

Access to Health Records

This factsheet looks at your rights to see your health records and how to do this. It explains what to do if you think the information on your health records is wrong. In this factsheet, when we say 'record' or 'records', we mean your health record.



KEY POINTS

- When an NHS professional sees you, they will update your record with information about your illness and treatment.
- If you have been in touch with mental health services, the team will have separate records. Your GP does not hold this information.
- You have a right to see your records. Your doctor can keep back information if it may harm your physical or mental health.
- If you want to see your records, you should write to the service that has them. They should give you your records within 40 days.
- Other people, such as an employer or solicitor, can only see your records if you give your written consent.
- If you feel something on your records is wrong you cannot delete it. You can ask your doctor to add a note to show that you disagree.
- You should be able to see your records online if you sign up for 'Patient Online'.
- You can have a 'summary care record' which gives the NHS important information about your health. This helps them to deal with emergencies. You don't have to have one if you don't want to.

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1. What are my records?

When you see a health professional, they will update your health record with information about your condition and treatment. These records may be on a computer or handwritten.

Your record will have information about your diagnosis, reports, letters and test results. Health records in mental health teams may have information about your care plan and time spent in hospital.

The NHS keeps detailed records locally so the person in charge of your treatment can see it. So your GP surgery will hold records of your GP visits. Your mental health team will keep records of your appointments with them.

Your GP records and mental health team records are not kept together. Specialist services and your GP may share some important information such as:

- referral letters,
- your diagnosis,
- reports, and
- results.

Summary Care Records

'Summary Care Records' give important information about your health to all NHS services in England. Your GP will automatically start a summary care record. If you don't want this you need to contact your surgery and tell them. This is called 'opting out'.

The record will have information about:¹

- your medication,
- your allergies, and
- any bad reactions to medications you have tried.

If the NHS needs to help you in an emergency, doctors will be able to see this information to decide how best to treat you.

Health professionals have to ask you before looking at your record. But if you are unconscious or can't give consent, they can look at your record without your permission. If they do this they have to make a note on your record to explain why.² You can ask to see a list of who has looked at your summary care record.

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2. Why might I want to see my records?

There are different reasons why you might want to see your health records. For example you might want to:

- check if there are any mistakes in your records,
- find out background information about your healthcare, or
- get evidence for a complaint about your healthcare.

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3. How can I see my records?

Ask the service

You have the right to see your health records under the Data Protection Act 1998. You might not have to rely on the law if your GP is happy to show you. Your GP, or another professional, can show you your records any time, but they do not have to.

You could ask about this during an appointment, or over the phone. If they agree, this is a quick and easy way to see your records. However, they cannot give you a copy of your records if you ask them this way.³

Patient Online

From April 2015, GP surgeries are letting patients sign up to 'Patient Online'.⁴ This lets you look your health records online, as well as book appointments. Not all GP surgeries have set this up yet. Ask your GP surgery if you can sign up for Patient Online.

Using the Data Protection Act

You can use your right to have a copy of your health records under section 7 of the Data Protection Act 1998. This is called making a 'subject access request'.

You have to write to the record holder at the GP surgery, mental health team or Clinical Commissioning Group. You should write to the service that holds the records you want to see. Your local Patient Advice and Liaison Service (PALS) might be able to tell you exactly who to write to. You can search for your local PALS office at www.pals.nhs.uk/officemapsearch.aspx.

In your letter, give:

- your name,
- address,
- date of birth, and
- any other information which would help locate your file.

Say that you are making your request under section 7 of the Data Protection Act 1998. You do not have to tell them why you want to see your records.

You do not have to fill in a special form when asking to see your records. You can use the [sample form](#) at the end of this factsheet. You should send the letter by recorded delivery.

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4. Can anyone else see my records?

Your health records are confidential. The NHS should not show your health records to anyone without your consent.

What if an employer or insurer wants to know about my medical history?

