Harbourside Family Practice

Subject Access Request and Access to Medical Records Policy

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Position	Role | Responsible person/organisation
Data Protection Officer	To contact the DPO please email bnssg.igenquiries@nhs.net
Caldicott Guardian	Dr Fiona Allinson
Data Controller	Harbourside Family Practice

Overview for all staff

- Breaches of patient data or confidentiality could lead to prosecution or the imposition of penalties by the Information Commissioner's Office.
- To ensure security and confidentiality, access to medical records is granted only to the patient or their authorised representative.
- If a child or young person can give consent, access to their health record requires their permission. Parental access may need to be discussed privately with the patient should there be a concern that they are being pressured.
- Subject Access Requests are normally provided free of charge. Access to a deceased patient's records under the Access to Health Records Act 1990 is also normally provided free of charge.

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1 Introduction

1.1 Policy statement

The purpose of this document is to ensure appropriate procedures are in place at Harbourside Family Practice to enable individuals to apply for access to health records, and to enable authorised individuals to apply for access to information held about other people by making a subject access request (SAR).

Failure to comply with the policy and any associated breaches of patient data or confidentiality could lead to prosecution or the imposition of penalties by the Information Commissioner's Office (ICO). Access to medical records can be provided via:

- An online portal linked to Harbourside Family Practice's webpage
- A variety of NHS approved apps
- A verbal SAR
- A written SAR including email and/or through social media

Throughout this document, references have been sourced from the ICO and written in conjunction with the following government legislation:

- Access to Health Records Act 1990
- Access to Medical Reports Act 1988
- Data Protection Act 2018 (incorporating the UK GDPR)
- Data (Use and Access Act 2025)
- Data Protection (Subject Access Modification) (Health) Order 2000
- Mental Capacity Act 2005

To comply with identity verification and proxy access requirements, this document supports the guidance within the NHS England document titled DAPB3051: Identity Verification and Authentication Stand for Health and Care Digital, Data, Analytics and Technology Use.

Furthermore, supporting guidance for the DAPC3051 requirements can be found within:

- DAPB3051: Requirements Specification v3.1
- DAPB3051: Supporting Implementation Guidance v3.1
- DAPB3051: Proxy

1.2 Status

In accordance with the Equality Act 2010, we have considered how provisions within this policy might impact on different groups and individuals. This document and any procedures contained within it are non-contractual, which means they may be modified or withdrawn at any time.

They apply to all employees and contractors working for Harbourside Family Practice.

2 The right to access records

2.1 Patient and third-party access to medical records

Harbourside Family Practice ensures that all patients are aware of their right to access their data and has privacy notices to support awareness. The reason for granting access to data subjects is to enable them to verify the lawfulness of the processing of data held about them. In addition, data subjects can authorise third party access, e.g., for solicitors and insurers, under the UK GDPR.

To comply with the UK GDPR, all organisation privacy notices are written in a language that is understandable to all patients and meets the criteria detailed in Articles 12, 13 and 14 of the UK GDPR. Harbourside Family Practice also has an easy-read privacy notice.

For detailed information on proxy requests for a third-party to gain access to a patient's healthcare record, refer to Annex C

2.2 Accessing information via a Subject Access Request

Most requests for medical information are made via a Subject Access Request (SAR) and are usually from a patient or their representative, such as a solicitor or via a Lasting Power of Attorney (LPA). Requests may also be received from other sources such as private healthcare providers, and this may be in the form of a letter detailing the patient's consent to release the requested information.

To promote safer data protection working practices, upon receipt of any request and even with a signed consent form, where appropriate, the Practice may contact the patient to verify the request or confirm the scope of the information requested.

For full guidance on the SAR, refer to Annex A and a SAR application form is at Annex B.

2.3 Access to deceased persons medical records

The UK GDPR does not apply to data concerning deceased persons, although the ethical obligation to respect a patient's confidentiality extends beyond death. There are several considerations before disclosing the health record of a deceased patient, all of which are detailed in the Access to Health Records Act 1990. It should be noted that access to the records of deceased patients and any copies must be provided free of charge.

For further detailed information, refer to the BMA Access to health records guidance and Harbourside Family Practice's Access to Deceased Patients Records Policy.

2.4 Requests for access to personal data by employees

Employees and ex-employees of Harbourside Family Practice have a right to request a copy of their personal data including their employment record, occupational health records, complaints files, significant event files and any other relevant correspondence. Not all personal data that an organisation holds about an individual needs to be provided as certain exemptions exist.
For example, legally privileged documents do not need to be disclosed or when personal data is processed for the purposes of management forecasting or management planning in relation to business planning.

The requestor does not need to provide a reason for making a SAR and only needs to provide proof of identity where reasonably required. The requestor should specify a date range, subject matter and the people who they believe have sent or received information

about them. An employer cannot refuse to supply information if documents provide third party references. These should simply be redacted on the copy provided to the requestor.

