

## Standard Operating Procedure

# SUBJECT ACCESS REQUEST FOR HEALTH RECORDS

SETTING	UHBW Trust wide
FOR STAFF	All staff
ISSUE	Procedure to ensure that legal requirements under Data Protection law (UK GDPR 2021 and the Data Protection Act 2018) for Subject Access Requests (SARs) are always adhered to.

### Introduction

A patient or somebody acting on their behalf can access the health records held by University Hospitals Bristol and Weston NHS Foundation Trust. The request made for health records is called a Subject Access Request (SAR), as set out under Article 15 of the UK GDPR 2021. The request should be made digitally via the UHBW SAR Portal, in writing or verbally.

Once the request and sufficient identification arrives within the SAR Team, they will begin processing the request. By law, we must disclose records to the patient/requestor within one month from the date the request is received. This may be extended in complex cases; in which case the SAR Team will inform the requestor of any new time scale by sending out relevant correspondence.

The SAR Team will send the request to the appropriate healthcare professional for them to authorise that it is safe to disclose the health records. It is particularly important that the healthcare professional has indicated that the health records are safe to disclose and will not cause harm by applying the 'serious harm' test. The healthcare professional may recommend the best way for the requestor to view the notes. This might be through an appointment with the healthcare professional, viewing the health records in the Health Records department or by copies sent to the applicant. The final decision on how the requestor receives the documentation is their choice however sharing via the Trust's secure file cloud called BOLT is recommended for security and efficiency.

Information regarding SARs to UHBW, other data subject rights and a link to the UHBW SAR Portal can be found on the Trust's intranet via the following link: [UHBW NHS - Subject Access Requests and other data subject rights](#)

## Receiving a Request

1. Once the SAR Team receive a request for health records, this should be treated as a Subject Access Request. The time limit for a response starts from the day of receipt; therefore, a prompt response is always required. Most applicants will submit a request via the [UHBW SAR Portal](#) where they will receive a custom automatic response from the SAR Portal system acknowledging receipt of their request. Applicants with no computer access may need the SAR application form (AHR V4) sent to them to complete. Once returned to the SAR Team via post, email or in person, the Team should acknowledge receipt via the same format. Where possible all requests are to be acknowledged within 24 hours to assure the applicant that their request is being processed.

## Proof of Identity and authorisation

2. Once a request is submitted through the SAR Portal or returned via post/in person, the SAR Team will establish the identity of the individual who is requesting the health records has been confirmed and that they are entitled to see them under law.
3. If identity cannot be confirmed then the SAR Team will contact the applicant via an external message within the Portal, by phone, letter, or email.
4. The Trust is not obliged to comply with any request unless we receive sufficient information to identify the patient and applicant (if different) and to locate the information held.

Applicant	Typical Minimum Proof
Patient	Copy of passport, driving licence or birth certificate
Representative of patient (e.g. relative, carer)	Copy of Applicant's passport, driving licence or birth certificate And one of the following: Copy of Lasting Power of Attorney Evidence of appointment as Independent Mental Capacity Advocate Informed consent of the patient
Parent or Guardian of child(*)	Copy of Applicant's passport, driving licence or birth certificate And one of the following: Applicant's name on patient's birth certificate Applicant's name on patient's adoption certificate Court Order granting the applicant parental responsibility (Where Unmarried) copy of parental responsibility agreement signed by both parties
Executor/Personal Representative of a deceased patient	Copy of Applicant's passport, driving licence or birth certificate And one of the following: Copy of the Will naming you the executor If the person died without making a Will but Letters of Administration were granted, that you were the person to whom were granted
Person who may have a claim arising from the patient's death	Copy of Applicant's passport, driving licence or birth certificate Evidence supporting the claim

(\*) If the child is aged around 12 years old or over and has the capacity to understand the request the child's written consent will also be required as evidence. If the child lacks the capacity to understand the request, evidence will be required that the applicant is acting in loco parentis.

5. All SARs are to be logged on the UHBW SAR Portal even if not submitted digitally.

## Processing the SAR

6. The SAR Team will locate all health records requested; this could include more than one hospital's records. If the hospital's medical records department is a scanning bureau the medical records must be scanned to Evolve system prior to sending the request to the clinician for sign off. If the hospital's medical records department is not a scanning bureau the medical records will be sent to the clinician for sign off.

Once the SAR Team have all relevant health records collated, they will review them for any concerns to highlight to the healthcare professional needed to authorise disclosure. Concerns could relate to safeguarding or mental health. If the medical records are scanned to Evolve the below template is emailed to the appropriate healthcare professional most recently responsible for the diagnosis, care or treatment of the individual or the time frame in the applicant's request.

Dear [Doctor's name]

We have received a Subject Access Request (SAR) from [Patient/Solicitor/Police] for access to the medical records held by UHBW [Patient name is Solicitor/Police/Parent]. After review of the applicant's documentation attached to this email by the SAR Team, we can confirm that this is sufficient under UK GDPR guidelines. [We have also reviewed the patient's health records and can see that you are stated as the healthcare professional most recently responsible for the diagnosis, care, or treatment of the individual or the time frame and specialty in the applicant's request. / We have also reviewed the patient's health records and can see the responsible clinician has left the Trust and we must appoint a health professional with the necessary experience and expertise, which is why you are being sent this request. Please advise if you think another healthcare professional should be reviewing this SAR.]