If your employer or insurer wants health information, they may ask your doctor for a medical report. They will not ask for your full medical records. Your doctor will need your consent to give them this information.

What if I lack capacity to access my medical records?

Mental capacity means being able to understand and make decisions. If you don't have capacity to ask for your records then someone else may do this for you.

You can find more information about:

- Mental Capacity
- Confidentiality

at www.rethink.org. Or call 0121 522 7007 and ask for a copy to be sent to you.

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5. Do I have to pay to see my records?

If NHS staff have updated your records in the last 40 days then you will not have to pay for a copy of them. If they were last updated more than 40 days ago, the NHS can charge you. These charges are for copying and posting. The NHS should not make money on this.

The most the NHS can charge you for an electronic copy of your record is £10. If your records are handwritten and need to be photocopied, the record holder can charge you up to £50.⁵

6. When will I get my records?

Once you have given all the information the NHS needs to identify your record, they have 40 days to send it to you.⁶ The NHS tries to deal with requests within 21 days.⁷

7. Can the NHS keep information from me?

The NHS can hold some information back. This would be information that would cause serious harm to your physical or mental health or anyone else's.⁸ The record holder should explain why they decided to keep information from you.

Your records may have information about other people. The NHS should ask their permission to share this information with you. If the person does not agree, the NHS may not show you this information.⁹ If the NHS cannot ask for permission, then it will need to decide if they should share this information with you. They will decide this on a case-by-case basis.

If you think that information is missing and the NHS has not told you why, contact the record holder to ask why.

8. What if the information on my record is wrong?

The information in your records should be correct and up to date.¹⁰ Some of the information will be a professional's opinion. A health professional may have written an opinion about you that you think is wrong. The NHS will not remove these opinions from your record. They need to keep this information because it shows why they made decisions about your care and treatment.¹¹ It is very unlikely that the NHS will delete or remove information from your records unless it is factually incorrect, like the wrong address or date of birth.

If your doctor agrees that the information is wrong, they will add a correction to your record. If your doctor doesn't agree with you, you should be able to add a note showing this.¹²

You should write to the record holder to tell them what you think is wrong and explain why. It's a good idea to send this letter by recorded delivery.

9. Can I see my relative's records when they die?

When someone dies, their health records are still confidential. Only certain people can see them. The NHS can charge you for getting copies of these records.

Personal representatives and people with a claim

If you are a personal representative, or if you have a claim from the person's death, you can apply to see the persons' medical records.¹³

Being someone's personal representative means you deal with their affairs after they have died. This includes dealing with their property and bank accounts.

The law is unclear about what it means to have a claim from someone's death, but this should include people who can take an inheritance.

You need to contact the record holder with enough information to identify the records. You should include evidence to show you are the personal representative or that you have a claim. You may need to show a death certificate, the grant of representation or a copy of the will.

Other people

You can apply to see someone's health records if you do not fall into the above category. The NHS should think about:¹⁴

- if the person who died said if they wanted their records to be shared,
- if anyone will be distressed if the records are shared,
- the views of any surviving family,
- how long ago the person died,
- how much information you are asking for,
- why you want the information, and
- if you had a relationship with the person who died.

Coroners

When someone dies unexpectedly, the coroner can see their health records. They may get a copy to prepare for the inquest into the person's death.

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10. How can I complain?

You may want to complain because:

- The NHS has not dealt with your request within 40 days.
- The NHS says you cannot see your records.
- The NHS doesn't give you all the information that you asked for.
- You disagree with the information in your records.

You can use the NHS complaints procedure to try and resolve these problems.

You can find more about '**Complaints**' at www.rethink.org. Or call 0121 522 7007 and ask for the information to be sent to you.

The Information Commissioner's Office can look into your complaint and ask the NHS to solve the problem. The Information Commissioner can only get involved if you have already tried to resolve your issue by making an NHS complaint. Their details are in the Useful Contacts section.