Article 15 (3) of the UK GDPR states that on receipt of a SAR, the employer must give the requestor a copy of their personal information (as per Article 15 (1)) without charge but can charge a reasonable fee for additional requests. If the request is made by e-mail, then the employer must provide the information in a commonly used electronic format unless the requestor requires the information in a different format.

The procedure for employees or ex-employees undertaking a SAR follows the same process as for any other SAR request.

2.5 Summary care records

The NHS England guidance titled Summary Care Record details that a Summary Care Record (SCR) is a national database that holds electronic records of patient information. This includes current medication, allergies and reactions to medication that are created from GP medical records.

Further to this, Additional information in the SCR, such as details of long-term conditions, significant medical history or specific communications needs, is now included by default for patients with a SCR unless they have previously advised the NHS that they do not want this information to be shared.

Should a patient not wish to have any additional information shared, they can complete the SCR patient consent preference form.

2.6 Former NHS patients living outside of the UK

Patients who no longer are resident in the UK continue to have the same rights to access their information as those who still reside here and must make their request for information in the same manner.
Whilst the original health records should not be given to an individual to take abroad with them, a summary of the treatment given while resident in the UK can be provided.

2.7 CQC access to a patient's medical record

The Care Quality Commission (CQC) has powers under the Health and Social Care Act 2008 to access medical records during an assessment.

For further detailed information, refer to CQC GP mythbuster 12: Accessing medical records and carrying out clinical searches.

3 Disputes and complaints

3.1 Disputes concerning the content of records

Once access to records has been granted, patients or their proxy may dispute their accuracy. This could be:

- A lack of understanding of medical codes

- Identified errors
- Unexpected third-party references
- Entries they object to, or want deleted

The right of rectification and erasure is established within the UK GDPR and all queries of this nature will be directed to the data controller. The Practice, as data controller, will contact the patient and then undertake a thorough investigation to identify the source and extent of the problem.

The Caldicott Guardian and data controller will then decide on the most appropriate action, although when the dispute concerns a medical entry, the clinician who made the entry should be consulted and consideration given as to whether it is appropriate to change or delete an entry.

When it is not possible or practical to contact the clinician concerned, the Caldicott Guardian or data controller should be consulted. If it is not possible to amend the records, a meeting with the patient or their proxy should be organised to explain why. Importantly, advice must be sought from the DPO should a patient wish to apply their UK GDPR rights of rectification, erasure, restriction of processing, data portability and the right to object.

When it is not appropriate to amend a medical record, an entry may be made declaring that the patient disagrees with the entry. If the patient further disputes the accuracy once a decision has been made, they will be advised of the complaints procedure

3.2 Complaints in connection with a record

Under the Data (Use and Access) Act 2025 (DUAA 2025) an individual may make a complaint if they consider that, in connection with their personal data, there is an infringement of the UK GDPR. A complaints form is available and as detailed within Harbourside Family Practice's Complaints Procedure.

Should a complaint be received under Section 103 of the DUAA 2025, Harbourside Family Practice must acknowledge receipt within 30 days of receiving the complaint. Harbourside Family Practice must, without undue delay take appropriate steps to respond to the complaint and inform the complainant of the outcome of the complaint. The complainant may wish to take their complaint directly to the ICO, alternatively, they may wish to seek independent legal advice. Guidance from the DPO should be sought when a data complaint is received.

Annex A – Subject Access Request (SAR) process

Subject Access Requests (SAR) to medical records

In accordance with Article 15 of the UK GDPR, individuals have the right to access their data and any supplementary information held by Harbourside Family Practice. SARs are predominantly used for access to, and the provision of, copies of medical records. This type of request need not always be in writing (e.g., letter, e-mail). However, applicants should be offered the use of a SAR application form which allows for an explicit indication of the required information.

The reason for granting access to data subjects is to enable them to verify the lawfulness of the processing of data held about them. In addition, data subjects can authorise third party access, e.g., for solicitors and insurers, under the UK GDPR.

When a data subject (individual) wishes to access their data, they are to be encouraged to use the SAR form which can be found at Annex B. All staff must note that the ICO states, *"An individual can make a SAR verbally or in writing, including on social media. A request is valid if it is clear that the individual is asking for their own personal data".*

To request a SAR, the requester must be:

- The data subject OR
- Have the written permission of the data subject OR
- Have legal responsibility for managing the subject's affairs to access personal information about that person, such as a lasting power of attorney (LPA)

It is the requester's responsibility to satisfy Harbourside Family Practice of their legal authority to act on behalf of the data subject. The identity of the requester is required before Harbourside Family Practice can provide any personal information.

Requests may be received from the following:

Competent patients	May apply for access to their own records or authorise third party access to their records
Children and young people	May also apply in the same manner as other competent patients. Harbourside Family Practice will not automatically presume a child, or young person has capacity under the age of 16. However, those aged 13 or over are expected to have the capacity to consent to medical information being disclosed. This reflects the information given in the UK GDPR and also in CQC GP mythbuster 8: Gillick competency and Fraser guidelines.
Parents	May apply to access their child's health record providing this is not in contradiction of the wishes of the competent child. Should a child or young person be capable of giving consent, access to their health record may then only be given with consent. It may be necessary to discuss parental access alone with the child or young person if there is suspicion that they are under pressure to agree.