We must provide copies of the health records unless any of the exemptions set out in Schedules 3 and 4 of the Data Protection Act 2018 apply. The main exemptions are

- i) the information would cause harm to the physical or mental health or condition of the patient after application of the 'serious harm' test.
- ii) the information is regarding another individual. Unless that other individual is a healthcare professional involved in the care of the patient, then there should be no disclosure unless consent has been given by the other individual or it is reasonable to disclose the documentation.

### Safeguarding or concerns to note following SAR Team review of the patient's health records

- [Note anything found such as safeguarding paperwork or sensitive]

### Request details from [Patient/Solicitor/Police]

- [Description of what is being requested. Hospital/Year]

Please can you reply to this email with "I confirm authorisation for the medical records of [Patient Name] to be disclosed" if you give permission for the SAR Team to disclose the [Hospital/Specialty] medical records to the applicant.

The Trust has an expectation to comply with timescales under UK GDPR compliance, so your assistance is much appreciated.

The BMA has detailed guidance for healthcare professionals on giving access to health records <http://www.bma.org.uk/ethics>

Guidance from the Information Commissioner's office here <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/right-of-access/health-data/>

Please don't hesitate to contact us if you have any questions regarding the request.

Thank you in advance for your cooperation.

If the medical records cannot be scanned to Evolve the below letter template is attached to the medical records and delivered via the medical records team to appropriate healthcare professional most recently responsible for the diagnosis, care or treatment of the individual or the time frame in the applicant's request.

Date:

Name of patient:

Trust No:

Dear ..... (Consultant)

We have received the enclosed request from the above named patient for access to their Health Records.

The following are the only circumstances in which access may be limited or excluded under the GDPR 2018

- i) Disclosure of the information would cause harm to the physical or mental health or condition of the patient.
- ii) The information is regarding another individual and unless that other individual is a health professional involved in the care of the patient, then there should be no disclosure unless consent has been given by the other individual or it is reasonable in the circumstances to disclose the information.
- iii) In connection with an application for access to a child's record, please state whether the child is capable of understanding the nature and purpose of the application.

Yes	No	
-----	----	--

I should be grateful if you would review **YOUR SECTION / ALL** the contents of this folder and indicate if unusually these apply in this case.

Please sign and date this form and return it to the medical records department by return. We have an expectation to comply with timescales under GDPR Compliance, so your assistance is much appreciated. Thank you in advance of your cooperation.

**Please DO NOT file inside notes once signed off, thank you.**

Signature

Date

Yours sincerely

**This request is URGENT, so please advise immediately if Consultant is away-** you will find guidance notes on the reverse of this page for your assistance.

7. The appropriate healthcare professional is defined as either:

- The healthcare professional who is currently or was most recently responsible for the clinical care of the data subject in connection with the matter to which the information which the subject of the request relates.
- Where one or more healthcare professionals are currently involved or were recently involved in the clinical care of the data subject – the healthcare professional who is the most suitable to advise on the matter to which the information which the subject of the request relates.
- In the absence of anyone else who might qualify for the above; the healthcare professional who has the necessary experience and qualifications to advise on the matter to which the information which the subject of the request relates.

8. The healthcare professional is also responsible for reviewing all documentation to ensure that it:
  - That it contains no harmful information following application of the ‘serious harm’ test.
  - That it contains no information relating to another person (third party or likely to breach another person’s confidentiality).
  - Be content that the patient has sufficient capacity to view the notes.
9. Once the healthcare professional is satisfied that all points in section 8 have been taken into consideration, they should then reply to the SAR Team in the same format the template was sent. If the template was sent by email the healthcare professional must reply with the statement “I confirm authorisation for the medical records of *Patient name* to be disclosed”. If the template was sent with the medical records, the healthcare professional must sign the form.
10. The Trust have one month to ensure the requestor has the relevant information sent to them starting from the day the original request is received so time management and prioritising requests is key. The SAR Team review the active requests on the SAR Portal every two weeks for potential requests that will breach the one-month deadline and will subsequently action. If the team feel that a request will breach, they will contact the applicant via an external message within the Portal, by phone, letter or email advising there is a delay and will not be completed within the one-month deadline giving a reason and estimated timeframe completing the request. To ensure the Trust’s compliance the SAR Team have the below escalation process.
  - 8 days after SAR is sent to the healthcare professional the SAR Team contact the healthcare professional chasing their response.
  - If no response 3 days following the first chase, the SAR team will chase again including the departments clinical lead and SAR team leader.
  - If no response 3 days following the second chase the SAR team leader will contact the healthcare professional and clinical lead copying in the SAR manager.
  - If no response 3 days following the third chase the SAR team leader/manager will escalate to the Clinical Chair for the division and copy Deputy Trust Health Records manager.
  - If no further response Deputy Trust Health Records Manager with SAR team leader/manager to arrange meeting with Clinical Chair for division including Information Governance manager.
11. There are some occasions when the Trust need longer and can extend the SAR up to two months to complete a request if it meets the complex criteria. The requestor must be kept informed and this must be communicated to them without delay. On occasions where there are delays it is good practice to let the Trust’s Data Protection Officer know so they can assist if needed.

12. On receipt of the disclosure authorisation email or form from the appropriate healthcare professional, the SAR Team will carry out a check (100% QC) of the health records to ensure no documentation is missing and no misfiled paperwork. All findings will be recorded on the SAR Portal under the Misfiling section within a SAR.

### Disclosing health records

All SARs are completed using the Trust's secure file cloud called Bolt. This allows the SAR team to upload the requested health records to the bolt and encrypt the files with a password protected link. The SAR Portal has external messaging, and the password and encrypted link are shared with the requestor. If the health records are shared through email, the password and encrypted link are sent separately.

