

Access to Health Records

This factsheet looks at your right 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. This factsheet is for people who live with mental illness and their carers.

Key Points.

- When an NHS professional sees you, they will update your record with information about your illness and treatment.
- Records are kept in different places. If you have seen mental health services, your record is kept there. Your GP won't have the information.
- You can see your records. But your doctor can withhold information if it may harm your physical or mental health.
- You should be able to see a copy of your record within 1 month.
- Other people, such as an employer or insurer, can only see your records if you agree.
- If you feel something on your records is wrong, you can't usually 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 records with information about your condition and treatment. These records may be on a computer or handwritten.

Your records have information about things like 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. This means your GP surgery will hold records of your GP visits. Your mental health team will keep records of your contact and appointments with them.

Local NHS services must have a 'data protection officer'. This is a professional who is responsible for processing all the data they record.¹

Your GP records and mental health team records aren't kept together. But specialist services and your GP may share some important information about your care.² This may include:

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

Summary Care Records

When you are treated outside your GP surgery, healthcare professionals can't access your GP records. They may be able to see a 'summary care record' instead. This holds important information about your health. Your GP will automatically start a summary care record.

The record will have information about:³

- your medication,
- your allergies,

- any bad reactions to medications you have tried, and
- your name, address, date of birth and NHS number.

For example, in an emergency doctors could look at the record to see if you are allergic to any medications. This can help them treat you properly.

Professionals can put additional information on your summary care record, unless you tell them not to. This additional information can include:⁴

- significant medical history
- reasons for medication
- information about the management of long-term conditions
- end of life care information
- immunisations.

Specific sensitive information won't be automatically included when additional information is added. This includes things like fertility treatments, sexually transmitted infections, pregnancy terminations and gender reassignment.⁵

Health professionals must 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 must make a note on your record to explain why.⁶

You can ask to see a list of who has looked at your summary care record.⁷ We have explained how to do this in [Section 4](#) below.

If you don't want a summary care record, you can contact your GP surgery and tell them. Or you can fill in a form and hand it into your surgery. This is called 'opting out'.⁸ You can find a copy of the form here:

<https://digital.nhs.uk/services/summary-care-records-scr/scr-patient-consent-preference-form>

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2. How long are my records kept?⁹

Records of your care are made every time you go to an NHS service. These services will keep your records for different lengths of time. The length of time depends on where the record is kept.

Normally records are kept for up to 8 years after you were last seen by the service or discharged. These are called 'adult health records'. There are some exceptions, that are explained below.

GP Records

Your GP surgery will create a record when you register there. This will be kept and updated for as long as you are still registered there.

Your GP record will usually be kept for 10 years after you die.¹⁰ .

Electronic patient records

Some NHS services and GP surgeries have electronic patient records. These records should also follow the respective rules explained above¹¹. At the end of the time period, the record should be destroyed. Or people using the computer system shouldn't be able to access them.

Mental Health Records

These include details of any treatment you may have been given under the Mental Health Act 1983. This includes prisoners transferred to hospital for treatment under the Mental Health Act.

Your records will be kept for 20 years after you were last seen or discharged from the Act. Or if you die the records will be kept for 8 years¹².

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3. 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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4. How can I see my records?

Ask the service

You have the right to see your health records under the General Data Protection Regulations (GDPR).¹³

If they refuse, you could try making a 'subject access request'. We have explained this below.

You could ask to see your records during an appointment or over the phone. If they agree, this is a quick and easy way to see your records.¹⁴ They could show you the notes on paper or on a screen. But they might not give you a copy of your records this way. You may have to make a subject access request to get a copy or your local NHS trust can tell you how to apply.

Patient Online

Some GP surgeries are letting patients sign up to 'Patient Online'. This lets you look at your health records online, as well as book appointments.¹⁵ Not all GP surgeries have set this up yet. Ask your GP surgery if you can sign up for Patient Online.

Subject Access Requests

You can use your right to have a copy of your health records under Article 15 of the General Data Protection Regulations (GDPR).¹⁶ This is called making a 'subject access request'.¹⁷

You can make a subject access request in writing or by speaking to the service. The service might have a form they ask you to fill out.¹⁸

Your local Patient Advice and Liaison Service (PALS) might be able to help you with a subject access request. You can search for your local PALS office at: [www.nhs.uk/service-search/other-services/Patient%20advice%20and%20liaison%20services%20\(PALS\)/LocationSearch/363](http://www.nhs.uk/service-search/other-services/Patient%20advice%20and%20liaison%20services%20(PALS)/LocationSearch/363)

In your request, give:¹⁹

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

Explain that you are making a subject access request under Article 15 of the General Data Protection Regulations 2018.

You don't have to tell the service why you want to see your records. But you may have to show them some proof of your identity.

You don't have to fill in a special form when asking to see your records. But some services might ask you to, to make the process faster. Ask the service first if you are unsure. If you can, you should send your letter or form by recorded delivery. You can also use the sample form at the end of this factsheet.

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5. Can anyone else see my records?