	Guidance on parental access to a child or young person's healthcare records is detailed within the BMA guidance titled Children and young people ethics toolkit.
Individuals with a responsibility for adults who lack capacity	Are not automatically entitled to access the individual's health records. Harbourside Family Practice will ensure that the patient's capacity is judged in relation to the particular decisions being made. Any consideration to nominate an authorised individual to make proxy decisions for an individual who lacks capacity will comply with the Mental Capacity Act 2005 in England and Wales and the Adults with Incapacity Act in Scotland.
Next of kin	Have no rights of access to health records
Police	In all cases, Harbourside Family Practice can release confidential information if the patient has given his/her consent (preferably in writing) and understands the consequences of making that decision. There is, however, no legal obligation to disclose information to the police unless there is a court order or this is required under statutes (e.g., Road Traffic Act 2006). Nevertheless, health professionals have power under the Data Protection Act 2018 and the Crime Disorder Act 1998 to release confidential health records without consent for the purposes of the prevention or detection of crime or the apprehension or prosecution of offenders. The release of the information must be necessary for the administration of justice and is only lawful if this is necessary: • To protect the patient or another person's vital interests, or • For the purposes of the prevention or detection of any unlawful act where seeking consent would prejudice those purposes and disclosure is in the substantial public interest (e.g., when the seriousness of the crime means there is a pressing social need for disclosure) Only information that is strictly relevant to a specific police investigation should be considered for release and only then if the police investigation would be seriously prejudiced or delayed without it.
Court representatives	A person appointed by the court to manage the affairs of a patient who is incapable of managing his or her own affairs may make an application. Access may be denied when the responsible clinician is of the opinion that the patient underwent relevant examinations or investigations in the expectation that the information would not be disclosed to the applicant.
Representatives or solicitors	A patient can give written authorisation for a person (for example a solicitor or relative) to make an application on their behalf for copies of their medical records.

	Harbourside Family Practice may withhold access if it is of the view that the patient authorising the access has not understood the meaning of the authorisation. It is important to stress to the patient that under a SAR, all health records are provided unless a specific time period is stated and patients should be mindful of giving access to this level of health data. Solicitors who are acting in civil litigation cases for patients should obtain consent from the patient using the form that has been agreed with the BMA and the Law Society. If a consent form from the patient is not received with the application form, then no information must be provided until this has been received.
Requests for insurance medical reports	SARs are not appropriate should an insurance company require health data to assess a claim. The correct process for this at Harbourside Family Practice is for the insurer to use the Access to Medical Reports Act 1988 when requesting a GP report. In most cases, the requester will provide the patient's signed consent to release information held in their health record. The BMA have issued guidance titled Requests for medical information from insurers. Therefore, Harbourside Family Practice will contact the patient to explain the extent of disclosure sought by the third party. Harbourside Family Practice can then provide the patient with the medical record as opposed to the insurer. The patient is then given the opportunity to review their record and decide whether they are content to share the information with the insurance company. Insurers are to be advised that the following fees are applicable and as detailed within BMA Guidance Fees.

Responsibility

It is the responsibility of the data controller to verify all requests from data subjects using reasonable measures. The use of Harbourside Family Practice's SAR form supports the data controller in verifying the request. In addition, the data controller is permitted to ask for evidence to identify the data subject, usually by using photographic identification.

Processing a SAR request

Upon receipt of a SAR, a record of this is to be detailed within the individuals' health record, as well as annotating Harbourside Family Practice's Data Subject Access Request (SAR) Register. Once processed, another entry onto the health record should be made, including the date of postage or the date the record was collected by the patient or authorised individual in addition to updating the SAR Register.

Under the Data Protection (Subject Access Modification) (Health) Order 2000, an appropriate healthcare professional (responsible clinician) manages all access matters. Whenever possible, the healthcare professional most recently involved in the care of the patient will review and deal with the request. If, for some reason, they are unable to manage the request, an appropriate professional will assume responsibility and manage the access request.

Once the requested information has been processed and is ready for issue to the patient, it is a requirement of UK GDPR within Article 15 to include any further relevant information that may assist the requestor. It should be noted that this is supplementary and not repeated information.

The process upon receipt of a SAR form is illustrated by the SAR desktop aide-memoire at Annex E which is an aide-memoire/flow diagram for staff. A poster with suggested wording explains how health records can be accessed is at Annex F. To support the written response, a template with suggested wording can be found at Annex G.

Further reading on the rights to access information can be found in the ICO guidance titled What is the right of access?

Privacy notices

Where a Subject Access Request is fulfilled, the Practice will normally provide its Privacy Notice and, where appropriate, an Article 15 supplementary information sheet to satisfy the information requirements of Articles 13–15 UK GDPR.