On rare occasions we may have to send an original document. The SAR Team will contact the Trust's Legal Team and the Data Protection Officer to ensure the documents can be released. This will be documented on the request data on the SAR Portal. If permission is granted the requestor will be asked to complete an undertaking form to ensure that the information sent is returned safely, in the correct order if numerous pages and promptly on completion (See Undertaking Template in Appendix).

### Exceptions

Access will not be given and must be communicated to the requestor without delay, in the following circumstances:

- Where the SAR Team is not satisfied that the applicant is acting with the patient's permission.
- Where the healthcare professional concerned believes that access would cause serious harm to the physical or mental health and wellbeing of the patient (or any other individual).
- Where the information in the record relates to another person or was provided by another person, who is not the applicant but who may be identified from the record.

### Related documentation and contacts

**Related Documents:** Trust Health Records Policy, Trust SARs for Health Records Standard Guidelines, Trust Medical Record Scanning Protocol

**Queries:** Please contact [REDACTED] (Trust Wide Subject Access Request Manager) [REDACTED] email [REDACTED] or the Information Governance Team on [REDACTED] or email [REDACTED]

## SAR Templates

### List of digital application forms available to applicants on the UHBW SAR Portal

Select a form

Select a form

- Solicitor request for health records from UHBW (Manual)
- Request on behalf of adults who lack capacity request for health records from UHBW
- Police request for health records from UHBW
- Personal Representative of a deceased patient request for health records from UHBW
- Person who may have a claim arising from a deceased patient's death request for health records from UHBW
- Patient request for own health records from UHBW
- Parent or Guardian request for child's health records from UHBW

- **Solicitor request for health records**

### Solicitor Request for Health Records (step 1 of 6)

#### Details of the records to be accessed

First Name*	Surname*	Previous Surname
<input type="text"/>	<input type="text"/>	<input type="text"/>
Date of birth*	Sex*	
<input type="text"/> Day <input type="text"/> Month <input type="text"/> Year	<input type="text"/>	<input type="text"/>
Trust Number (if known)	NHS Number (if known)	
<input type="text"/>	<input type="text"/>	
Current Address*		
<input type="text"/>		
Postcode*		
<input type="text"/>		
Previous Address		
<input type="text"/>		
Previous Postcode		
<input type="text"/>		
Home Telephone	Mobile	Email
<input type="text"/>	<input type="text"/>	<input type="text"/>

CONTINUE

AMS SAR Portal ©2019 - 2023 Automated Messaging Systems Limited. All Rights reserved.



## Solicitor Request for Health Records (step 2 of 6)

### Details of the Solicitor

Company Name\*

enter company name...

First Name & Surname of Case Handler\*

enter full name of case handler...

Company Address\*

enter company address...

Postcode\*

Postcode...

Direct Email

enter email address...

Solicitor's Reference

enter your reference...

Continue

[Go Back](#)

AMS SAR Portal ©2019 - 2023 Automated Messaging Systems Limited. All Rights reserved.

## Solicitor Request for Health Records (step 3 of 6)

### What information do you require?

You have no obligation to inform us of the reason you are exercising your right of access. However, by specifying the information you require, it can help UHBW respond more quickly and to provide a more comprehensive and accurate response.

Below are the Hospital/Departments this Trust can provide health records from, please tick which Hospital(s) records you would like to request. Radiology imaging does not form part of your health records, therefore please tick if required.\*

- ☐ Bristol Royal Infirmary (including Bristol Heart Institute)
- ☐ Bristol Royal Hospital for Children
- ☐ St Michael's Hospital
- ☐ Bristol Haematology Oncology Centre
- ☐ Bristol Dental Hospital
- ☐ Bristol Eye Hospital
- ☐ Weston General Hospital
- ☐ South Bristol Community Hospital
- ☐ Radiology
- ☐ All Trust Hospitals

Please inform us of the period or part of the health record (if all records are not required) you require access to. This may include specific dates, departments, consultants and specific inpatient or outpatient attendances.\*

enter further information...

Please specify which format you would like to receive your records in by ticking a box below. Please note we only have capacity to provide you with records in one format. Requests for multiple formats will be disregarded and only one format will be provided unless in exceptional circumstances. We recommend using encrypted email as the fastest and most secure way to receive your records.\*

☐ Encrypted Email

Continue

[Go Back](#)

AMS SAR Portal ©2019 - 2023 Automated Messaging Systems Limited. All Rights reserved.



## Solicitor Request for Health Records (step 4 of 6)

### Claims

Please advise if this is a clinical negligence claim against UHBDW and provide details below. If this is not in regards to a claim, please just type n/a.

enter claim information...

Continue

[Go Back](#)

AMS SAR Portal ©2019 - 2023 Automated Messaging Systems Limited. All Rights reserved.

## Solicitor Request for Health Records (step 5 of 6)

### Solicitor

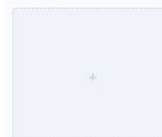
- Signed patient consent relating to records requested in previous step

Copy of signed patient consent



### Consent if the child is aged around 12 years old or over

- If the child is aged around 12 years old or over, and has the capacity to understand the request, the child's written consent will also be required as evidence. If the child lacks the capacity to understand the request, evidence will be required that the applicant is acting in loco parentis



Submit

[Go Back](#)

AMS SAR Portal ©2019 - 2023 Automated Messaging Systems Limited. All Rights reserved.

