

Complaints

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 Manager.

Further information about the NHS Complaints Procedure is available on the [NHS Choices website](https://www.nhs.uk/choices)

Alternatively you can contact the Information Commissioners Office (responsible for governing Data Protection compliance) –

Wycliffe House,
Water Lane,
Wilmslow,
Cheshire,
SK9 5AF

Tel 01625 545745 or www.ico.gov.uk/

All complaints will be acknowledged within three working days and a full response will be provided within 20 working days. If a complaint is made verbally to the practice, this will be documented and you will be asked to confirm in writing that you agree with what has been recorded.

Focus on Subject Access Requests for insurance purposes August 2015

Focus on Subject Access Requests for insurance purposes August 2015

The BMA has been aware for some time that some insurance companies are obtaining full medical records through the use of Subject Access Requests (SAR) under the Data Protection Act 1998 (DPA), rather than asking for a report from the applicant's GP, as previously agreed with the Association of British Insurers (ABI).

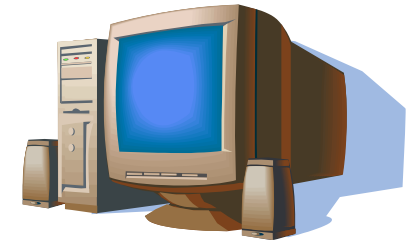
The BMA was concerned that this practice was potentially a breach of the DPA as disclosure of the full medical record would amount to a disclosure of information which was not relevant for the purpose.

It is our expectation that insurance companies will discontinue the use of SARs and will instead revert to requesting medical reports under the provisions of the Access to Medical Reports Act 1988 (AMRA).

We would like to make it absolutely clear that this guidance relates to SARs for insurance purposes only. Under the DPA, an individual is entitled to make a SAR via a third party, for example a solicitor acting on behalf of a client. The ICO's guidance is that such requests, where the third party is acting on behalf of the patient, are appropriate.

TOWER HOUSE SURGERY
169 West Wycombe Road
High Wycombe Bucks

**Access to Medical
Records under the
Data Protection Act
2018**



Online Access / Making a Subject Access Request (SAR)

Introduction

Under the Data Protection Act 2018, you have a legal right to apply for access to health information held about you. A health record contains information about your mental and physical health recorded by a healthcare professional as part of your care. The Data Protection Act 2018 applies to patient information held relating to living patients, on computers and in manual filing systems.

Online Access to Medical Records

From March 2016, [Coded information from Medical Records / Full Medical Records] can be accessed as part of the Practice's online services. For security reasons, you will have to visit the practice to undertake an identity check before you are granted access to these records.

To make a subject access request

A request for your medical health records held at **Tower House** must be made in writing to the data controller who is: [Dr Chloe Dallimore](#) (please contact the practice for alternative methods of access if you are unable to make a request in writing).

You can apply using an Application for Access to Medical Records Form available from reception if you wish.

Making a Subject Access Request (SAR) continued....

Costs

There are no fees for requests for living individuals, unless the request is excessive or repetitive.

Once the data controller has all the required information, and fee where relevant, your request should be fulfilled within 30 days from when we receive your completed request (*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*).

Exemptions

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.

Making a Subject Access Request (SAR) continued....

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.

GPs have ethical obligations around how patient records are shared, and should explain to patients, in broad terms, the implications of making a Subject Access Request so they can make an informed decision on whether they wish to exercise their rights under the Data Protection Act.