

# Langley House Surgery

## Patient Access to Medical Records - Information Leaflet

### Access to Health Records under the Data Protection Act 1998

The Data Protection Act 1998 gives every living person, or an authorised representative, the right to apply for access to their health records.

A request for your medical health records held at Langley House Surgery should be made in writing (e-mails also accepted) to the data controller who is the Practice Manager.

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 record 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 record (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: a maximum of £10.

Health records held 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 the above maximum charges include postage and packaging costs.

The data controller is not obliged to comply with your access request unless they have sufficient information to identify you and to locate the information held about you.

Once the data controller has all the required information, and fee where relevant, your request should be fulfilled within 21 days (*in exceptional circumstances where it is not possible to comply within 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 the data controller to withhold information held in your health record. 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 of 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 clinician involved in your care.

When making your request for access, it would be helpful if you could provide details of the time-periods and aspects of your health record you require (*this is optional, but it may help save Practice time and resources and reduce the cost of your access 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 all 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.

We do not normally post out copies of medical records to patients to ensure they remain secure; patients are requested to collect from Langley House or the Bosham Surgery and must bring evidence of identity with them (eg passport, driving licence).

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 clinician concerned. If this proves unsuccessful, you can make a complaint through the NHS Complaints Procedure by contacting the Practice formally.