



Obtaining Your Medical Records

Medical or health records will contain information from almost all the consultations a person may have had with health professionals. This may include doctors, nurses, therapists, opticians, dentists etc. The information they contain usually includes:-

- why you saw a health professional
- details of any findings and the diagnosis that was made
- any options for treatment the health professional discussed with you
- the decisions made about your treatment
- details of any action taken by the health professional and the outcome

Applying for Your Medical Records

You have the right to apply for copies or view your medical records under the Data Protection Act 1998. This applies to both private and NHS records.

You should write to the health provider holding your records, for example your GP or the hospital, formally requesting a copy of your medical records. Your letter should state that you are requesting copies under the provisions of the Data Protection Act 1998. You should provide your full name, date of birth, address and hospital number if you have it (if applying to a hospital).

Costs and Timescales

The health provider is entitled to charge for providing copy medical records unless the records have been added to within a period of 40 days leading up to the request (for example, where you have attended an appointment recently at the hospital or surgery). The maximum charge is £50. If the records only consist of computer records, not handwritten records, then the maximum charge is £10.

The records must be provided within 40 days.

Applying for the Records of Someone Who has Died

If you wish to obtain copies of a person who has died, the Data Protection Act does not apply. Instead, you need to apply under the Access to Health Records Act 1990. This entitles the personal representative, or anyone pursuing a legal claim, to apply for records. You should write to the hospital; or for GP records, to the relevant primary care trust (PCT), as the GP will not continue to keep the records. You can find out from the GP which PCT holds the records.



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There is no maximum charge under the Access to Health Records Act so obtain an estimate of the likely cost as copying charges can be high, particularly if there are many records.

Applying for Children's Records

A person with parental responsibility is able to access the records of children under 16. Children of 16 and 17 years of age are seen as being able to consent to their own treatment and to having a right to confidentiality, so from that age onwards they can request their own records. This can apply to younger children as well, if they are able to understand the nature of the application.

Time Period for Keeping Records

When someone dies, GP records are kept for at least 10 years and then destroyed. Hospital records are kept for at least 8 years after treatment has ended or the person has died. Children's records should be kept until they are 25, although this will be extended where treatment is ongoing.

If Your Request is Refused

A healthcare professional can only refuse to disclose your records to you if they believe that information within the records would cause serious physical or mental harm, or if they refer to another person (although it is possible to delete references to another person and still disclose the records).

If you are refused access to records you can complain to the healthcare provider in the first instance. If you are not satisfied with their response you can complain to the Information Commissioner (www.ico.gov.uk).

If you need any further information about matters in this information sheet, please do not hesitate to contact us.



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