Identity verification

To ensure compliance, the data controller will ensure data is processed in accordance with Article 5 of the UK GDPR. Individuals will have to verify their identity, and it is the responsibility of the data controller to verify all requests using reasonable measures.

For further detailed information, refer to NHS England's Good practice guidance on identity verification.

Timeframe for responding to requests

In accordance with Article 12 of the UK GDPR, Harbourside Family Practice must respond to a SAR without undue delay and at the latest within one month of the receipt of the request. In the case of complex or multiple requests, the data controller may extend the response time by a period of two months. In such instances, the applicant must be informed in the first month and the reasons for the extension given.

As detailed in Article 15 of the UK GDPR, the data subject is only entitled to such confirmation, personal data and other information as the controller is able to provide based on a reasonable and proportionate search for the data.

Should the request involve a large amount of information, the data controller will ask the data subject to specify what data they require before responding to the request. In this instance, the data controller is permitted to 'stop the clock' in relation to the response time until the clarification is received. For further detailed information, see the BMA's Access to health records.

Fees

As stated by the ICO, Harbourside Family Practice is not permitted to charge a fee to comply with a SAR. However, a reasonable fee may be charged if the request is deemed to be manifestly unfounded or excessive, or if an individual requests further copies of their data.

Fees are detailed within the BMA Access to health records guidance.

Should a SAR be initiated from a solicitor and they are asking for a report to be written, or the request is asking for an interpretation of information within the record, this request goes beyond a SAR and therefore a fee can be charged. Harbourside Family Practice may ask the nature of the request from the solicitor to confirm if this should be charged for or not. However, if the solicitor confirms that they are seeking a copy of the medical record, then this should be treated as a SAR and complied with in the usual way.

Method of response to requests

ICO guidance explains that the decision on what format to provide the requested information in should take into consideration the circumstances of the request and whether the individual can access the data in the format provided. It is considered good practice to establish the individual's preferred method before fulfilling their request. Article 15 explains that when a data subject makes a request by electronic means, and unless otherwise requested by the data subject, the information is to be provided in a commonly used electronic format.

When the patient/applicant requests their information to be emailed to them, it is strongly recommended that Harbourside Family Practice explains to the patient/applicant the risks (for example, unauthorised interception of the data) of receiving the data via unencrypted means to a non-NHS email address. Harbourside Family Practice should document the patient's agreement (expressed in writing or via email) to receive their data via unencrypted means in the medical record. If the patient/applicant agrees, alternative electronic formats may be used, i.e., a memory stick.

For those requests that are not made electronically, a paper copy can be provided unless the patient has explicitly requested a different format.

Amendments to medical records

Records should not be amended because of a request for access; it is a criminal offence under the Data Protection Act 2018 to amend or delete records in response to a SAR. If amendments are made between the time that the request for access was received and the time at which the records were supplied, these must only be amendments that would have been made whether or not the request for access was made. When dealing with a SAR, the most up to date information should be provided.

Information that is clinically relevant must not be deleted from medical records. For electronic records, information can be removed from display, but the audit trail will always keep the record complete. Amendments to records can be made provided the amendments are made in a way that indicates why the alteration was made so that it is clear that records have not been tampered with for any underhand reason.

Patients may also seek correction of information that they believe is inaccurate. In these instances, refer to Section 3.

Organisation disclaimer

The template at Annex H can be issued to patients upon receipt of them obtaining a copy of their medical records.

This disclaimer outlines that they are responsible for the security and confidentiality of their own records, and that Harbourside Family Practice will not accept any responsibility for copies of medical records once they leave the premises.

Refusal to provide medical records following a SAR request

Harbourside Family Practice will only refuse to comply with a SAR when exemption applies or when the request is manifestly unfounded or manifestly excessive. In such situations, the data controller will inform the individual of:

- The reasons why the SAR was refused
- Their right to submit a complaint to the ICO
- Their ability to seek enforcement of this right through the courts

Each request must be given careful consideration and, should it be refused, this must be recorded and the reasons for refusal justifiable. The ICO explains that an organisation has the right to refuse any online access or SAR although any such refusal will be within the allotted timescale and the reasons for the refusal will be given. A letter template for refusal can be found at Annex I.

If sharing full records could cause harm or involves third-party information, healthcare professionals may redact relevant details from the patient's view but must not delete them. It should be noted that if unable to or should the system functionality to redact information not be available, then the record should not be shared with the patient as detailed below in the non-disclosure section.

For further detailed information, refer to When you can disclose personal information.

