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| Gloucestershire Hospitals |  |
| NHS Foundation Trust |  |

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| **FAQ’s** |

# INTRODUCTION

The GDPR 2018 (General Data Protection Regulation, which became effective from the 25th May 2018, and the Data Protection Act 2018 gives every living person (or their authorised representative) the right to apply for access to their information.

A health record is defined as ‘a record consisting of information about the physical condition of an identifiable individual, made by a health professional in connection with care and treatment of that individual. A health record can be computerised (electronic) and manual form (case record*).’*

We ask applicants to complete our form to provide us with all the information we need to lawfully process their request. The form is not mandatory but completing it will save time as we are not required to answer requests until we are reasonably satisfied of the requester’s identity and what information is being requested.

# WHAT CAN I LOOK AT?

* You can ask for copies of either the whole or certain parts of the records held by Gloucestershire Hospitals NHS Foundation Trust.
* If you request to see *all* notes, this would include records relating to *all* specialities, test results, nursing notes etc. If you require these please tick the relevant boxes on your form. If all records are required, the request may take longer due to the number of consultants that have to sign off your request and the time taken to copy the entire record.
* If you only wish to see certain parts of the record you will need to give clear dates and information about the treatment, including the hospital you attended.

**Are there times when I cannot see or have a copy of my information?**

# We will look at the health records before they are released to make sure:

# That there is nothing in the record which could harm a third person (e.g. information about another person who has contributed to your record)

**Or**

 Cause your mental health to suffer.

***It is important to stress that this very rarely happens and that no one will make this decision without further consultation. If this situation arises, you will be told why certain parts of your health records have been withheld*.**

**APPLYING FOR SOMEONE ELSE’s RECORDS?**

We understand that some patients will ask a relative or friend to make the application for them. If you decide to make such an arrangement you will need to give **authority** to the person you have chosen by signing the relevant part of the application form.

If you already have authority to act, for example under a Power of Attorney please supply a copy of the authority.

If you ask a solicitor to make a request on your behalf we will usually accept a solicitor’s assurance that they are acting for you but may make further enquiries if necessary.

If an employer or insurance company wants information direct from the Trust about your health that is not a request we can deal with under this procedure. We would need your consent to provide a confidential report and reserve the right to make a charge for a report or a copy of your records. We would make a copy of any report available to you before we supply it and you would be entitled to change your mind.

**APPLYING FOR A CHILD’S RECORDS**

Any person with parental authority may apply for the records of a child under 16. However where the child is 13 or over we may require evidence that the child consents to the disclosure.

For further information on this subject please see <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/right-of-access/how-do-we-recognise-a-subject-access-request-sar/#behalf>

**DO I HAVE TO PAY ANYTHING?**

Under GDPR (General Data Protection Regulation), a charge is not applied to your request **unless** it is for repetitive information or excessive. (If you think your request falls under this, please contact the Access to Health Records Department).

**IF THERE IS A REQUIREMENT FOR PAYMENT:**

You will be sent an invoice by our Finance Department.

**WHAT HAPPENS NEXT?**

Once we get your form, we will:

* Confirm receipt of your application.
* Review the application and the identification documentation.

**HOW LONG WILL I HAVE TO WAIT FOR THE HEALTH RECORDS?**

We always do our best to complete your request within the time frame set out by law, that is within one calendar month of receiving a completed valid request, and payment if requested, however there may be occasions where this takes longer than expected. If for example the Consultants who need to review your notes are unavailable at that time, or your notes are required for clinic appointments or a hospital admission this can delay the process.

If we cannot meet this timeframe we will advise you in advance and provide an explanation as to why this has not been possible.

**Please note**: The Trust cannot release any information until we have completed the identification process therefore it is essential to ensure that the requested identification documentation is provided as soon as possible. If this information is not made available to Gloucestershire Hospitals the records cannot be released as we are required to safeguard patients’ information.

**WHY DO YOU NEED AN EMAIL ADDRESS**

Health and other records are increasingly held in electronic format. The safest way to provide these to you securely is via email either as a copy or as a link for you to view or download and copies you need. This is particularly important for images such as x-rays and scans which only exist as large computer files. In rare cases, for example if you have no internet access, we may be able to make other arrangements such as sending you an encrypted memory stick containing your information. Please contact the access team if this is required.

**DO I HAVE ANY OTHER RIGHTS**

Most people only want a copy of their records. The law also gives you the right to ask for information about:

(a) the purposes of for which we process your information;

(b) the categories of personal data concerned;

(c) the recipients or categories of recipient to whom the personal data have been or will be disclosed;

(d) where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period;

(e) the existence of the right to request rectification or erasure of personal data or restriction of processing of personal data or to object to such processing; (<https://ico.org.uk/your-data-matters/your-right-to-get-your-data-deleted/>)

(f) the right to lodge a complaint with the Information Commissioner;

(g) where the personal data are not collected from you, any available information as to their source;

Most of this information you will find in our Privacy Notices at:

Patients: <https://www.gloshospitals.nhs.uk/privacy-notice/>

Staff: <https://www.gloshospitals.nhs.uk/staff-privacy-notice/>

If you do require further information please let us know when requesting your records.

**FURTHER GUIDANCE**

You can find independent guidance on your rights from the Information Commissioner’s Office: <https://ico.org.uk/your-data-matters/your-right-to-get-copies-of-your-data/>

If you have any queries please contact our office.

Access to Health Records Office
Gloucestershire Hospitals NHS Foundation Trust
Gloucestershire Royal Hospital
Great Western Road
Gloucester
GL1 3NN

You can email us on ghn-tr.accessoffice@nhs.net or contact us on the numbers below.

If you have received a letter from us which includes a reference, the initials in the reference will relate to your case handler and you can call them directly:

**FC - Fiona:** 0300 422 5746

**LH - Laurie:** 0300 422 5749

**CT - Chelsea:** 0300 422 5799

**Supervisor Dawn Clark:** 0300 422 3160/5747