- Request on behalf of adults who lack capacity

## Individuals on Behalf of Adults who Lack Capacity Request for Health Records (step 1 of 6)

### Details of the records to be accessed

First Name* <input type="text" value="enter first name..."/>		Surname* <input type="text" value="enter surname..."/>		Previous Surname <input type="text" value="enter previous surname..."/>	
Date of birth* <div> <input type="text" value="Day"/> <input type="text" value="Month"/> <input type="text" value="Year"/> </div>		Sex* <div>Select an option</div>			
Trust Number (if known) <input type="text" value="enter trust number (if known)"/>		NHS Number (if known) <input type="text" value="enter nhs number (if known)"/>			
Current Address* <input type="text" value="enter current address..."/>					
Postcode* <input type="text" value="Postcode..."/>					
Previous Address <input type="text" value="enter previous address..."/>					
Previous Postcode <input type="text" value="enter previous postcode..."/>					
Home Telephone <input type="text" value="enter home telephone..."/>		Mobile <input type="text" value="enter mobile..."/>		Email <input type="text" value="enter email address..."/>	

[Go Back](#) [Continue](#)

AMS SAR Portal ©2019 - 2023 Automated Messaging Systems Limited. All Rights reserved.

## Individuals on Behalf of Adults who Lack Capacity Request for Health Records (step 3 of 6)

### What information do you require?

You have no obligation to inform us of the reason you are exercising your right of access. However, by specifying the information you require, it can help UHBW respond more quickly and to provide a more comprehensive and accurate response.

Below are the Hospital/Departments this Trust can provide health records from, please tick which Hospital(s) records you would like to request. Radiology imaging does not form part of your health records, therefore please tick if required.\*

- ☐ Bristol Royal Infirmary (including Bristol Heart Institute)
- ☐ Bristol Royal Hospital for Children
- ☐ St Michael's Hospital
- ☐ Bristol Haematology Oncology Centre
- ☐ Bristol Dental Hospital
- ☐ Bristol Eye Hospital
- ☐ Weston General Hospital
- ☐ South Bristol Community Hospital
- ☐ Radiology
- ☐ All Trust Hospitals

Please inform us of the period or part of your health record (if all records are not required) you require access to. This may include specific dates, departments, consultants and specific inpatient or outpatient attendances.\*

enter further information:

[Go Back](#) [Continue](#)

AMS SAR Portal ©2019 - 2023 Automated Messaging Systems Limited. All Rights reserved.

## Individuals on Behalf of Adults who Lack Capacity Request for Health Records (step 3 of 6)

### What information do you require?

You have no obligation to inform us of the reason you are exercising your right of access. However, by specifying the information you require, it can help UHBW respond more quickly and to provide a more comprehensive and accurate response.

Below are the Hospital/Departments this Trust can provide health records from, please tick which Hospital(s) records you would like to request. Radiology imaging does not form part of your health records, therefore please tick if required.\*

- ☐ Bristol Royal Infirmary (including Bristol Heart Institute)
- ☐ Bristol Royal Hospital for Children
- ☐ St Michael's Hospital
- ☐ Bristol Haematology Oncology Centre
- ☐ Bristol Dental Hospital
- ☐ Bristol Eye Hospital
- ☐ Weston General Hospital
- ☐ South Bristol Community Hospital
- ☐ Radiology
- ☐ All Trust Hospitals

Please inform us of the period or part of your health record (if all records are not required) you require access to. This may include specific dates, departments, consultants and specific inpatient or outpatient attendances.\*

enter further information...

Please specify which format you would like to receive your records in by ticking a box below. Please note we only have capacity to provide you with records in one format. Requests for multiple formats will be disregarded and only one format will be provided unless in exceptional circumstances. We recommend using encrypted email as the fastest and most secure way to receive your records.\*

- ☐ Paper ☐ Encrypted Email

Continue

[Go Back](#)

AMS SAR Portal ©2019 - 2023 Automated Messaging Systems Limited. All Rights reserved.

## Individuals on Behalf of Adults who Lack Capacity Request for Health Records (step 4 of 6)

### Claims

If you are making a request to access health records in pursuance of a clinical negligence claim then please provide as much information as possible relating to the claim below. There is no definition of what will be classed as a claim, and the Trust will consider each request on a case by case basis.

enter claim information...

Continue

[Go Back](#)

AMS SAR Portal ©2019 - 2023 Automated Messaging Systems Limited. All Rights reserved.

## Individuals on Behalf of Adults who Lack Capacity Request for Health Records (step 5 of 6)

### Proof of identity and authorisation

#### Parent or Guardian of child(i)

- \* Copy of Applicant's passport, driving licence or birth certificate to confirm identity



#### And one of the following:

- \* Applicant's name on patient's birth certificate to show parental responsibility
- \* Applicant's name on patient's adoption certificate to show parental responsibility
- \* Court Order granting the applicant parental responsibility
- \* (Where Unmarried) copy of parental responsibility agreement signed by both parties



(i) If the child is aged around 12 years old or over, and has the capacity to understand the request, the child's written consent will also be required as evidence. If the child lacks the capacity to understand the request, evidence will be required that the applicant is acting in loco parentis.

Continue

[Go Back](#)

AMS SAR Portal ©2019 - 2023 Automated Messaging Systems Limited. All Rights reserved.

- Police request for health records

### Police Request for Health Records (step 1 of 5)

#### Details of the records to be accessed

First Name* <small>enter first name...</small>	Surname* <small>enter surname...</small>	Previous Surname <small>enter previous surname...</small>
Date of birth* <small>Day    Month    Year</small>		Sex* <small>Select an option</small>
Trust Number (if known) <small>enter trust number (if known)...</small>		NHS Number (if known) <small>enter nhs number (if known)...</small>
Current Address* <small>enter current address...</small>		
Postcode* <small>Postcode...</small>		
Previous Address <small>enter previous address...</small>		
Previous Postcode <small>enter previous postcode...</small>		
Home Telephone <small>enter home telephone...</small>	Mobile <small>enter mobile...</small>	Email <small>enter email address...</small>

[Go Back](#) [Continue](#)

AMS SAR Portal ©2015 - 2023 Automated Messaging Systems Limited. All Rights reserved.