Non-disclosure

The UK GDPR provides for several exemptions in respect of information falling within the scope of a SAR. Information can generally be treated as exempt from disclosure and should not be disclosed, if:

- It is likely to cause serious physical or mental harm to the patient or another person

- It relates to a third party who has not given consent for disclosure (when that third party is not a health professional who has cared for the patient) and after considering the balance between the duty of confidentiality to the third party and the right of access of the applicant, the data controller concludes it is reasonable to withhold third party information

- It is requested by a third party, and the patient had asked that the information be kept confidential or the records are subject to legal professional privilege or, in Scotland, the records are subject to confidentiality as between client and professional legal advisor. This may arise in the case of an independent medical report written for the purpose of litigation. In such cases, the information will be exempt if, after considering the third party's right to access and the patient's right to confidentiality, the data controller reasonably concludes that confidentiality should prevail, or it is restricted by order of the courts

- It relates to the keeping or using of gametes or embryos or pertains to an individual being born because of in vitro fertilisation

- In the case of children's records, disclosure is prohibited by law, e.g., adoption records

The data controller must redact or block out any exempt information. Depending on the circumstances, it may be that the data controller should take steps to explain to the applicant how the relevant exemption has been applied. For further detailed information, refer to section 4.9 of the BMA Access to health records guidance.

Annex B – Application for access to medical records (SAR)

APPLICATION FOR ACCESS TO MEDICAL RECORDS (SAR)

In accordance with the UK General Data Protection Regulation (UK GDPR)

Section 1: Patient details

Surname		**Former name**	
Forename		**Title**	
Date of birth		**NHS number**	
Address:			
Telephone No			

If you are applying to view your own records, please go to Section 2.

If you are applying to view another person's record, please go to Section 3.

Section 2: Record requested

Please tick the relevant boxes below. The more specific you can be, the easier it is for us to quickly provide you with the records requested. Record in respect of treatment for: (e.g., leg injury following a car accident)

I am applying for access to **view** my records only	○
I am applying for an electronic copy of my medical record	○
I am applying for a printed copy of my medical record	○

Please specify what information you are requesting:

I would like a copy of records between specific dates only (please give dates below)	○
I would like a copy of records relating to a specific condition/specific incident only (please detail below)	○
I would like a copy of all my electronic records (held on computer)	○
I would like a copy of all my electronic and paper records since birth	○

Patient signature:		**Date:**	

Section 3: Details and Declaration of Applicant

Please complete if you are requesting access on **behalf of** the above-named patient

Surname		**Title**	
Forename(s)		**Address**	
Telephone number		**Email**	
Relationship to Patient			

(If more than one person is to be given access then please list the above details for each additional person on a separate sheet of paper)

I am applying for access to **view** the records only	○
I am applying for an electronic copy of the medical record	○
I am applying for a printed copy of the medical record	○

Please specify what information you are requesting:

I would like a copy of records between specific dates only (please give dates below)	○
I would like a copy of records relating to a specific condition/specific incident only (please detail below)	○
I would like a copy of all the electronic records (held on computer)	○
I would like a copy of all the electronic and paper records since birth	○

Reason for access:

I have been asked to act by the patient	○
I have full parental responsibility for the patient, and the patient is under the age of 18 and: ● Has consented to my making this request, or ● Is incapable of understanding the request (delete as appropriate)	○
I have been appointed by the Court to manage the patient's affairs and attach a certified copy of the court order appointing me to do so	○

I am acting *in loco parentis,* and the patient is incapable of understanding the request	○
I am the deceased person's personal representative and attach confirmation of my appointment (grant of probate/letters of administration)	○
I have written, and witnessed, consent from the deceased person's personal representative and attach Proof of Appointment	○
I have a claim arising from the person's death (please state details below)	○

Declaration:

I declare that the information given by me is correct to the best of my knowledge and that I am entitled to apply for access to the health records referred to above under the terms of the UK Data Protection Act 2018.

You are advised that the making of false or misleading statements in order to obtain personal information to which you are not entitled is a criminal offence which could lead to prosecution.

Applicant signature:		**Date:**	

I confirm that I give permission for Harbourside Family Practice to communicate with the person identified above regarding my medical records

Patient signature:		**Date:**	

Section 4: Proof of identity

Under the Data Protection Act 2018 you do not have to give a reason for applying for access to your health records. The Practice will verify identity using reasonable and proportionate measures. Photographic identification or other evidence may be requested where appropriate. Please speak to reception if you are unable to provide this.

Section 5: Consent for children

If a child aged 13 or over has "sufficient understanding and intelligence to enable him/her to understand fully what is proposed" (known as Gillick Competence), then s/he will be competent to give consent for him/herself. They may wish a parent to countersign as well.

Young people aged 16 and 17 are legally competent and may therefore sign this consent form for themselves but may wish a parent to countersign as well. If the child is under 18 and not able to give consent for him/herself, someone with parental responsibility may do so on his/her behalf by signing this form below.

I am the patient aged 13 – 18 years			
Signature		**Date:**	
I am the parent/guardian/person with parental responsibility (delete as necessary)			

Signature		**Date:**	
Full name			
Address			

You will be texted, emailed or telephoned when the copies are ready for collection or posting.

