

# Subject access requests

## Information for patients

The Data Protection Act 2018 (DPA18) and the General Data Protection Regulation (GDPR) gives living individuals or their authorised representatives the right to access personal information held on them by an organisation. This is known as a subject access request. The DPA allows you to be:

- told whether any personal data is being processed
- given a description of the personal data, the reasons it is being processed and whether it will be given to any other organisations or people
- given a copy of the information comprising the data; and given details of the source of the data (where this is available).

The Access to Health Records Act 1990 (AHRA) allows access to deceased persons health records.

## What information can I request?

You can apply to view or receive copies of your personal information, including your health records, held by the Royal Free London from Barnet, Chase Farm or the Royal Free hospitals or any of our community or outreach services.

## Can I make a request on behalf of someone else?

Yes. The DPA allows you to act on behalf of someone else and access their records. We will need to see proof that you have the authority to act on their behalf. We require either a written and signed statement of consent from the patient or proof that you hold a lasting power of attorney.

If you are a parent requesting access to your child's records, we require evidence of your relationship, such as a birth certificate or parental responsibility order. If your child is over 13 years of age, we also need their consent before we are able to release their information.

The AHRA allows you to request access to the information of a patient who is deceased if you are a personal representative, executor or have a claim arising from the death. If you are applying for access to a deceased patient's information and acting as an executor or personal representative you will need

to provide evidence such as a court issued grants of probate, letters of administration or a certified copy of the will.

### How do I make a request?

A request does not need to be in any specific format or even contain the words “subject access request” to be valid. A request only needs to be made in writing to be valid. However, to help us understand and find the information you require we have an application form that can be used when making a request.

In order to protect your information we will need to ask for identification and proof of address before we release any personal details. We will need you to send in copies of one item from the proof of identity list **and** one item from the proof of address list below:

Proof of identity	Proof of address
<ul style="list-style-type: none"><li>• Current passport</li><li>• Current photo-card driving licence</li><li>• Current EU driving licence</li><li>• Current national ID card</li><li>• Birth certificate</li></ul>	<ul style="list-style-type: none"><li>• Utility bill</li><li>• Local authority council tax bill</li><li>• Current UK drivers licence (if not used for proof of identity)</li><li>• Bank, building society or credit card statement from the last 3 months</li></ul>

We will contact you following receipt of your request if there is any further information we need from you.

### How do I fill in the application form?

- **Section 1: Patient details**

Section A should be filled out in all cases with the details of the person who you are requesting information on, whether that is yourself or someone else’s information. Section B only needs to be completed if you are applying for someone else’s information.

- **Section 2: Request detail**

We may potentially hold a lot of information and not all of it may relate you your query. In order to help locate exactly what you are looking for please use this section to provide details of the information that you require.

- **Section 3: Declaration**

This section should be filled out in all cases. You will need to select one of the boxes depending on whether you are requesting information for yourself or on behalf of someone else. The section needs to be signed by the person filling out the form.

- **Section 4: Authorisation**

This section only needs to be filled out if you are requesting information on behalf of someone else. We will need the patient whose information you are requesting to sign the form or provide a signed statement authorising your access.

### **Are there any fees to pay for this service?**

The GDPR states that subject access requests must be provided free of charge. If your request is particularly large, or for repeated requests, we may charge an administration fee but we will notify you ahead of time if that is the case.

### **Can I be refused access to my records?**

There are certain circumstances where we may redact or refuse to provide you with the information requested. This would be in exceptional circumstances such as:

- if the information released is likely to cause serious harm to the physical or mental health of any individual
- if the information relates to another person who has not given their consent to release (except for health care professionals)
- if you are requesting access to a deceased patient's records and they had explicitly stated that their records should not be released.

### **How long will it take?**

We must supply you with the requested information within a month, but will aim to have completed the request sooner if possible. If we run into any problems we will notify you as soon as we can.

### **How will I receive the information?**

We prefer to send information digitally, either by encrypted CD/DVD or via a secure online portal that you can log into to download the information. We will send instructions of how to do this when we complete your request. Files that are too large to transfer electronically may be sent as a paper copy by special delivery.

If you request to view your information, a member of the health records team will contact you to arrange a suitable time and date to view the information in a private and confidential environment.

### **What if I notice a mistake in my records?**

We have a duty to ensure that your information is correct and up to date. We are, however, unable to amend any clinical information for safety reasons. If you have concerns about any clinical information in your record we can arrange for you discuss these with a healthcare professional. You can also request for a note to be added to your record which detail your concerns.

### **Do you have any further questions?**

Please feel free to speak to a member of the team on:

- Barnet Hospital or Chase Farm Hospital: 020 8216 4430
- Royal Free Hospital: 020 7472 6125

Alternatively you can email: [rf-tr.AccessRequests@nhs.net](mailto:rf-tr.AccessRequests@nhs.net)

We are available Monday to Friday, 9am to 5pm.

If you have any feedback on this leaflet or for a list of references for it, please email: [rf.communications@nhs.net](mailto:rf.communications@nhs.net)

**This leaflet is also available in large print. If you need this leaflet in another format – for example Braille, a language other than English or audio – please ask a member of staff.**

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