

Application to Access Healthcare Records



Access to Health Records - Suite 10
Chesterfield Royal Hospital NHS Foundation Trust
Calow
Chesterfield
S44 5BL

Please read the [Information Section](#) – this tells you which documents to send with your application
Send your documents to the address above or attach them to an e-mail crhft.access@nhs.net

The Patient:

Forename(s)		Surname	
Address			
Previous name/address			
Date of Birth		E-Mail	
Telephone		Mobile	
Hospital No.		NHS No.	

The Applicant:

Forename(s)		Surname	
Address			
Date of Birth		E-Mail	
Telephone		Mobile	

Records requested:

I need paper copies - relating to:	Dates	From	To
I need a CD containing images of x-rays/scans - relating to:			
I need copies placing onto AMS (secure electronic file sharing portal) for me to download onto my own device – relating to:			

Patient's Consent

I am the Patient and give my permission for Chesterfield Royal Hospital NHS Foundation Trust to access my health records and release the documents requested above to the Applicant

Signature of the Patient Dated

Declaration:

Please tick one box and sign the Declaration

I am the patient	
I have been asked to apply by the patient (aged over 18) and they have signed the above consent	
I have parental responsibility for a child under the age of 18, who is not competent to understand the request and give their consent	
I have parental responsibility for a child under the age of 18 (aged 12 and above) who understands and agrees to me making this request and has signed the above consent	
I am the patient's legally appointed personal representative and I attach confirmation	
I am the deceased patient's personal representative and I attach documentary evidence of my appointment e.g. Grant of Representation from the Probate Service or Letter of Administration	
I have a claim arising from the patient's death and I attached documentary evidence	

You are advised that the making of a false or misleading statement in order to obtain access to personal information to which you are not entitled is a criminal offence.

I declare that the information given by me is correct and I am entitled to apply for access to health records referred to under the terms of the Data Protection Act 2018 or Access to Health Records Act 1990

Signed Dated

FURTHER INFORMATION

Documents you will need to provide:

If you are requesting copies of your own records

- A photocopy from your driving licence or passport which shows your photograph and date of birth. If you do not hold these documents then you must provide a copy of your birth certificate instead.
- A document **dated within the last three months** which contains your name and address (examples: Council Tax bill, an electric or gas bill, a Bank statement or letter from Insurance company)

If you are requesting copies of a child's records

- A photocopy from your driving licence or passport which shows your photograph and date of birth. If you do not hold these documents then you must provide a copy of your birth certificate instead.
- A document **dated within the last three months** which contains your name and address (examples: Council Tax bill, an electric or gas bill, a Bank statement or letter from Insurance company)
- A photocopy of the child's full birth certificate or the child's adoption certificate – or any other documents demonstrating parental responsibility

If you are requesting copies of a patient's records, who is unable to manage their own affairs

- A photocopy from your driving licence or passport which shows your photograph and date of birth. If you do not hold these documents then you must provide a copy of your birth certificate instead.
- A document **dated within the last three months** which contains your name and address (examples: Council Tax bill, an electric or gas bill, a Bank statement or letter from Insurance company)
- A copy of the Lasting Power of Attorney (LPA) – Health and Welfare
- A copy of the Enduring Power of Attorney (EPA)

If you are requesting copies of a deceased person's records

- A photocopy from your driving licence or passport which shows your photograph and date of birth. If you do not hold these documents then you must provide a copy of your birth certificate instead.
- A document **dated within the last three months** which contains your name and address (examples: Council Tax bill, an electric or gas bill, a Bank statement or letter from Insurance company)

And either of the documents below

- A photocopy from the deceased person's Will where you are named as the Executor
- Confirmation/documentary evidence of your appointment as the deceased person's personal representative (e.g. Grant of Representation from the Probate Service or Letter of Administration) or evidence of your claim arising from the patient's death (e.g. Letter of instruction to Solicitors)

What constitutes a health record?

- Health records consist of information relating to the physical or mental health condition of a patient, which have been created by a healthcare professional in connection with patient care. Records might consist of a combination of paper and electronically held information for example charts, images, letters, clinical notes.

How can I obtain an application form?

- Download from our website: <https://www.chesterfieldroyal.nhs.uk>
- Send an e-mail to crhft.access@nhs.net and request an application form
- Telephone 01246-516343 to speak to a member of staff

Who can access a living person's health records under the Data Protection Act 2018?

- The patient
- A person authorised in writing to make an application on behalf of the patient
- A parent or guardian of a person aged under 16, if that person agrees (if aged at least 12) or it is considered to be in the patient's best interest
- A court appointed representative (Lasting Power of Attorney or LPA) of someone who is not able to manage their own affairs. An Attorney appointed on a Health and Welfare LPA can only make decisions when a patient lacks capacity and the LPA document has been registered with the Office of the Public Guardian.