ADDITIONAL NOTES:

Before returning this form, please ensure that you:

- Have signed and dated the form
- Are able to provide proof of identity/confirmed your identity by a countersignature
- Enclosed documentation to support your request (if applicable)

Incomplete applications will be returned. Please therefore ensure you have the correct documentation before returning the form.

For office use only:

Identity should be verified using reasonable and proportionate measures. Where required, photographic identification, proof of address, vouching by staff or confirmation of information held within the medical record may be used

- e.g., passport or photo driving licence, or a bank statement
- When this is not available, vouching by a member of staff or by confirmation of information in the records by one of the clinicians may be used
- If this is a proxy request, when the patient has capacity, both the patient and the proxy should provide identification as above in person

Request received		Request refused	
Reviewed by		Request completed	
Fee (see Annex A)		Date sent	
Comments			
Patient identity verified by		Date	
Method	○ Photo ID or proof of residence – Type …….. ○ Photo ID or proof of residence – Type …….. ○ Vouching – by whom ……		

	○ Vouching with information in record – by whom ……		
Proxy identity verified by		Date	
Method	○ Photo ID or proof of residence – Type …….. ○ Photo ID or proof of residence – Type …….. ○ Vouching – by whom …… ○ Vouching with information in record – by whom ……		

Annex C – Third-party access to healthcare information

APPLICATION FOR THIRD-PARTY ACCESS TO HEALTHCARE INFORMATION

To maintain confidence in our patients, we will not divulge any medical information about you unless it is legally appropriate, or we have your consent to do so.

Who should complete this form?

Anyone who is competent to do so.

It is difficult to state at what age any child will become competent to make autonomous decisions regarding their healthcare as between the ages of 11 and 16 this varies from person to person. As most children are content that their parents have access to their healthcare information, this form will ordinarily be used for adults. However, it may equally be used for a child whom it is considered has capacity and can understand their actions.

Agreement

Should you wish to consent for a nominated person to be able to discuss any medical information about you with staff at this practice, please indicate this in the form overleaf.

Although by completing this form, the following should be noted:

- The person granting access to a third-party must fully complete and sign the form
- Any incorrectly completed forms will not be processed and will be returned to person making the application
- This form does not permit any third-party individual to make healthcare decisions on behalf of the named patient
- This practice may contact you via email or telephone should there be any concern

Disclaimer:

It is also your responsibility to keep us informed as to who can access and discuss specific areas of your medical record as detailed on the form. Should your circumstances change, it is your responsibility to advise this practice.

Harbourside Family Practice relinquishes all responsibility should the above information become incorrect if not updated.

I, [insert patient name] hereby give permission for [insert name] to discuss my medical records with the following:

Patient requesting permission to allow proxy access		
Full name		
Date of birth		
Address		
Signature		
Date		
Telephone/Email		
Named person receiving access		
Full name		
Address		
Relationship		

Agreement as to what can be divulged

I give permission for the following to be permitted or discussed with the above named person should they request (tick all that apply):

Appointments	Medication	Consultations	Test results	Referrals
○	○	○	○	○

Annex D – Nominated person agreement to release information

APPLICATION TO REQUEST INFORMATION IS RELEASED

To maintain confidence, Harbourside Family Practice will not divulge any medical information about any patient unless it is legally appropriate or we have consent to do so.

Who should complete this form?

Anyone who has authority, such as a lasting power of attorney (LPA), may lawfully act on behalf a patient who does not have capacity. Prior to any release of information, the identity of the nominated person will be established and the Office of the Public Guardian will confirm that the nominated person is acting as an LPA for the named patient.

Agreement

It is confirmed that a nominated person has an agreement, such as an LPA, to act on behalf of a patient who no longer has capacity.

There is a need to have the below named patient's medical information released to another third party, e.g., a care home. The nominated person may act on behalf of a patient and request that their medical information is provided.

By completing this form, the following should be noted:

- The nominated person will be acting in the best interest of the patient
- The form must be fully completed and signed
- Any incorrectly completed forms will not be processed and will be returned to person making the application
- This form does not permit any nominated individual to make healthcare decisions on behalf of the named patient
- Harbourside Family Practice may contact the nominated person via email or telephone should there be any concern
- This form must be completed each time a new request to release information to a third party is required

It is the responsibility of the nominated person to keep Harbourside Family Practice informed as to who can access and discuss specific areas of the named patient's medical record as detailed on the form. Should any circumstances change, it is the responsibility of the nominated person to advise this practice.