### Police Request for Health Records (step 2 of 5)

#### Details of the Police Officer

Police Force* <small>enter police force name...</small>	
First Name & Surname of Officer/ Administrator* <small>enter full name of officer/ administrator...</small>	
Badge/Collar Number <small>enter badge/collar number...</small>	
Current Address of Station* <small>enter current address of station...</small>	
Postcode* <small>Postcode...</small>	
Mobile <small>enter mobile...</small>	Direct Email* <small>enter email address...</small>

[Go Back](#) [Continue](#)

AMS SAR Portal ©2015 - 2023 Automated Messaging Systems Limited. All Rights reserved.

## Police Request for Health Records (step 3 of 5)

### What information do you require?

Below are the Hospital/Departments this Trust can provide health records from; please tick which Hospital(s) records you would like to request. Radiology imaging does not form part of your health records, therefore please tick if required.\*

- ☐ Bristol Royal Infirmary (including Bristol Heart Institute)
- ☐ Bristol Royal Hospital for Children
- ☐ St Michael's Hospital
- ☐ Bristol Haematology Oncology Centre
- ☐ Bristol Dental Hospital
- ☐ Bristol Eye Hospital
- ☐ Weston General Hospital
- ☐ South Bristol Community Hospital
- ☐ Radiology
- ☐ All Trust Hospitals

Please inform us of the period or part of the health record (if all records are not required) you require access to. This may include specific dates, departments, consultants and specific inpatient or outpatient attendances.\*

enter further information...

Continue

Go Back

AMS SAR Portal ©2019 - 2023 Automated Messaging Systems Limited. All Rights reserved.

## Police Request for Health Records (step 4 of 5)

### Proof of identity and authorisation

#### Police

- Signed patient consent relating to records requested in previous step



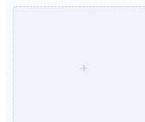
#### DPIA (optional)

- Data Protection Impact Assessment (DPIA)



#### Consent if the child is aged around 12 years old or over

- If the child is aged around 12 years old or over, and has the capacity to understand the request, the child's written consent will also be required as evidence. If the child lacks the capacity to understand the request, evidence will be required that the applicant is acting in loco parentis



Continue

Go Back

AMS SAR Portal ©2019 - 2023 Automated Messaging Systems Limited. All Rights reserved.

- **Personal Representative of a deceased patient for health records**

## Executor or Personal Representative Request for a Deceased's Health Records

### Information

The UK GDPR does not apply to data concerning deceased persons. However, UHBW has an ethical obligation to respect a patient's confidentiality beyond death. Moreover, The Information Tribunal in England and Wales has also held that a duty of confidence attaches to the health records of the deceased under section 41 of the Freedom of Information Act.

#### Are there any rights of access to a deceased patient's records?

Statutory rights of access are set out in the Access to Health Records Act 1990. The Access to Health Records Act 1990 covers manual health records made since 1 November 1991. Access must also be given to information recorded before these dates if this is necessary to make any later part of the health records intelligible.

#### Who can apply for access?

There are two distinct groups who have rights of access to information within the deceased's health records:

- personal representatives; and
- anyone who may have a claim arising out of a patient's death.

A High Court judgment in 2020 held that a personal representative does not need to have a claim arising out of the death to access the deceased's health records and this right of access extends to all information within the record with limited exceptions. Personal representatives do not need to provide a reason for seeking access to the record, although UHBW must be able to establish that the requestor is indeed the personal representative.

In order to maintain patient confidentiality as far as possible, the British Medical Association advises that when personal representatives request access it is appropriate for UHBW to enquire why access is required and whether the request can be satisfied by providing access only to information which is relevant for the purpose. Ultimately, if the personal representative chooses not to provide a reason for access and insists on access to the full record then the UHBW must comply with these requests to comply with the law.

CONTINUE

AMS SAR Portal ©2019 - 2023 Automated Messaging Systems Limited. All Rights reserved.

## Executor or Personal Representative Request for a Deceased's Health Records (step 1 of 6)

### Details of the records to be accessed

<b>First Name*</b>	<b>Surname*</b>	<b>Previous Surname</b>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<b>Date of birth*</b>	<b>Sex*</b>	
<input type="text"/> Day <input type="text"/> Month <input type="text"/> Year	<input type="text"/> Select an option	
<b>Trust Number (if known)</b>	<b>NHS Number (if known)</b>	
<input type="text"/>	<input type="text"/>	
<b>Current Address*</b>		
<input type="text"/>		
<b>Postcode*</b>		
<input type="text"/>		
<b>Previous Address</b>		
<input type="text"/>		
<b>Previous Postcode</b>		
<input type="text"/>		
<b>Home Telephone</b>	<b>Mobile</b>	<b>Email</b>
<input type="text"/>	<input type="text"/>	<input type="text"/>

Continue

Go Back

AMS SAR Portal ©2019 - 2023 Automated Messaging Systems Limited. All Rights reserved.

## Executor or Personal Representative Request for a Deceased's Health Records (step 2 of 6)

### Details of the Executor / Personal Representative

First Name & Surname\*

enter full name...

Current Address\*

enter current address...

Postcode\*

Postcode...

Mobile

enter mobile...

