

How to see your health records – accessing information held by the Royal Berkshire NHS Foundation Trust

Every patient treated by this Trust has an NHS record containing information about their health and any treatments. This record is the property of the Royal Berkshire NHS Foundation Trust and must never be removed from Trust premises. Occasionally, you may be given your record in a sealed envelope to take to another clinical area; it is sealed to protect your or any third parties' information. Under the Data Protection Act 2018 and Access to Health Records Act 1990, you have a right to see information about you and this leaflet explains:

- What an NHS health record is.
 - How you can apply for access to information held about you.
 - Who can apply for access to information held about you?
 - What to do if you are not happy with any aspect of the information held about you.
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What are my health records?

They are records that include information about your health and any care or treatment you've received from the Royal Berkshire NHS Foundation Trust. This could be, for example, test results, X-rays or letters to and from NHS staff.

Why look at my health records?

You may want to know more about treatment that you've had or to check that your information is correct. It is your choice whether to look at them or not, although there may be a charge to do this.

How and where are my health records kept?

- Your records can be written on paper, held on computer, or both.
- Different parts of the NHS hold their own records. For example, your GP's surgery and any hospital you have been to may hold records about you. **This leaflet refers only to records held by the Royal Berkshire NHS Foundation Trust.**

How do I ask to see my health records?

You can see your records and, if you choose, you can get a copy of all or part of your records. If

you wish to see them, you will need to make an appointment, as a member of the clinical staff will need to be with you to give any explanations that are required.

You will need to apply by completing an application form and sending copies of your photo ID and a recent bill as ID. The application form can be requested from the Health Records Department at the Royal Berkshire Hospital, by telephoning 0118 322 7057 or emailing Rbb-tr.accesstohealth@nhs.net The form is also available to download on the Trust website at www.royalberkshire.nhs.uk

Please note: To complete your application, please be aware that you will be required to provide ID. This is to enable our team to positively identify you as the patient or authorised requester, your current address, and ensures our compliance with the General Data Protection Regulation.

You do not need to give a reason for wanting to see your health records.

Who can apply to see my health records?

Generally, you can apply if you're able to understand what is involved in applying to see your records. Someone else can apply to see your records if:

- You have agreed to this, in writing.
- You are a child who is able to understand what is involved and the person applying has parental responsibility for you, and you agree to it.
- You are a child who doesn't understand what is involved, and the person applying has parental responsibility for you.
- You are an adult who cannot make decisions for yourself or cannot tell others your decisions, and either you previously granted that person Enduring Power of Attorney (EPA) before you became unable to make decisions or a court has granted them a guardianship order. EPAs in existence before 1 October 2007 will be honored, but under the Mental Capacity Act (2005) new EPAs are no longer awarded. Your EPA attorney(s) will be treated as an "interested person" under the new law and therefore will be consulted with regard to your care, and allowed access to your notes in the proper circumstances.

A person with capacity can now award a Lasting Power of Attorney (LPA) to be used in the event of loss of capacity. The LPA must be registered with the Office of the Public Guardian when the person it concerns is no longer capable of making decisions. The holder will be entitled to make decisions on your behalf with regard to your care and can therefore access your medical records using the proper process.

- They are a Receiver appointed by the Court of Protection before 1 October 2007. Under the Mental Capacity Act (2005), the Receiver role ceased to exist from 1 October 2007. This role is now undertaken by a Deputy under the Court of Protection watched over by the Office of the Public Guardian.

What will I see?

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- If you look at your records in the hospital, you will need a clinical member of staff (usually a consultant) with you while you see them. What you see might be a paper file, a computer printout or a photocopy. If you ask for a copy, it could be a computer printout or a photocopy.
- The clinician should explain any jargon or words that you don't understand.
- You will not be able to take the notes away to look at them.
- Some information on your records may be kept from you. For example, this includes information that:
 - Could cause serious harm to your, or someone else's physical or mental health.
 - Could identify another person (except NHS staff who have treated you), unless that person gives their permission.
- When someone else is allowed to see your records, that person will not receive information that:
 - You have told NHS staff that you don't want them to have.
 - You expected would be kept confidential.

How much does it cost?

Under the Data Protection Act 2018, if your records are paper or a mixture of paper and computer records and you want a copy of any part of them, there is no charge. **Repeat Image requests are charged at £10.00**

After I've applied, how long will it take?

After you give NHS staff enough information to identify you and your records, you will get the information within 30 calendar days. If there is going to be a delay in meeting this deadline, the health records team will contact you to explain the reasons for this.

What if I think information is incorrect?

If you think information in your records is incorrect, first talk to the member of NHS staff providing your care.

If they decide that the information is incorrect, they will score through it so that people can still read the information but can see that it has been corrected. They will also attach a note to your records explaining why the information has been scored out.

If they decide that the information is correct, they will not change it. However, you can choose to have a note attached to your records explaining why you think the information is incorrect.

In most cases, information cannot be removed from your records unless a court orders it. NHS staff need your full records to understand earlier decisions that were made about your care and treatment.

Can I see the health records of someone who has died?

Please note: partners or family members of deceased patients do not have an automatic right to see the patients' medical records. Medical records of deceased patients continue to be protected under the Common Law Duty of Confidentiality.

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Only in very limited situations will records be made accessible to family members or partners who are **not** an Executor of the will, **do not** have a Letter of Administration from the court or **do not** have a legal claim which requires the records.

- You can only see that person's records if you are a personal representative appointed under a Will as executor or the personal representative who is appointed as administrator of the estate when the individual dies without a Will.
- You will not be able to see parts of the records which:
 - Could cause serious harm to your/another's physical or mental health.
 - Could identify another person (except NHS staff who have treated the patient), unless that person gives their permission.
 - The patient expected would be kept confidential.
- You will not be able to see the records of someone who made it clear that they did not want other people to see their records after their death. You can find out more information about this by visiting www.nhs.uk/chq/Pages/access-to-medical-or-health-records-of-someone-who-has-died.aspx

What if I'm not happy?

If you are not happy about anything connected with your application to see your health records, speak to someone in the Health Records Department, tel: 0118 322 7057. If the matter cannot be resolved, it will then need to be addressed through the Trust's Complaints Procedure.

If you believe that the Trust has failed to provide information which you think you are entitled to, you can write to:

The Chief Executive

Royal Berkshire NHS Foundation Trust London Road, Reading RG1 5AN

You can also email PALS@royalberkshire.nhs.uk

Under the provision of the Access to Health Records Act 1990 and the Data Protection Act 1998, you also have the right of action through the Information Commissioner and the Court.

How to find out more

For more information about anything in this leaflet, contact the Health Records Department at the Royal Berkshire Hospital, London Road, Reading RG1 5AN, tel: 0118 322 7057.

To find out more about our Trust visit www.royalberkshire.nhs.uk

Please ask if you need this information in another language or format.

Health Records Department, November 2021

Next review due: November 2023