



Accessing your personal information

Information for patients and visitors

Surrey and Sussex Healthcare NHS Trust (SASH) holds personal information about its staff, patients and others with whom it has contact.

You can see what types of information we collect and how we use it on our website:

<http://www.surreyandsussex.nhs.uk/patients-visitors/fair-processing-notice/>

The General Data Protection Regulations provides living individuals with certain rights, including the right to access the personal information that an organisation holds about them. This is known as a Subject Access Request (SAR). In certain circumstances, you may make a request to access personal information on somebody else's behalf. This is explained later.

The Access to Health Records Act 1990 (AHRA) allows access to a deceased patient's health records, if you are either the patient's personal representative; or you have a claim arising out of the patient's death.

What is personal information?

Personal information (or data) is defined in the Regulations as information that relates to a living individual who can be identified from the data. It may include factual information, such as your name, address, date of birth etc, but can also include opinions about you and/or indications of any intentions we have in relation to you.

What is a health record?

Health records are defined as any record that consists of information relating to an individual's physical or mental health condition that has been made by or on behalf of a healthcare professional in connection with the individual's care.



What is a Subject Access Request?

A subject access request is a request to access personal information that the Trust may hold about you, for example your health records.

You can make a subject access request either verbally or in writing. If you make your request verbally, we recommend you follow it up in writing to provide a clear trail of correspondence and communication.

In order to process your request we will ask you for the following information:

- satisfactory evidence of your identity
- evidence of your entitlement to the data requested
- any details or relevant dates that will help us identify what you require
- any fee payable. In most cases there is no charge for subject access requests. We will let you know at the time of your application if a fee is applicable.

You do not have to say why you wish to access your records but please describe clearly the information that you wish to receive as this will help us to select the relevant records. You are also not obliged to complete our application form, but if you choose not to use it, please read it as it will give you an indication of the information we need to help us to validate your entitlement to request the information.

Visit our website to download an application form: <https://www.surreyandsussex.nhs.uk/patients-visitors/access-information/>

Who can make a Subject Access Request?

- Adults can request access to their own information or nominate somebody to act on their behalf, e.g. friend or relative; or solicitor/insurance company
- If you have parental responsibility for a young child, you may request access on their behalf, but please be aware that children can request access to their information in their own right, provided they have the competence to be able to understand the nature and implications of making a SAR. Please see 'Accessing Children's Records' for further information
- Those who have a Lasting Power of Attorney – Health and Welfare or are appointed as an agent by a court to manage your affairs may apply to access your health/medical records.

Who can access a deceased patient's health records?

Access to a deceased patient's records can be given only to:

- The patient's personal representative (this will be the executor of the will or the administrator of the estate)
- Any person who may have a claim arising out of the patient's death

The Trust has a duty to maintain the confidentiality of all medical records and this duty persists even after death. Next of kin and close relatives of the deceased have no right of access to medical records unless they are either the personal representative of the patient or have a claim arising out of the patient's death.

Accessing children's records

All individuals, including children, have the right of access to their personal information. They also have a right to confidentiality. A child will not always be able to make his or her own request, therefore when we receive a request 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 Fraser (or Gillick) competent. The Trust is obliged to take a child's view into consideration if he/she is Fraser competent as follows:

- Children aged 16 – 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 under the age of 16 understands the nature of the request, he or she is entitled to exercise their own right of access, and in those circumstances we will reply to the child directly. Alternatively, a person with parental responsibility (as defined in the Children Act 1989 – application form AHR 1) can make an application on behalf of the child and a reply will be sent to them directly
- If the child does not understand, 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 such a request in the best interests of the child, not in their own interests.

Will any information be withheld?

There are a number of exemptions that can apply to the disclosure of personal information. Some of the exemptions relate to personal data that we might hold about you as a current or past employee. Further advice can be sought from the Trust's HR Business Partners or the Information Governance and Security Manager. Although it is rare, some information contained in health/medical records will be withheld when:

- a healthcare professional considers that disclosing the information would be likely to cause serious harm to the physical or mental health of the patient or another person

- the information is about other people who are not health or social care professionals
- you are applying to access somebody else's records and the patient provided information on the understanding that it would remain confidential or was not to be disclosed to you
- you are a parent (or person with parental responsibility) of 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 the child for you to see the health record

Some information within your health/medical records may also be withheld if it is about:

- Human fertilisation and embryology
- Adoption records and reports
- Information supplied by a Court

Can I simply view my records?

Yes you can. Please make it clear when you request access that you only wish to view the records, not to obtain a copy of the information they contain.

Charges

In most cases there is no fee to obtain a copy of a patient's Medical Records.

However, where the request is manifestly unfounded or excessive a charge may be applied for the administrative costs of complying with the request.

A charge may also be applicable if further copies of the patient's records are requested following the initial request.

You will be notified at the time of your application if a fee is applicable.

Timescales

In accordance with the Department of Health guidance to NHS organisations, we will always try to provide information within 21 calendar days if it is at all possible to do so. However, the General Data Protection Regulations allows us a legal timescale of one month to respond. The month starts when we receive your request together with all the required supporting information.

Where do I send my request?

All requests and enclosures should be sent to:

Medical Records SARs
Surrey and Sussex Healthcare NHS Trust
East Surrey Hospital
Canada Avenue
Redhill, Surrey RH1 5RH

Or via email to:

Sash.sars@nhs.net

Please note requests for copies of a Child's records will be forwarded to our Legal department for processing. They can be contacted on 01737 768 511ext 1772.

We will send your records to you by recorded delivery, unless you arrange to collect them from us. If you prefer to collect them, please bring with you evidence of your identity and address. If you would like to receive your copies via email please let us know.

What can I do if I think my records are incorrect?

Please contact us in writing, stating why you think our records are inaccurate. We will normally highlight corrections to factual inaccuracies and provide you with a copy of the amended information. If you are not happy with an opinion or comment that has been recorded, we will add your comments to the record so that they can be viewed alongside the original.

How long do you keep my records?

This varies according to the type of record concerned. For example, most adult health records are kept for a minimum of eight years, but some, for example maternity records, are kept for a minimum of 25 years. If you have a specific query, please contact us for more information.

Contact us

Medical Records SARs

Surrey and Sussex Healthcare NHS Trust
East Surrey Hospital
Redhill Surrey RH1 5RH
Tel: 01737 768 511 x6740
Email: sash.sars@nhs.net
www.surreyandsussex.nhs.uk

Tell us about your experience

We welcome your feedback and comments about our staff and services. This will help share what we do well, learn and make improvements. To share your compliments, comments, concerns or complaints please speak to the Patient Advice and Liaison Service (PALS) in the first instance.

Patient Advice and Liaison Service (PALS)

PALS can provide confidential advice and support, and can negotiate prompt solutions by liaising with staff and, where appropriate, relevant organisations on your behalf. You can also ask a member of staff to contact PALS on your behalf.

Telephone: 01737 231 958

Email: sash.pals@nhs.net

Write to: PALS, East Surrey Hospital, Redhill, Surrey RH1 5RH

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