I, [insert nominated person name], hereby give permission for Harbourside Family Practice to discuss clinical information about the medical records of [insert patient name] as follows:

Name of patient

Full name	
Date of birth	
Address	

Nominated person requesting permission to allow third-party access		
Full name		
Relationship		
Address		
Signature		
Date		
Telephone/email		

Named organisation receiving access	
Name	
Address	
Requirement	

Agreement as to what can be divulged

I give permission for the following to be divulged or discussed with the above named organisation should they request (tick all that apply):

Appointments	Medication	Consultations	Test results	Referrals
○	○	○	○	○

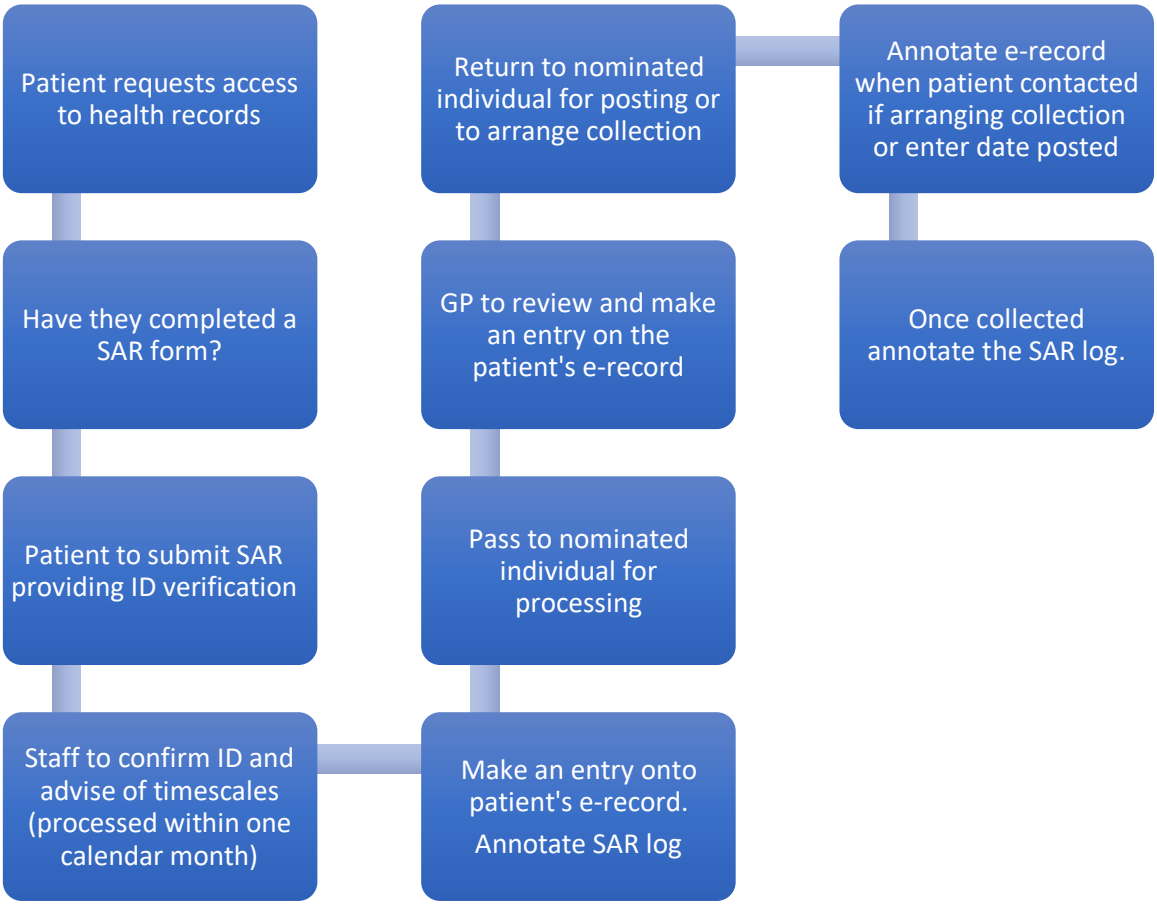
For office use only:

Identity should be verified using reasonable and proportionate measures. Where required, photographic identification, proof of address, vouching by staff or confirmation of information held within the medical record may be used

- e.g., passport or photo driving licence, or a bank statement
- When this is not available, vouching by a member of staff or by confirmation of information in the records by one of the clinicians may be used
- LPA verification must be conducted through the Office of the Public Guardian

Request received		Request refused	
Reviewed by		Request completed	
Date sent			
Comments			
ID verified by		Date	
Method	○ Photo ID or proof of residence – Type …….. ○ Photo ID or proof of residence – Type …….. ○ Vouching – by whom …… ○ Vouching with information in record – by whom ……		
LPA verified by		Date	
Comments			

Annex E – SAR desktop aide-memoire



Annex F – Access poster template

NOTE: The following suggested wording can be used as a template for a poster to advise patient's or their proxy of the process to access medical records:

ACCESSING YOUR MEDICAL RECORDS

Introduction

In accordance with the UK General Data Protection Regulation (UK GDPR), patients (data subjects) have the right to access their data and any supplementary information held by Harbourside Family Practice. This is commonly known as a subject access request (SAR).