Email\*

enter email address...

Continue

Go Back

AMS SAR Portal ©2019 - 2023 Automated Messaging Systems Limited. All Rights reserved.

## Executor or Personal Representative Request for a Deceased's Health Records (step 3 of 6)

### What information do you require?

You have no obligation to inform us of the reason you are exercising your right of access. However, by specifying the information you require, it can help UHBW respond more quickly and to provide a more comprehensive and accurate response.

Below are the Hospital/Departments this Trust can provide health records from; please tick which Hospital(s) records you would like to request. Radiology imaging does not form part of your health records, therefore please tick if required.\*

- ☐ Bristol Royal Infirmary (including Bristol Heart Institute)
- ☐ Bristol Royal Hospital for Children
- ☐ St Michael's Hospital
- ☐ Bristol Haematology Oncology Centre
- ☐ Bristol Dental Hospital
- ☐ Bristol Eye Hospital
- ☐ Weston General Hospital
- ☐ South Bristol Community Hospital
- ☐ Radiology
- ☐ All Trust Hospitals

Please inform us of the period or part of the health record (if all records are not required) you require access to. This may include specific dates, departments, consultants and specific inpatient or outpatient attendances.\*

enter further information...

Continue

Go Back

AMS SAR Portal ©2019 - 2023 Automated Messaging Systems Limited. All Rights reserved.



## Executor or Personal Representative Request for a Deceased's Health Records (step 4 of 6)

### Claims

If you are making a request to access health records in pursuance of a clinical negligence claim then please provide as much information as possible relating to the claim below. There is no definition of what will be classed as a claim, and the Trust will consider each request on a case by case basis.

enter claim information...

Continue

[Go Back](#)

AMS SAR Portal ©2019 - 2023 Automated Messaging Systems Limited. All Rights reserved.

## Executor or Personal Representative Request for a Deceased's Health Records (step 5 of 6)

### Proof of identity and authorisation

#### Executor/Personal Representative of a deceased patient

- Copy of Applicant's passport, driving licence or birth certificate



#### And one of the following:

- Copy of the Will naming you the executor
- If the person died without making a Will but Letters of Administration were granted, that you were the person to whom were granted



Continue

[Go Back](#)

AMS SAR Portal ©2019 - 2023 Automated Messaging Systems Limited. All Rights reserved.

- Person who may have a claim arising from a deceased patient's death request

## Person Who May Have a Claim Arising From the Deceased's Death Request for Health Records

### Information

The UK GDPR 2018 does not apply to data concerning deceased persons. However, UH&W has an ethical obligation to respect a patient's confidentiality beyond death. This duty of confidentiality needs to be balanced with other considerations, such as the interests of justice and of people close to the deceased person.

#### Are there any rights of access to a deceased patient's records?

Statutory rights of access are set out in the Access to Health Records Act 1990. The Access to Health Records Act 1990 covers manual health records made since 1 November 1991. Access must also be given to information recorded before these dates if this is necessary to make any later part of the health records intelligible.

#### Who can apply for access?

There are two distinct groups who have rights of access to information within the deceased's health records:

- personal representatives; and
- anyone who may have a claim arising out of a patient's death.

Those who do not have the status of personal representative but have a claim arising out of the death of the patient have a right of access only to information in the health records which is directly relevant to the claim.

CONTINUE

AMS SAR Portal ©2019 - 2023 Automated Messaging Systems Limited. All Rights reserved.

## Person Who May Have a Claim Arising From the Deceased's Death Request for Health Records (step 1 of 6)

### Details of the records to be accessed

<b>First Name*</b>	<b>Surname*</b>	<b>Previous Surname</b>
<input type="text" value="enter first name..."/>	<input type="text" value="enter surname..."/>	<input type="text" value="enter previous surname..."/>
<b>Date of birth*</b>	<b>Sex*</b>	
<input type="text" value="Day"/> <input type="text" value="Month"/> <input type="text" value="Year"/>	<input type="text" value="Select an option"/>	
<b>Trust Number (if known)</b>	<b>NHS Number (if known)</b>	
<input type="text" value="enter trust number (if known)"/>	<input type="text" value="enter nhs number (if known)"/>	
<b>Current Address*</b>		
<input type="text" value="enter current address..."/>		
<b>Postcode*</b>		
<input type="text" value="Postcode..."/>		
<b>Previous Address</b>		
<input type="text" value="enter previous address..."/>		
<b>Previous Postcode</b>		
<input type="text" value="enter previous postcode..."/>		
<b>Home Telephone</b>	<b>Mobile</b>	<b>Email</b>
<input type="text" value="enter home telephone..."/>	<input type="text" value="enter mobile..."/>	<input type="text" value="enter email address..."/>

Continue

[Go Back](#)

AMS SAR Portal ©2019 - 2023 Automated Messaging Systems Limited. All Rights reserved.

## Person Who May Have a Claim Arising From the Deceased's Death Request for Health Records (step 2 of 6)

### Details of the records to be accessed

First Name & Surname\*

enter full name...

Current Address\*

enter current address...

Postcode\*

Postcode...

Mobile

enter mobile...

Email\*

enter email address...

Continue

[Go Back](#)

AMS SAR Portal ©2019 - 2023 Automated Messaging Systems Limited. All Rights reserved.

## Person Who May Have a Claim Arising From the Deceased's Death Request for Health Records (step 3 of 6)

### What information do you require?

By specifying the information you require, it can help UHBW respond more quickly and to provide a more comprehensive and accurate response.

