

# Requesting access to information

Please ensure that you read this guidance before submitting any request for access. This document specifically relates to requests for access to health and medical information.

## (1) What is a 'request for access to information'?

Under the terms of the Data Protection Act 2018 and the General Data Protection Regulation, individuals have the right to ask for access to the information that we hold about them, and can also ask for copies of the information held. If the request is for access to the health records of a deceased patient, this is covered by a different piece of law – the Access to Health Records Act 1990.

If the request relates to information about the hospital, such as finances, statistics and workforce details, rather than the personal information of a patient, this would be processed under the Freedom of Information Act 2000. A separate guidance leaflet on this process is available on our public website:

[www.poole.nhs.uk/about-us/information-governance/freedom-of-information](http://www.poole.nhs.uk/about-us/information-governance/freedom-of-information)

## (2) Who can make a request for access to information?

Anyone can submit a request for access, but they will have to prove that they have a legal right to the information. The law does not give an automatic right of access to the next of kin, or any other relatives of the patient.

Access to the health records of a living patient is available to the patient or someone acting on their behalf, such as a parent/guardian, carer, personal representative or legal advisor. If the applicant is not the patient, they will need to show that they have consent from the patient or confirm why this is not needed.

Access to the health records of a deceased patient is limited to the 'personal representative' of the deceased (either a named executor from the will, or someone with a grant of probate), and anyone who may have a claim arising out of the patient's death.

There may be circumstances when a request for access is received by the trust from the police in order to assist with the detection or prevention of crime. Where it is appropriate, we will seek patient consent before releasing any information and will only release the minimum information required for the request.

## (3) How can I make a request for access?

Due to the sensitive and confidential nature of the information held by the Trust, it is preferable that all requests for access are received in writing, either by post or email, so that we can ensure only appropriate access is given. You should complete our "Application for Access to Information" and send this to our Medico-Legal Department for processing. We have included their contact details at the end of this document and on the application form itself. In exceptional circumstances, we may accept a request verbally. This will be accessed on a case-by-case basis.

#### (4) Is there a charge for requesting access to the information?

In most cases, we will not charge you for supplying (or allowing you to view) the information requested. However, if it is a complicated, sizeable or repeat request, we may charge an appropriate fee to cover our administration costs. Where this applies, the relevant fee will need to be paid before the information can be released to you. If we feel that a charge applies, we will contact you.

#### (5) What supporting information do I need to send with my request?

To support us with processing your request, you should include as much detail as possible on your application about the information you are trying to access - for example, asking for information from a specific date range or information relating to a particular department or medical procedure. If you simply ask for a copy of your full medical record, this may incur a charge as outlined above.

We must also see certain documents to check the identity and address of the person making the application and verify their right to access the information. The table below explains what supporting documents are necessary depending on the applicant:

Who is making the application?	If being submitted directly by the Individual:	If being managed by a Legal Firm or Other Professional:
<b>The patient</b>	<ul style="list-style-type: none"> <li>• Proof of identity (ID) and address of the patient.</li> </ul>	<ul style="list-style-type: none"> <li>• Proof of consent to act on behalf of the patient.</li> </ul>
<b>The patient's representative</b>	<ul style="list-style-type: none"> <li>• Proof of identity (ID) and address of the patient's representative; <u>and</u></li> <li>• Evidence of the patient representative's right to access the information (for example - written consent from the patient or power of attorney).</li> </ul>	<ul style="list-style-type: none"> <li>• Proof of identity (ID) and address of the patient's representative; <u>and</u></li> <li>• Evidence of the patient representative's right to access the information (for example - written consent from the patient or power of attorney); <u>and</u></li> <li>• Proof of consent to act on behalf of the patient's representative.</li> </ul>
<b>The personal representative of a deceased patient</b>	<ul style="list-style-type: none"> <li>• Proof of identity (ID) and address of the personal representative; <u>and</u></li> <li>• Evidence of the personal representative's right to access the information (a will naming them as an Executor, or grant of probate as an estate Administrator); <u>and</u></li> <li>• A copy of the death certificate (if available).</li> </ul>	<ul style="list-style-type: none"> <li>• Proof of identity (ID) and address of the personal representative; <u>and</u></li> <li>• Evidence of the personal representative's right to access the information (a will naming them as an Executor, or grant of probate as an estate Administrator); <u>and</u></li> <li>• Proof of consent to act on behalf of the personal representative; <u>and</u></li> <li>• A copy of the death certificate (if available).</li> </ul>

