information is not accurate you can ask for it to be corrected. If the health professional believes the information to be accurate then it would be good practice for them to add a note indicating that you disagree.

If the health professional refuses to make the necessary correction a complaint can be made to the office of the Data Protection Commissioner or application to the court for an order that the data be corrected. It may also be a matter you could report to the Health Service Commissioner.

### **How can I access my health records?**

You must put your request in writing to the appropriate NHS organisation.

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## A List of Portsmouth District NHS Organisations

	<b>Name</b>	<b>Address</b>	<b>Contact No.</b>
<b>For Hospital Records</b>	Portsmouth Hospitals NHS Trust	Medical Records Department Queen Alexandra Hospital Southwick Hill Rd Portsmouth Hants, PO6 3LY	023 9228 6000
	Isle of Wight Healthcare NHS Trust	Medical Records Department St Mary's Hospital Newport Isle of Wight, PO30 5TG	
<b>For Community Records</b>	Portsmouth Hospital Community Trust	Medical Records Manager St James Hospital Locksway Road Milton Portsmouth PO4 8LD	023 9282 2444
	Isle of Wight Healthcare NHS Trust	Medical Records Department St Mary's Hospital Newport Isle of Wight, PO30 5TG	01983 524081
<b>For Ambulance Records</b>	Hampshire Ambulance	Hampshire Ambulance Service NHS Trust Highcroft Romsey Road Winchester Hampshire SO22 5DH	01962 863511
	Isle of Wight Healthcare NHS Trust	Medical Records Department St Mary's Hospital Newport Isle of Wight, PO30 5TG	01983 524081

	<b>Name</b>	<b>Address</b>	<b>Contact No.</b>
<b>For Learning Disabilities Records</b>	Portsmouth Hospital Community Trust	Medical Records Manager St James Hospital Locksway Road Milton Portsmouth PO4 8LD	023 9282 2444
	Isle of Wight Healthcare NHS Trust	Medical Records Department St Mary's Hospital Newport Isle of Wight, PO30 5TG	01983 524081
<b>For Mental Health Records</b>	Portsmouth Hospital Community Trust	Medical Records Manager St James Hospital Locksway Road Milton Portsmouth PO4 8LD	023 9282 2444
	Isle of Wight Healthcare NHS Trust	Medical Records department Sevenacres Dodnor Lane Newport Isle of Wight PO30 5TG	01983 524081
<b>For requests to access records of your GP, dentist or pharmacist</b>	Write direct to the practitioner		
<b>For GP records of a deceased person</b>	IOW, Portsmouth and SE Hants Health Authority	Coitbury House Friarsgate Winchester Hants SO23 8EE	01962 853361

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