Below are the Hospitals/Departments UHBW can provide health records from. Please tick which Hospital(s) health records you would like to request. Please note: Radiology imaging does not form part of your health records, therefore please tick if required.\*

- ☐ Bristol Royal Infirmary (including Bristol Heart Institute)
- ☐ Bristol Royal Hospital for Children
- ☐ St Michael's Hospital
- ☐ Bristol Haematology Oncology Centre
- ☐ Bristol Dental Hospital
- ☐ Bristol Eye Hospital
- ☐ Weston General Hospital
- ☐ South Bristol Community Hospital
- ☐ Radiology
- ☐ All Trust Hospitals

Please inform us of the period or part of the health record (if all records are not required) you require access to. This may include specific dates, departments, consultants and specific inpatient or outpatient attendances.\*

enter further information...

Continue

[Go Back](#)

AMS SAR Portal ©2019 - 2023 Automated Messaging Systems Limited. All Rights reserved.

## Person Who May Have a Claim Arising From the Deceased's Death Request for Health Records (step 4 of 6)

### Claims

If you are making a request to access health records in pursuance of a claim arising from the patient's death then please provide as much information as possible relating to the claim below. There is no definition of what will be classed as a claim, and the Trust will consider each request on a case by case basis. Please note that if you are making a claim you will only be entitled to view the health records of the deceased that relates directly to the claim.

enter claim information...

Continue

Go Back

AMS SAR Portal ©2019 - 2023 Automated Messaging Systems Limited. All Rights reserved.

## Person Who May Have a Claim Arising From the Deceased's Death Request for Health Records (step 5 of 6)

### Proof of identity and authorisation

#### Person who may have a claim arising from the patient's death

- Copy of Applicant's passport, driving licence or birth certificate to confirm identity



#### Evidence (optional)

- Evidence supporting the claim



Continue

Go Back

AMS SAR Portal ©2019 - 2023 Automated Messaging Systems Limited. All Rights reserved.

## • Patient request for own health records

## Patient request for own health records (step 1 of 5)

### Details of the records to be accessed

First Name*		Surname*		Previous Surname	
enter first name...		enter surname...		enter previous surname...	
Date of birth*		Sex*			
Day	Month	Year	Select an option		
Trust Number (if known)		NHS Number (if known)			
enter trust number (if known)...		enter nhs number (if known)...			
Current Address*					
enter current address...					
Postcode*					
Postcode...					
Previous Address					
enter previous address...					
Previous Postcode					
enter previous postcode...					
Home Telephone		Mobile		Email*	
enter home telephone...		enter mobile...		enter email address...	

CONTINUE

AMS SAR Portal ©2019 - 2023 Automated Messaging Systems Limited. All Rights reserved.

## Patient request for own health records (step 2 of 5)

### What information do you require?

You have no obligation to inform us of the reason you are exercising your right of access. However, by specifying the information you require, it can help UHBW respond more quickly and to provide a more comprehensive and accurate response.

Below are the Hospital/Departments UHBW can provide health records from. Please tick which Hospital(s) health records you would like to request. Please note: Radiology imaging does not form part of your health records, therefore please tick if required.\*

- ☐ Bristol Royal Infirmary (including Bristol Heart Institute)
- ☐ Bristol Royal Hospital for Children
- ☐ St Michael's Hospital
- ☐ Bristol Haematology Oncology Centre
- ☐ Bristol Dental Hospital
- ☐ Bristol Eye Hospital
- ☐ Weston General Hospital
- ☐ South Bristol Community Hospital
- ☐ Radiology
- ☐ All Trust Hospitals

Please inform us of the period or part of your health record (if all records are not required) you require access to. This may include specific dates, departments, clinicians and specific inpatient or outpatient attendances.\*

enter further information...

Continue

[Go Back](#)

AMS SAR Portal ©2019 - 2023 Automated Messaging Systems Limited. All Rights reserved.

## Patient request for own health records (step 3 of 5)

### Claims

If you are making a request to access health records in pursuance of a clinical negligence against UHBW or another Trust please provide as much information as possible relating to the claim below. There is no definition of what will be classed as a claim, and the Trust will consider each request on a case by case basis.

enter claim information...

Continue

[Go Back](#)

AMS SAR Portal ©2019 - 2023 Automated Messaging Systems Limited. All Rights reserved.

## Patient request for own health records (step 4 of 5)

### Proof of identity and authorisation

#### Applicant - Patient

- Passport
- Driving License
- Birth Certificate

Minimum Proof Required: Copy of passport, driving licence or birth certificate



Continue

[Go Back](#)

AMS SAR Portal ©2019 - 2023 Automated Messaging Systems Limited. All Rights reserved.

- **Parent or Guardian request for health records**

## Parent or Guardian Request for Health Records

### Information

Parents may have access to their children's health records if this is not contrary to a child's best interests or a competent child's wishes.

For children under 18, any person with parental responsibility may apply for access to the health records.

Not all parents have parental responsibility. In relation to children born after 1 December 2003 (England and Wales), both biological parents have parental responsibility if they are registered on a child's birth certificate. In relation to children born before these dates, a child's biological father will only automatically acquire parental responsibility if the parents were married at the time of the child's birth or at some time thereafter. If the parents have never been married, only the mother automatically has parental responsibility, but the father may acquire that status by order or agreement.

Neither parent loses parental responsibility on divorce.

Where more than one person has parental responsibility, each may independently exercise rights of access.

A common enquiry concerns a child who lives with his or her mother and whose father applies for access to the child's records. In such circumstances there is no obligation to inform the child's mother that access has been sought.

Where a child has been formally adopted, the adoptive parents are the child's legal parents and automatically acquire parental responsibility.