## What documents can be provided as proof of identity (ID) and address?

The trust follows a process on identity checking based on the [HMG's Minimum Requirements for the Verification of the Identity](#). This means that we can only accept specific documents. We need to see at least two different documents, but we are happy to see photocopies instead of the originals. You will need to provide photocopies of one document from List A and one document from List B:

List A – ID Documents	List B – Address Documents
<p><b>Preferred:</b></p> <ul style="list-style-type: none"> <li>• Full Passport (any nationality)</li> <li>• Biometric Residence Permit card</li> <li>• UK Photocard Driving Licence</li> <li>• EU/Other Nationalities Photocard Driving Licence</li> <li>• HM Armed Forces ID card</li> <li>• Identity Card with the PASS logo</li> <li>• Full UK Birth Certificate</li> </ul> <p><b>Alternatives:</b></p> <ul style="list-style-type: none"> <li>• UK Old-style Paper Driving Licence</li> <li>• Notification letter from HM Revenue and Customs (HMRC) dated within the last 12 months</li> <li>• UK Work or Residency Permit</li> <li>• UK Adoption Certificate</li> <li>• UK Marriage Certificate</li> <li>• UK Divorce/Dissolution Papers</li> <li>• Gender Recognition Certificate</li> <li>• Deed Poll Certificate</li> <li>• UK Firearms Certificate/Licence</li> <li>• Police Registration Document</li> <li>• HM Forces Employment Certificate</li> <li>• Notification letter from the Department for Work and Pensions dated within the last 12 months</li> </ul>	<ul style="list-style-type: none"> <li>• Utility bill (not mobile phone) or confirmation letter from supplier, dated within the last six months</li> <li>• Council Tax Letter/Notification dated within the last 12 months</li> <li>• UK Photocard Driving Licence (if not already used in List A)</li> <li>• UK Old-style Paper Driving Licence (if not already used in List A)</li> <li>• Notification letter from HM Revenue and Customs (HMRC) dated within the last 12 months (if not already used in List A)</li> <li>• A Bank or Credit Card Statement dated within the last six months</li> <li>• UK Credit Union Statement dated within the last six months</li> <li>• UK or EEA Mortgage Statement dated within the last 12 months</li> <li>• Rent Card or Tenancy Agreement dated within the last 12 months</li> <li>• Notification letter from the Department for Work and Pensions dated within the last 12 months (if not already used in List A)</li> <li>• Confirmation from the Electoral Register that a person of that name lives at the address, dated within the last 12 months</li> </ul>

If you are a child and/or recent school leaver and you do not have the necessary documents specified above, we will consider accepting the following:

- A grant or student loan agreement from a local education authority
- A National Insurance card, or evidence that this has been issued
- A letter from your head teacher, tutor or college principal verifying your full name, address and date of birth, and any other relevant information
- A qualification certificate issued by a verifiable examination body

## What documents show that I have a legal right to access the information?

If you are requesting access to your own records, supplying your identity and address documents should be sufficient evidence for us to process your application. We will check the information you provide against the records we hold, and let you know if additional evidence is required.

If you are the representative of a patient and you are requesting access to their records, we will need to see evidence that either the patient has given their permission for this access, or that patient consent is not required. Below are some examples of acceptable evidence, but we may consider other documents:

- A written statement or letter from the patient confirming consent.
- A Lasting Power of Attorney granting you permission to make decisions on behalf of the patient. The type of permission required (health and welfare, or property and financial affairs) will depend on the purpose of the request.
- A birth certificate, adoption certificate or other legal document confirming that you have parental responsibility for the patient (who is under 16 years old). Depending on the circumstances and the age of the child, we may feel it necessary or more appropriate for the patient to give their consent.

We will check the information that you provide against the records we hold, and carry out any additional checks we feel are necessary. For example, it may be suitable for us to check that a Lasting Power of Attorney is being used under appropriate circumstances, or that there is no overruling court order in place.

If you are requesting access to the health records of a deceased patient, you will need to provide evidence that you are an official 'personal representative', or you have a valid claim against the estate. We will need to see:

- A copy of the patient's valid Will which names you as an Executor; or
- A copy of the Grant of Representation (Probate) which names you as the Administrator of the estate (in the absence of a Will); or
- Sufficient evidence to validate your potential claim against the deceased patient's estate. The exact requirements for this will vary per request.

Where available, you should also supply a copy of the Death Certificate. We will check the information you provide against the records we hold, and let you know if additional evidence is required. Please remember that a deceased patient's next of kin (or other relative) is not automatically their 'personal representative'.