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Information Commissioner's Office

Telephone: 0303 123 1113 (9am to 5pm Monday to Friday)
01625 545 745

Address: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Email: Via website - <https://ico.org.uk/concerns/getting/>

Website: ico.org.uk



¹ Health and Social Care Information Centre. *What is the Summary Care Record?*. <http://systems.hscic.gov.uk/scr/patients/what> (accessed 21st April 2015).

² As note 1.

³ NHS Choices. *How do I access my medical records (health records)?*. www.nhs.uk/chq/pages/1309.aspx?categoryid=68 (accessed 20th April 2015).

⁴ NHS England. *Patient Online Support and Resources*. www.england.nhs.uk/wp-content/uploads/2014/10/npo-guidance-291014.pdf (accessed 21st April 2015).

⁵ The Data Protection (Subject Access) (Fees and Miscellaneous Provisions) Regulations 2000. SI 2000/191. London TSO; 2000.

⁶ Section 7(8), Data Protection Act 1998 c29

⁷ Department of Health. *Guidance for Access to Health Records Requests (February 2010)*.

<http://systems.hscic.gov.uk/infogov/links/dhaccessrecs.pdf> (accessed 21st April 2015), at para 16.

⁸ Article 5, Data Protection (Subject Access Modification) (Health) Order 2000. SI 2000/413. London TSO; 2000.

⁹ As note 6, s7(4) as amended

¹⁰ As note 6, Schedule 1, para 4.

¹¹ As note 7, at para 29

¹² As note 7, at para 30-31

¹³ Access to Health Records Act 1990, Section 3(1)(f)

¹⁴ As note 7, at para 43

Sample letter to ask for your medical records

Adapted from Information Commissioner's Office sample letter, available at
<https://ico.org.uk/for-the-public/personal-information/>

[Your full address]
[Phone number]
[The date]

[Name and address of the NHS body]

Dear Sir or Madam

Subject access request

[Your full name, date of birth, address and any other details to help identify you and the information you want.]

Please supply the information about me I am entitled to under the Data Protection Act 1998 relating to:

[give specific details of the information you want]

- *your medical records [between 2006 & 2009] held by Dr 'C' at 'D' hospital*

If you need any more information from me, or a fee, please let me know as soon as possible.

It may be helpful for you to know that a request for information under the Data Protection Act 1998 should be responded to within 40 days.

If you do not normally deal with these requests, please pass this letter to your Data Protection Officer. If you need advice on dealing with this request, the Information Commissioner's Office can assist you and can be contacted on 0303 123 1113 or at www.ico.gov.uk

Yours faithfully

[Signature]

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This factsheet is available
in large print.



Rethink Mental Illness Advice Service

Phone 0300 5000 927

Monday to Friday, 10am to 2pm

Email advice@rethink.org

Did this help?

We'd love to know if this information helped you.

Drop us a line at: feedback@rethink.org

or write to us at Rethink Mental Illness:

Feedback

PO Box 68795

London SE1 4PN

or call us on 0300 5000 927.

We're open 10am to 2pm, Monday to Friday.



Leading the way to a better
quality of life for everyone
affected by severe mental illness.

For further information
on Rethink Mental Illness
Phone 0121 522 7007
Email info@rethink.org

 [facebook.com/rethinkcharity](https://www.facebook.com/rethinkcharity)

 twitter.com/rethink_

 www.rethink.org

Need more help?

Go to www.rethink.org for information on symptoms, treatments, money and benefits and your rights.

Don't have access to the web?

Call us on 0121 522 7007. We are open Monday to Friday, 9am to 5pm, and we will send you the information you need in the post.

Need to talk to an adviser?

If you need practical advice, call us on 0300 5000 927 between 10am and 2pm, Monday to Friday. Our specialist advisers can help you with queries like how to apply for benefits, get access to care or make a complaint.

Can you help us to keep going?

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