

Guidance for Application for Subject Access to Clinical Records

The Data Protection legislation gives every living person the right to know what personal information an organisation holds about them. To use this right, you can make what is known as a 'subject access request'.

Only the following people may apply for access to personal information:

- The person who the information is about **or**
- Someone acting on behalf of the person who the information is about.

You have a right to know whether or not we hold any information about you, and a right to have a copy of that information. You also have a right to know:

- What kind of information we keep about you;
- The reason we are keeping it and how we use it;
- How long we will keep your information;
- Who gave us your information;
- Who we might share your information with and who might see your information;
- If we send your information outside Europe, and if we do what security measures we take to protect it;
- If you can request rectification or restriction or objection of processing of your information; and
- That you can make a complaint to the Information Commissioners Office.

You also have the right to have any codes or jargon in the information explained.

You may not be able to see information that could:

- cause serious harm to your physical or mental health, or anyone else's; **or**
- identify another person (except members of NHS clinical staff who have treated you), unless that person gives their permission.

If you have any questions about your rights under the Data Protection legislation, you can contact us as follows:

- Health Records Legal Team on 01324 567977, FV-UHB.healthrecs-legal@nhs.net **or**
- Data Protection Officer on 01786 433282, FV-UHB.InformationGovernance@nhs.net

Alternatively, you can contact the Information Commissioner's Office at <https://ico.org.uk/>

For hospital records Subject Access Requests should be sent to:

**Health Records Legal Department
Forth Valley Royal Hospital
Stirling Road
Larbert
FK5 4WR**

PLEASE NOTE:

GP Practice clinical records Requests should be sent to the GP Practice Manager.

Occupational Health Records should be made to the OH Department

Prison clinical records Requests should be sent to the Health Centre Administrator of the prison.

Response time

We will aim to acknowledge receipt of your request within two working days.

We will deal with your request as quickly as possible, and within one calendar month of receiving your completed application form. If you have requested copies of your records we will send these to you. If we have any problems obtaining your information, we will keep you up to date with our progress.

How long records are kept

Health records are kept for a limited time and this is noted below for your information:

- Adult general hospital records - six years after the date of the last entry;
- Maternity records - 25 years after the birth of the last child;
- Children's and young people's records - until the child or young person's 25th birthday;
- Mental health records - 20 years after the date of the last contact.

This may help you in considering what types of records you are applying to see.

Points to consider

Accessing your health records is an important matter and could, in certain circumstances, cause distress. You may wish to speak to an appropriate health care professional before completing the application form.

We will ask you to provide Photographic identification, such as a passport or driving licence, together with proof of your address, before we release any information to you. This ensures confidential information is only released to the right person.

Making false or misleading statements to access personal information which you are not entitled to is a criminal offence.