

## Can access be denied?

There are sometimes circumstances when access can be denied:

Where disclosing the personal data would reveal information which relates to and identifies another person, unless that person has consented to the disclosure.

Where permitting access to the health records would be likely to cause serious harm to the physical or mental health or condition of the applicant.

Where the request for access is made by another person, access can be refused if the patient had indicated it should not be disclosed.

Where a claim arises from the patient's death we will only supply copies of records in relation to that claim.

If the request is from the deceased patient's personal representative we will normally supply copies of medical records which relate to recent treatment. However a full set of notes may be released on request.

## Where can I get further advice?

For further information about accessing health records please ring our Medical Legal Department on 01204 390361 between the hours of 9a.m. and 4p.m. Monday to Friday.

Medical Legal Department  
Royal Bolton Hospital,  
Minerva Road,  
Farnworth,  
Bolton,  
BL4 0JR  
01204 390361

Email:

[MedicalLegal@boltonft.nhs.uk](mailto:MedicalLegal@boltonft.nhs.uk)

## Application Form

You can download from our website: [www.boltonft.nhs.uk](http://www.boltonft.nhs.uk)

We recognise that not everyone will find this document easy to read. We can arrange for large print, audio tape versions and for summaries or explanations in other languages. Please call 01204 390825 if we can help.

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**Bolton**

**NHS Foundation Trust**

## How to access to your Health Records

The General Data Protection Regulation and Data Protection Act 2018 gives you the right to access your health records.

The Access to Health Records Act 1990 gives the personal representative of a deceased patient, or someone with a claim resulting from a patient's death, the right to access that patient's health records.



## Can I see my health records?

Yes. You have the right to receive a copy of information we hold about you. This includes paper records and those held on computer.

You may authorise a third party to seek access on your behalf e.g. solicitor, but we will need your written consent.

Where a patient is incapable of managing his or her own affairs, a person appointed by the court to manage those affairs may seek access.

Children over 16, and those under 16 who are capable of understanding the significance of their records' disclosure, must give their own consent to access.

This judgment must be made by the healthcare professional in charge of the child's care. Otherwise, authority must be given by an individual who has parental responsibility.

The General Data Protection Regulation and Data Protection Act 2018 does not cover the records of deceased patients.

Statutory rights of access to these are contained within the Access to Health Records Act 1990.

Any person with a claim arising from the death of a patient has a right of access to information directly relevant to that claim.

## Important information to know

### **How do I request copies of my health records?**

You need to complete the Trust's 'Access to Health Records' form and provide proof of identity.

### **How do I request copies of a deceased patient's health records?**

You need to complete the Trust's 'Access to Health Records' form as above but provide evidence of entitlement to access.

### **What is the fee for copies of health records?**

Access to your health records is free of charge.

However, we can charge a 'reasonable fee' when a request is manifestly unfounded or excessive, particularly if it is repetitive.

We may also charge a reasonable fee to comply with requests for further copies of the same information.

### **What is the timeframe for receiving copies of health records?**

The General Data Protection Regulation and Data Protection Act 2018 states that copies of records must be provided within 30 days of receiving a completed application form.

We will inform you of any delays.