Who can access a deceased person's health records under the Health Records Act 1990

- A deceased patient's personal representative or a person who may have a claim arising from the patient's death
- A court appointed personal representative of the deceased, executors and legal administrators of the deceased person's estate
- If you are applying for records in this capacity, we require all applicants to provide appropriate documentary evidence of their appointment, such as Grant of Representation from the Probate Service, a Letter of Administration or a copy of the Will where the applicant is named as the Executor.
- Anyone else who applies for disclosure of records for deceased patients under the Access to Health Records Act must provide the Trust with adequate evidence that they have a claim arising from a patient's death and that they therefore have a legal right of access under the Act. A copy of a claim instruction from a Solicitor, or evidence of a legal challenge of mental capacity or similar document will usually be sufficient.

How long will it take?

- Applications are processed in order of receipt unless there is a medical necessity to expedite
- Applications regarding a living person's records should be completed within one calendar month of the applicant having provided all the necessary documents. If the deadline for completion falls on a weekend or bank holiday then this is moved to the next working day
- Application deadlines can be extended by two months if they are complex and we will inform you if this is done
- Applications regarding a deceased person's records should be completed within forty days but we will endeavor to provide information within twenty-one days if possible

What is the cost?

- Copies are free but a fee may be payable in advance if a request is excessive or duplicated

Do I have to give a reason for my request?

- You do not have to explain why you want to access records, unless it is with a view to starting legal proceedings as outlined in the clinical negligence pre-action protocol

Do I have to prove who I am?

- Yes, the Trust must be satisfied that an applicant is the patient or their authorised representative
- You will have to provide proof of your identity and any additional documents requested by us
- We reserve the right to make necessary checks and to refuse to process your application if there is any doubt

Children and young people

- All individuals including children have a right of access to their personal information and to confidentiality. A child will not always be able to make their own request, therefore when we receive an application from or on behalf of a child, it is our obligation to judge whether the child understands the nature of the request. This is known as being Gillick (or Fraser) competent. Under the Data Protection Act 2018, the Trust is obliged to take a child's view into consideration if they are considered Gillick competent as follows:
- Children aged 16 to 17 are regarded as adults and entitled to access their own personal information. Applications made on their behalf must be accompanied by their written consent
- If a child aged under 16 (but aged at least 12) understands the nature of the request, they are entitled to exercise their own right of access, and in those circumstances we will obtain their permission to release information to the applicant
- If a child does not understand an application, the person with parental responsibility is entitled to make a request and to receive a reply. In all cases the person with parental responsibility is only permitted to make a request in the best interest of the child, not in their own interest.

Exceptions

- If healthcare professionals believe that access to information within records would cause serious harm to the physical or mental health of the patient or another person, they are entitled to refuse access to some or all of those records as outlined in the Data Protection (Subject Access Modification) (Health) Order 2000 and Schedule 3, Part 2 of the Data Protection Act 2018. Access may also be withheld or limited if the records relate to and identify another person other than a health professional
- If you apply someone else's records you will not be allowed to access any information which the patient gave on the understanding that it would remain confidential or was not to be disclosed to an applicant. If access to the record is refused, the healthcare professional is not required to tell you the reasons why
- If you are a parent or a person with parental responsibility for a child or young person who may not see their own record and the healthcare professional believes it is not in the best interests of that child for you to see the health record you will not be given access
- Approved applicants may view medical records in the presence of a member of the Access to Medical Records administration team, who will oversee the viewing and ensure the records remain safe. The member of staff will not comment or advise on the content

Please consider: Viewing records is limited to a 1 hour appointment, so you might prefer to apply for paper copies instead, which you can then look through in your own home at leisure

What can I do if I think some of the information in my records is inaccurate?

- Tell us if you believe the information recorded is inaccurate so that we can contact the relevant person
- Corrections are made in accordance with the Trust's record keeping policy and the Data Protection Act 2018. We would normally correct factual mistakes and provide you with a copy of the corrected information. If you are not happy with an opinion or comment that has been recorded, we will add your own comments to the record so they can be viewed alongside any information you believe to be incorrect.

What happens if I can't read the records or understand them?

- Please write to us and we will contact the healthcare professional concerned and ask them to provide an explanation of any unfamiliar terminology used or possibly arrange for them to meet with you to discuss any difficulties you may have with understanding the information

How long are records kept?

- Health records are kept for at least eight years following the end of treatment or a patient's death and some are kept much longer. Children's records are retained until the child is aged 25 or longer if necessary.
- Documents relating to applications to access health records are retained for three years or longer if necessary

How do I make a complaint?

- If you are not happy with the service you have received contact our Assistance and Complaints Service:

Assistance and Complaints Service
Chesterfield Royal Hospital NHS Trust
Calow
Chesterfield
S44 5BL

Telephone: 01246-512640
e-mail: crhft.acs@nhs.net

- Applicants have the right to contact the Trust's Data Protection Officer or the Information Commissioner's Office (ICO) if they are dissatisfied with the way the Trust has handled or shared their personal information:

Data Protection Officer – ICT Corridor
Chesterfield Royal Hospital NHS Trust
Calow
Chesterfield
Derbyshire
S44 5BL

e-mail: crhft.dpo@nhs.net

Information Commissioner's Office (ICO)
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Telephone: 0303-1231113
Telephone: 01625-545745
Website: www.ico.org.uk