## What happens if I cannot provide the documents or evidence needed?

If you cannot provide the relevant identity, address and/or right of access evidence described in this guidance, please contact the Medico-Legal Department to discuss your circumstances. We will work with you to find a possible solution and support you with your application as best we can. You can find the contact details for the Medico-Legal Department at the end of this guidance.

## **(6) How long will the request take to process?**

Before we can proceed with your request, you must provide enough information to enable us to locate the requested records. Once we have all of the necessary information and supporting documents (and any relevant fee), we will respond to your request within one month (28 calendar days, excluding bank holidays).

This deadline may be extended if there is outstanding information or clarity required to process the request. If it is clear that the one month deadline is insufficient to meet the full needs of your request, we will let you know as soon as this is identified (and in any case before the initial deadline date), and provide an estimated timeframe for completion.

## **(7) What happens if I only want to view the information?**

Where you are only requesting access to view the information but do not require copies, your application will be processed as normal by the Medico-Legal Department. You will then be contacted to arrange a suitable date, time and location for the viewing once the information has been located/collated.

It may also be necessary for us to ensure that an appropriate healthcare professional is available at this appointment to answer any queries or explain the content of the information being viewed (such as medical terms and language).

## **(8) Can my request be refused or information withheld?**

We may deny or limit your access to information where it has been indicated by an appropriate healthcare professional that the disclosure might cause serious harm to the physical or mental health of you or another person.

It may also be necessary for us to deny or limit access where it would disclose information relating to (or provided by) another person who has not consented to the disclosure. We must consider any duty of confidentiality to the individual.

There are also other circumstances when the Trust is legally permitted or required to withhold information - for example, if the disclosure would prejudice the prevention or detection of crime, or there is a court ruling in place.

Where the request is for access to the records of a deceased patient, we will also consider any preferences specified by the individual prior to their death.

If the decision is taken to refuse your request or limit the information provided, this will be communicated to you along with the reason for it (unless this would be likely to prejudice the purpose of the exemption in question).

If the information you have requested is not held by us, this will be communicated to you along with any useful details to help you locate the information. For example, we may believe that another local hospital may hold the records.

## (9) Is it possible for me (or someone on my behalf) to gain access to my information without making a formal application?

We have a legal duty to protect your information and prevent any unauthorised disclosure or access. This is why we must follow strict processes to check the identity and authority of any applications for access. However, we appreciate that there may be rare circumstances when urgent informal access may be required whilst you are an inpatient at the hospital. Therefore, it may be possible for you to provide consent for a relative, carer or other appropriate individual to have limited supervised access to your medical records, without going through the formal application process described in this document. This would only be considered for a specific urgent health related purpose, such as deciding on a placement for continuing care.

If informal access is requested, then the first step will be an initial discussion between you, the medical and nursing staff caring for you, and the relative/carer requiring access (if applicable). The consultant responsible for your care, or an appropriate member of their team, must confirm that it is safe for you and your relative/carer to have access to your record. Specifically, they will need to confirm that access to the information is not going to adversely affect the physical or mental health of you or anyone else.

An appropriate healthcare professional must supervise the access and be available to give advice and support with the interpretation and explanation of any medical terminology. To ensure that any informal access is appropriate and justifiable, access will be restricted to only the information required for the purpose of the request, and will be supervised at all times by a member of staff.

For informal access to be granted, you (the patient) must be assessed as having capacity (being in control of your mental abilities) and be able to freely give written consent. If our staff feel that you are being pressured to provide consent by your relative/carer, then access may be refused on the grounds of coercion. If you (the patient) lack capacity to provide consent, then either:

- your relative/carer must provide evidence that they are able to make decisions on your behalf (for example, a Lasting Power of Attorney); or
- a healthcare professional must make a 'best interest decision' to confirm that the access would benefit your physical or medical health.

## (10) Where can I find out more information or discuss any concerns?

If you have any queries regarding your request for access, or need help with completing the application form, please contact the:

**Medico-Legal Department (Medical Records)**  
Poole Hospital NHS Foundation Trust  
Post: Longfleet Road, Poole, Dorset, BH15 2JB  
Email: [SubjectAccessRequests@uhd.nhs.uk](mailto:SubjectAccessRequests@uhd.nhs.uk)  
Telephone: 0300 0198311

You can also find more guidance about why we hold information about you, how this is used and who it is shared with, in our 'Privacy Notice' on our public website: [www.poole.nhs.uk/about-us/information-governance/privacy-notice](http://www.poole.nhs.uk/about-us/information-governance/privacy-notice)