Data subjects have a right to receive:

- Confirmation that their data is being processed
- Access to their personal data
- Access to any other supplementary information held about them

Options for access

Prior to accessing this information, you will have to visit Harbourside Family Practice and undertake an identity check. In addition, you can make a request to be provided with copies of your health record. To do so, you must submit a SAR form. This can be submitted electronically, and the SAR form is available on Harbourside Family Practice website. Alternatively, a paper copy of the SAR is available from reception. You will need to submit the form online or return the completed paper copy of the SAR to Harbourside Family Practice. Patients do not have to pay a fee for copies of their records.

Time frame

Once the SAR form is submitted, Harbourside Family Practice will aim to process the request without undue delay and usually within one month of the request being received. However, there may be instances where this time frame is extended.

Exemptions

There may be occasions when the data controller will withhold information kept in the health record, particularly if the disclosure of such information is likely to cause undue stress or harm to you or any other person.

Data controller

At Harbourside Family Practice, the data controller is Harbourside Family Practice and should you have any questions relating to accessing your medical records, please ask to discuss this with the named data controller.

Annex G – Considered Article 15 responses

NOTE: The suggested wording below can be used in letters and/or emails. It must be edited to reflect organisation's specific circumstances.

On [insert date], you submitted a Subject Access Request (SAR) in order to receive copies of the information Harbourside Family Practice holds about you. Please find enclosed all relevant information.

To comply with Article 15 of the UK General Data Protection Regulation, we are obliged to advise you of the following:

1	The purposes of the processing	*Your data is collected for the purpose of providing direct patient care. In addition, the practice contributes to national clinical audits and will send information such as demographic data, i.e., date of birth and coded information about your health, to NHS England*
2	The categories of data concerned	*We process your identity, contact, administrative and health information in accordance with Article 9 of the UK GDPR*
3	The recipients or categories of recipients	*Your data has been shared with [insert organisation(s)] to enable the provision of healthcare.*
4	How long your information will be retained	*Records are retained in accordance with the NHS Records Management Code of Practice.*
5	The right to rectification or erasure of personal data	*Should you find any inaccuracies within the data we hold, please advise us of the inaccuracies and we will discuss with you how to rectify these*.
6	The right to lodge a complaint with the supervisory authority	*In the unlikely event that you are unhappy with any element of our data processing methods, you have the right to lodge a complaint with the ICO. For further details, visit ico.org.uk and select "Raising a concern".*
7	How we obtained any of the data we hold about you	*[Insert name] NHS Hospital Trust has provided us with [insert brief explanation of what has been provided] following your [admission/referral/specialist appointment].*
8	Any automated processing activities	*This is not applicable to your data.*

Should you have any questions relating to the information provided in this letter or about the copies of information we have provided, please contact [insert name] at Harbourside Family Practice on [insert number or give email address].

Further reading can be sought from the following Government webpage:
https://www.legislation.gov.uk/eur/2016/679/article/15

Annex H – Practice disclaimer template

NOTE: The suggested wording below can be used in letters and/or emails. It must be edited to reflect organisation's specific circumstances.

On [insert date], you submitted a Subject Access Request (SAR) in order to receive copies of the information that this practice holds about you. You have been provided with this information that aligns with Harbourside Family Practice's Privacy Notice in order to comply with the UK General Data Protection Regulation (UK GDPR).

You are responsible for the confidentiality and safeguarding of the copies of your medical records which have been provided to you. Harbourside Family Practice accepts no responsibility for the copies once they leave the premises.

By signing this form, you are accepting full responsibility for the security and confidentiality of the copies of your medical records.

Patient name	
Patient signature	
Date	

Annex I – Refusal of SAR letter template

NOTE: The suggested wording below can be used in letters and/or emails. It must be edited to reflect organisation's specific circumstances.

On [insert date], a Subject Access Request (SAR) was received requesting copies of the information that this practice holds about [insert patient name].

To process this request, the Information Commissioner's Office (ICO) Code of Practice requires any application for a SAR to meet strict criteria and that the data controller must be satisfied that the request is meeting these. In some circumstances, there are reasons as to why information should not be given.

In this instance, it is felt that this practice cannot process this request for the following reason*:

*[delete as appropriate]

- It is manifestly unfounded (see footnote 7 for ICO explanation)
- It is an excessive request, i.e., the insurer is requesting a full copy of the medical records, when this could be deemed as being unreasonable or excessive for the purpose
- The information required details a further third party therefore a separate SAR would be required
- The information may be detrimental or cause harm to the requesting patient or any other person
- It includes information about a child or non-capacious adult which would not be expected to be disclosed to the person making the request
- It is legally privileged information
- It is information that is subject to a Court Order

Should you have any questions relating to the information provided in this letter, please contact the Practice Manager at Harbourside Family Practice on 01275 868500.

If you disagree with the actions being taken, then you have the right to make a complaint to the Information Commissioners Office (ICO) at:

Address: Information Commissioner's Office
Wycliffe House
Water Lane
WILMSLOW
SK9 5AF

Telephone: 0303 123 1113
Website: https://ico.org.uk/global/contact-us/

Alternatively, you may seek to enforce your right through judicial remedy.