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Access to Health Records under the Data Protection Act 1998

Below is background information regarding your rights under the Data Protection Act 1998 in relation to requesting access to your health records, along with a form to assist you to make your request.

The Data Protection Act 1998 gives every living person, or an authorised representative, the right to apply for access to health records. A request should be made in writing (this includes e-mail) to the data controller at the NHS organisation where your records are held. Please contact us for alternative methods of obtaining access if you are unable to make a request in writing.

Under the Data Protection Act 1998 (Fees and Miscellaneous Provisions) Regulations 2000, you may be charged a fee to view your health records or to be provided with a copy of them. The maximum permitted charges are set out in the tables below:

To provide you with a copy of your health records the costs are:

- Health records held totally on computer: up to a maximum of £10
- Health records held in part on computer and in part manually: up to a maximum of £50
- Health records held totally manually: up to a maximum of £50

To allow you to view your health records (where no copy is required) the costs are:

- Health records held totally on computer: up to a maximum of £10
- Health records held in part on computer and in part manually: up to a maximum of £10
- Health records held totally manually: up to a maximum of £10 unless the records have been added to in the last 40 days in which case viewing should be free

All these maximum charges include postage and packaging costs.

We are not obliged to comply with your access request unless we have sufficient information to identify you and to locate the information held about you. You may also be required to pay a fee as described above.

Once we have all the required information, and fee, where relevant, your request will be complied within 21 days. In exceptional circumstances, where it is not possible to comply with this period, you will be informed of the delay and given a timescale for when your request is likely to be met.

In some circumstances, the Act permits us to withhold information held in your health records. These rare cases are:

- Where it has been judged that supplying you with the information is likely to cause serious harm to the physical or mental health or condition you, or any other person, or;

- Where providing you with access would disclose information relating to or provided by a third person who had not consented to the disclosure, this exemption does not apply where that third person is a health professional involved in your care.

When making your request for access, it would be helpful if you could provide details of the periods and parts of your health record you require. Although this is optional, it will help save NHS time and resources, and may reduce the costs of your request.

If you are using an authorised representative, you need to be aware that in doing so they may gain access to all health records concerning you, which may not be relevant. If this is a concern, you should inform your representative of what information you wish them to specifically request when they are applying for access.

If you have any complaints about any aspect of your application to obtain access to your health records, you should first discuss this with the practice. If this proves unsuccessful, you can make a complaint through the NHS Complaints Procedure by contacting the NHS organisation formally. Further information about the NHS Complaints Procedure is available on the NHS Choices website at:

www.nhs.uk/aboutNHSChoices/pages/Howtocomplaincompliment.aspx

Alternatively, you can contact the Information Commissioners Office (responsible for governing Data Protection compliance) at: Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF, Tel 01625 545700, or www.ico.gov.uk.

Yours sincerely

Michele Parkes
Practice Manager

**Access to Health Records under the Data Protection
Act 1998 (subject Access Request)**

Patient's authority consent form for release of health records (manual or computerised health records)

Please print all details and use dark ink

To:

Trent Vale Medical Practice
876 London Road
Trent Vale
Stoke-on-Trent
Staffordshire
ST4 5NX

Identity of individual about whom information is requested:

Full Name
Current Address
Date of Birth
Contact Telephone Number

What is being applied for (tick as appropriate). In doing so, you understand you may have to pay a fee for access or copies of records.

I am applying for access to view my health records	
I am applying for copies of my health records	

You do not have to give a reason for applying for access to your health records. However, to help the NHS save time and resources, it would be helpful if you could provide details below, informing us of periods and parts of your health records you require, along with details which you may feel have relevance, ie consultant name, location, written diagnosis and reports etc. Please use the space below to document and continue on another page if necessary:

Dates and types of records:

Please tick the appropriate box identifying whether you or a representative on your behalf is applying for access.

I am applying to access my medical records	
I have instructed my authorised representative to apply on my behalf	

If you are the patients' representative please give details here:

Name & Address of representative
Contact Telephone number
Signature

Signature of Applicant
Date