

## ACCESS TO DECEASED PATIENTS HEALTH RECORDS

### INFORMATION FOR APPLICANTS

The Access to Health Records Act 1990 grants rights to certain individuals to see what has been written about a deceased patient in a hospital. This only applies however to written records made on or after 1<sup>st</sup> November 1991.

Access is available to the personal representative of the deceased or a person having a claim arising out of a patient's death.

Access may not be permitted if the following circumstances apply:

1. If it is considered that the patient would not have wished disclosure.
2. If access would lead to the identification of someone else not involved in the patient's care.
3. If access would cause serious mental or physical harm to someone else not involved in the patients care.

Where access is allowed we usually supply photocopies, although in certain circumstances you may request to view the original records.

In line with the Act we charge a minimum fee of £10 per application, 35 pence per sheet for photocopying plus a charge for postage.

In the case of a complaint or a claim arising from the patient's death and in accordance with the Act we will only supply copies of records in relation to that complaint or claim. If the request is from the patient's personal representative we will normally supply copies of records which relate to recent treatment, however in some circumstances a full set of notes will be released on request.

All requests must be made in writing. Please specify exactly the nature of the copies you require in order to keep your cost to a minimum, and enable us to process your request efficiently.

To safeguard against unauthorised or inappropriate access to deceased health records, we will require a copy of your:-

- Driving Licence or Passport as photo id - plus a copy of;
- Birth / Marriage Certificate as proof of your relationship to the deceased - plus;
- A current utility bill as proof of residency - plus;
- The relevant legal documentation to prove that you are the personal representative i.e. the executor or administrator of the deceased person's estate.

In some cases, access to deceased records may not be simple or straightforward and it will be necessary for the applicant to put their reasons for their request in writing. These requests will be assessed on a case by case basis and a decision on whether or not the Trust can disclose the deceased record will be made by a Senior Executive of the Trust.

On receipt of the completed application form the request will be processed. The Health Record, together with the completed application, will be passed to the appropriate clinicians for permission to release the copies you require. Once permission is obtained you will receive an invoice for the relevant charge. On receipt of payment, the Health Record will be copied and sent to you by recorded delivery within 40 days.