

## Complaints

If you have any complaints about any aspect of your application to obtain access to your health records, you should first discuss this with the clinician concerned. If this proves unsuccessful, you can make a complaint through the NHS Complaints Procedure by contacting the Practice Manager, Dr Neil Harding

Further information about the NHS Complaints Procedure is available on the NHS Choices website.

Alternatively you can contact the Information Commissioners Office (responsible for governing Data Protection compliance) –

Wycliffe House,  
Water Lane,  
Wilmslow,  
Cheshire,  
SK9 5AF

Tel 01625 545745 or [www.ico.org.uk/](http://www.ico.org.uk/)

All complaints will be acknowledged within three working days and a full response will be provided within 20 working days. If a complaint is made verbally to the practice, this will be documented and you will be asked to confirm in writing that you agree with what has been recorded.

## Important Information

We will provide the data **directly to you** and not to any third party who made the request i.e your insurer/solicitor

Your medical record at the practice is held in two formats. Predominantly your medical records are held electronically, but we also hold historic data for most patients in paper format. For a full copy of your record to be provided we would need to photocopy/scan all of your historic data.

You can contact your insurance company/solicitor and ask that they request a medical report directly from us rather than copies of your records. A medical report will be completed by your GP and will only focus on the information in your record that is relevant to your case – not the whole of your medical record.

You can advise us if there are specific parts of your records that you would like us to provide copies of. For example, this could be certain time scales or any records relating to specific conditions. If this is the case please advise us which parts you require.

You will need to collect the data in person, from the surgery. We will need to see a form of ID such as a Passport or Driving Licence before we release them to you. You will need to sign a receipt for the documents.

## Access to Medical Records under the Data Protection Act



**Silton Surgery  
Silton, Gillingham  
Dorset  
SP8 5DF  
01747 840226**

If you require this leaflet in a different format i.e. large print, or you need further information or assistance, please ask at reception

## Online Access / Making a Subject Access Request (SAR)

### Introduction

The Data Protection Act gives every living person (or authorised representative) the right to apply for access to their health records.

### Online Access to Medical Records

Some parts of your medical record can be accessed as part of the Practice's online services. For security reasons, you will have to visit the practice to undertake an identity check before you are granted access to these records.

### To make a subject access request

A request for your medical health records held at **Silton Surgery** must be made in writing (e-mails accepted) to the data controller who is: **Dr Neil Harding** (please contact the practice for alternative methods of access if you are unable to make a request in writing).

### Costs

Under the Data Protection Act you **will not normally be** charged a fee to view your health records or to be provided with a copy of them unless the request is judged to be unfounded or excessive.

## Making a Subject Access Request (SAR) continued....

### Costs continued

In the event that a request is deemed to be unfounded or excessive, or is asking for a further copy of records they have already had, a fee will be incurred based on the administrative cost of providing the information.

Once the data controller has all the required information, and fee where relevant, your request should be fulfilled within one month (*in exceptional circumstances where it is not possible to comply within this period, you will be informed of the delay within one month of the request. We will provide you with a timescale of when the information will be made available, which will be no more than three months after the request was made*).

### Exemptions

In some circumstances, the Act permits the data controller to withhold information held in your health record. These rare cases are:

- Where it has been judged that supplying you with the information is likely to cause serious harm to the physical or mental health or condition of you, or any other person, or;
- Where providing you with access would disclose information relating to or provided by a third person who had not consented to the disclosure. This exemption does not apply where that third person is a clinician involved in your care.

## Making a Subject Access Request (SAR) continued....

When making your request for access, it would be helpful if you could provide details of the time-periods and aspects of your health record you require (*this is optional, but it may help save practice time and resources*).

If a mentally competent child is 16 years or over then they are entitled to request or refuse access to their records. If any other individual requests access to these the Practice will first check with the patient that he or she is happy for them to be released.

**GPs have ethical obligations around how patient records are shared, and will explain to patients, in broad terms, the implications of making a Subject Access Request so they can make an informed decision on whether they wish to exercise their rights under the Data Protection Act.**