In some circumstances people other than parents acquire parental responsibility, for example by the appointment of a guardian or on the order of a court.

A local authority acquires parental responsibility (shared with the parents) while the child is the subject of a care or supervision order. If there is doubt about whether the person seeking access has parental responsibility, legal advice should be sought.

UHBW is entitled to refuse access to a parent, or an individual with parental responsibility where the information contained in the child's records is likely to cause serious harm to the child, or another person.

**CONTINUE**

AMS SAR Portal ©2015 - 2023 Automated Messaging Systems Limited. All Rights reserved.

## Parent or Guardian Request for Health Records (step 1 of 6)

### Details of the records to be accessed

<b>First Name*</b>	<b>Surname*</b>	<b>Previous Surname</b>
<input type="text" value="enter first name..."/>	<input type="text" value="enter surname..."/>	<input type="text" value="enter previous surname..."/>
<b>Date of birth*</b>	<b>Sex*</b>	
<input type="text" value="Day"/> <input type="text" value="Month"/> <input type="text" value="Year"/>	<input type="text" value="Select an option"/>	
<b>Trust Number (if known)</b>	<b>NHS Number (if known)</b>	
<input type="text" value="enter trust number (if known)..."/>	<input type="text" value="enter nhs number (if known)..."/>	
<b>Current Address*</b>		
<input type="text" value="enter current address..."/>		
<b>Postcode*</b>		
<input type="text" value="Postcode..."/>		
<b>Previous Address</b>		
<input type="text" value="enter previous address..."/>		
<b>Previous Postcode</b>		
<input type="text" value="enter previous postcode..."/>		
<b>Home Telephone</b>	<b>Mobile</b>	<b>Email</b>
<input type="text" value="enter home telephone..."/>	<input type="text" value="enter mobile..."/>	<input type="text" value="enter email address..."/>

**Continue**

[Go Back](#)

AMS SAR Portal ©2019 - 2023 Automated Messaging Systems Limited. All Rights reserved.

## Parent or Guardian Request for Health Records (step 2 of 6)

### Details of the Parent or Guardian

First Name & Surname\*

enter full name...

Current Address\*

enter current address...

Postcode\*

Postcode...

Mobile

enter mobile...

Email\*

enter email address...

Continue

Go Back

AMS SAR Portal ©2019 - 2023 Automated Messaging Systems Limited. All Rights reserved.

## Parent or Guardian Request for Health Records (step 3 of 6)

### What information do you require?

You have no obligation to inform us of the reason you are exercising your right of access. However, by specifying the information you require, it can help UH&W respond more quickly and to provide a more comprehensive and accurate response.

Below are the Hospital/Departments UH&W can provide health records from. Please tick which Hospital(s) records you would like to request. Please note. Radiology imaging does not form part of your health records, therefore please tick if required.\*

- ☐ Bristol Royal Infirmary (including Bristol Heart Institute)
- ☐ Bristol Royal Hospital for Children
- ☐ St Michael's Hospital
- ☐ Bristol Haematology Oncology Centre
- ☐ Bristol Dental Hospital
- ☐ Bristol Eye Hospital
- ☐ Weston General Hospital
- ☐ South Bristol Community Hospital
- ☐ Radiology
- ☐ All Trust Hospitals

Please inform us of the period or part of the health record (if all records are not required) you require access to. This may include specific dates, departments, clinicians and specific inpatient or outpatient attendances.\*

enter further information...

Continue

Go Back

AMS SAR Portal ©2019 - 2023 Automated Messaging Systems Limited. All Rights reserved.



## Parent or Guardian Request for Health Records (step 4 of 6)

### Claims

If you are making a request to access health records in pursuance of a clinical negligence claim then please provide as much information as possible relating to the claim below. There is no definition of what will be classed as a claim, and the Trust will consider each request on a case by case basis.

enter claim information...

Continue

[Go Back](#)

AMS SAR Portal ©2019 - 2023 Automated Messaging Systems Limited. All Rights reserved.

## Parent or Guardian Request for Health Records (step 5 of 6)

### Proof of identity and authorisation

#### Parent or Guardian of child

- Passport
- Driving License
- Birth Certificate

Copy of passport, driving licence or birth certificate



#### And one of the following:

- Applicant's name on patient's birth certificate to show parental responsibility
- Applicant's name on patient's adoption certificate to show parental responsibility
- Court Order granting the applicant parental responsibility
- (Where Unmarried) copy of parental responsibility agreement signed by both parties



#### Consent if the child is aged around 12 years old or over

- If the child is aged around 12 years old or over, and has the capacity to understand the request, the child's written consent will also be required as evidence. If the child lacks the capacity to understand the request, evidence will be required that the applicant is acting in loco parentis




Continue

[Go Back](#)

AMS SAR Portal ©2019 - 2023 Automated Messaging Systems Limited. All Rights reserved.

- Undertaking Letter Template

  
University Hospitals Bristol  
NHS Foundation Trust

**UNDERTAKING**  
  
Re: – (Hospital No :)  
:

I, , of, make the following undertaking in connection with the detailed above:

1. To keep them safe.
2. To hold the University Hospital Bristol's order.
3. To ensure that the are delivered to and returned by any instructed medical expert by secure means (i.e. by courier)
4. To return the promptly on completion of their consideration or, in any event, on demand by University Hospitals Bristol by secure means (i.e. by courier).

Signed ..... Dated .....

Name ..... Position.....

University Hospitals Bristol NHS Foundation Trust Legal Services

We do not accept service of documents by fax or email except by prior arrangement.