Your health records are confidential. The NHS shouldn't show your health records to anyone without your consent. Unless they share information with other NHS or social care staff members who are involved in your care.

Can the NHS share information about me with other NHS or social care staff members?

NHS services can share information about you with any NHS and social care staff who directly support or care for you. They can generally do this without your consent. They can do this under what they call 'implied consent'.²⁰ Implied consent means circumstances in which it would be reasonable to think that you would agree to the information being shared.²¹

But an NHS service can only share the information under implied consent if.²²

- You haven't objected to this.
- Information is available to you saying how your information will be used.
- The NHS tell you that you have the right to object to information sharing.
- The person who receives the information understands they are receiving it in confidence, and they respect this.

Tell an NHS service if you don't want them to share information about you with staff who directly support or care for you. They then shouldn't share the information unless.²³

- It is in the public interest - this means the information can be shared to protect an individual or individuals from the risk of serious harm or serious crime, or
- You lack the mental capacity to decide about sharing the Information - sharing the information is in your best interests.

What if I lack capacity to access my medical records?²⁴

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, and
- Confidentiality

at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

What if an employer or insurer wants to know about my medical history?^{25,26}

If your employer or insurer wants health information, they may ask your doctor for a medical report. They won't normally ask for your full medical records. Your doctor will need your consent to give them this information.²⁷

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

Under the General Data Protection Regulations (GDPR) there should be no charge for a copy of your records, unless you are asking for a very large amount of information or you ask for information you've already had.²⁸

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7. When will I get my records?

The NHS has only 1 calendar month to get your information to you. This can be extended for a further 2 months if you have made multiple requests, or the information you have asked for is very complex.²⁹

The NHS tries to deal with requests within 21 days.³⁰

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8. Can the NHS keep information from me?

Under the Data Protection Act, the NHS can hold back information that would cause serious harm to your physical or mental health or anyone else's.³¹ 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 doesn't agree, the NHS might not show you this information. If the NHS can't 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.³²

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

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

The information in your records should be correct and up to date.³³

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 won't usually remove these opinions from your record. They need to keep this information because it shows why they made decisions about your care and treatment.³⁴

It's 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 may add a correction to your record. If your doctor doesn't agree with you, you should be able to add a note showing this.³⁵

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.

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10. 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.

You can't be charged for these records if you're allowed to access them.³⁶

Personal representatives and people with a claim

You might be a personal representative or have a claim from a person's death. You can apply to see the persons' medical records.³⁷

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 may include people who are entitled to an inheritance. You can read more about being a representative here:

<https://www.gov.uk/wills-probate-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.³⁸

You may need to show a death certificate, the grant of representation or a copy of the will. You may also need to show proof of your identity.

If the person left a note in their records saying they didn't want you to see them, then the NHS may hold them back.³⁹

Other people

You can apply to see someone's health records if you don't fall into the above groups. It will be up to the NHS to decide if they share the records with you. They should think about:⁴⁰

- 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.⁴¹

You can find out more about ‘**Inquests**’ at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

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11. How can I complain?

You may want to complain because of things like:

- the NHS has not dealt with your request as quickly as they should,
- the NHS says you can’t see your records,
- the NHS doesn’t give you all the information that you asked for, or
- 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 below.

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Useful Contacts

Information Commissioner’s Office (ICO)

This organisation regulates the use of the Data Protection Act in organisations such as the NHS. They have a helpline you can call for information.

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

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

Email: Online form here: <https://ico.org.uk/global/contact-us/email/>

Website: ico.org.uk

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- ³³ Sch 1, para 4. The Data Protection Act 1998
- ³⁴ As note 28, at page 12-13, para 29.
- ³⁵ As note 28, at page 13, para 30-31.
- ³⁶ sch 19, s38, Data Protection Act 2018 c12.
- ³⁷ s3(1)(f), Access to Health Records Act 1990 c23.
- ³⁸ As note 28, page 14, para 41.
- ³⁹ s4(3). Access to Health Records Act 1990 c23.
- ⁴⁰ As note 28, at page 14-15, para 43.
- ⁴¹ As note 28, at page 26.

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 Madam or Sir

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 General Data Protection Regulations relating to:

[give specific details of the information you want]

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

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

It may be helpful for you to know that a request for information under the General Data Protection Regulations should be responded to within 1 calendar month.

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

[I look forward to hearing from you.](#)

Yours faithfully

[Signature]

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This factsheet is available
in large print.

Rethink Mental Illness Advice Service

Phone 0808 801 0525

Monday to Friday, 9:30am to 4pm
(excluding bank holidays)

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:

RAIS

PO Box 17106

Birmingham B9 9LL

or call us on 0808 801 0525

We're open 9:30am to 4pm

Monday to Friday (excluding bank holidays)



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

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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 0808 801 0525 between 9:30am to 4pm, 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?

We can only help people because of donations from people like you. If you can donate please go to **www.rethink.org/donate** or call 0121 522 7007 to make a gift. We are very grateful for all our donors' generous support.



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