

Re: Access to Health Records

Thank you for your enquiry requesting copies of medical records/Images. I have enclosed our Application Form for you to complete.

Confirmation of Identity

From **List A** and **List B** below, please provide either two items or one item from List A and a different item from List B **OR** three items from List B

List A – Confirmation of Name
Full or Provisional UK Driving License with current address
Valid Passport
ID card issued by an EU country
Birth Certificate
Marriage Certificate
UK Adoption Certificate

List B – Confirmation of Name and Address
Full or Provisional UK Driving License with current address
Valid Passport
ID Card issued by an EU country
Employers Photo ID card or Student ID card
Vehicle Registration Certificate (DVLA V5C)
National Insurance card
Valid Blue Badge

We do not require originals and request that you only send us photocopies.

If you have been seen as a Private Patient, this must be clearly stated on your application form.

Please return your completed application form to:

**Subject Access Request Administrator
Moorfields Eye Hospital
City Road, EC1V 2PD**

If you have any further queries please do not hesitate to contact me on 020 7566 2200 or email moorfields.recordsrequest@nhs.net

Yours faithfully

Subject Access Administrator
Health Records Department

MOORFIELDS EYE HOSPITAL NHS FOUNDATION TRUST

Application Form for Subject Access Requests (SAR)

Patient's details (in capital letters)

Surname	Forename
Former name(s)	Date of Birth
Address	Tel No:
Postcode	Hospital/NHS Number

Records required - Please tick the appropriate box(s)

<p><input type="checkbox"/> Accident & Emergency Department Records</p> <p><input type="checkbox"/> Hospital records</p> <p><input type="checkbox"/> Medical Illustration Images</p> <p><input type="checkbox"/> X Ray/Imaging with reports (Radiology)</p> <p><input type="checkbox"/> Ultrasound</p> <p><input type="checkbox"/> Corneal Topography</p> <p><input type="checkbox"/> Electro diagnostic report</p> <p><input type="checkbox"/> Specific documentation only – please state documentation you require i.e. report, discharge summary, correspondence (give dates where applicable).</p> <p>.....</p> <p>.....</p>
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Applicant's Details if different to above (please print)

Name	Address
Tel No:	Postcode

Declaration

I declare that the information given in this form is correct to the best of my knowledge, and that I am entitled to apply for Subject Access Request to the health record referred to above under the terms of the General Data Protection Regulation 2016 or the Access to Health Records Act 1990.

Please circle appropriate section/s.

1. I am the patient

Signature of patient.....

Date:

2. I am acting on behalf of the patient and the patient has provided written authorisation

Signature of applicant.....

Signature of patient.....

Date

3. The patient is under 13 years of age, unable to consent for themselves and I have parental responsibility:

Signature of person with parental responsibility

.....

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4. I am the deceased patient's personal representative and attach confirmation of my appointment.

Signature of personal representative.....

Date:

5. I have a claim arising from the patient's death and wish to access information relevant to my claim on the grounds that:

Signature of claimant.....

Date:

6. Other reasons (please specify)

Notes for the Patient

Due to the confidential nature of health records, considerable care is taken to ensure that information is only given to persons who are entitled to receive it. To enable the Trust to deal with your request, please provide proof of your identity, along with a completed copy of this form. A list of acceptable forms of identification is provided below.

If you are seeking copies of your child's health records, you will also need to supply proof of your parental responsibility. For copies of someone else's records we will require, their written consent or a copy of the document showing your right to access (Power of Attorney/ Deputyship).

For copies of a **deceased person's health records you will need to supply a copy of their death certificate and proof that you have the right to access their health records (proof you are the Executor, next of kin, Marriage certificate etc.**

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To provide you with a copy of your health record the costs are:

Free, unless the request is manifestly unfounded, excessive or repetitive, in which case we may charge a reasonable fee.

Once the data controller has all the required information and fee where relevant, your request should be complied with within 28 calendar days. In exceptional circumstances where it is not possible to comply within this period you will be informed of the delay and given a timescale for when your request is likely to be met.

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 health professional involved in your care.

When making your request for access, it would be helpful if you could provide details of the periods and parts of your health record you require. Although this is optional, it will help save NHS time and resources, and may reduce any of the costs of your access request.

If you are using an authorised representative, you need to be aware that in doing so they may gain access to all health records concerning you, which may not be relevant. If this is a concern, you should inform your representative of what information you wish them to specifically request when they are applying for access.

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 health professional concerned. If this proves unsuccessful, you can make a complaint through the NHS Complaints Procedure by contacting the NHS organisation formally. Further information about the NHS Complaints Procedure is available on the NHS Choices website at:
www.nhs.uk/aboutNHSChoices/pages/Howtocomplaincompliment.aspx

Alternatively you can contact the Information Commissioners Office (responsible for governing Data Protection compliance) at Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF. Telephone 01625 545700, or www.ico.gov.uk

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ACCESS TO HEALTH RECORDS

Your Questions Answered

What is a health record?

Every time you see a doctor or go to hospital, they must keep a record of the care you received. Your record includes information about your health, appointments, treatment and test results. The staff who see you will also add notes on their professional opinion. Where possible, we will discuss and agree with you what we are going to enter on your record.

Using your record for your care

Your personal health record, which includes your name, address and date of birth, will be used to:

- Make sure that decisions about your care and treatment are always based on accurate, up-to-date information
- Investigate any concerns or complaints raised by you or your family

Other ways that we use your record

We remove your name and other details that could identify you, so that we can use the information in your record anonymously to:

- Monitor and improve the quality of care received by patients
- Protect the health of the general public
- Make sure that the treatment and services we provide are meeting the needs of the community
- Train and educate staff

Protecting your privacy

Your health records are confidential. Your privacy is protected under the:

- Common law duty of confidentiality
- Data Protection Act 2018

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- Human Rights Act 1998
- General Data Protection Regulation 2016

Everyone who works for the NHS has a legal duty to maintain the highest level of confidentiality. There are strict rules about keeping records – on computer and on paper – so that they are secure. Only authorised people are able to get access to your record.

How you can help us to keep your health record up to date

- Let us know when you change address or name
- Keep a note of your unique NHS number
- Tell us if any information in your record is incorrect
- Tell us if you change your mind about how we share the information in your record
- Don't let anyone – insurers, mortgage lenders, employers, solicitors – look at your records unless you are sure it is necessary for your purposes

Who can apply to see a health record

- You as the patient
- A person authorised by you in writing to apply on your behalf
- A person having parental responsibility if the patient is under 16 years of age
- A person appointed by the court to manage the affairs of a patient

Can I apply to see the health record of someone that has died?

Yes, an application to access the record of a deceased person is governed by the Access to Health Records Act 1990, Under this legislation, the personal representative, executor or administrator or anyone having a claim resulting from the death (this could be a relative or another person), has the right to apply for access to the deceased's health record. You will not be given information that the person gave in the understanding that it would remain confidential. Access to information which is considered not to be relevant will not be given.

Can access be refused?

There are several circumstances under which access may be **denied, restricted or redacted**, however, the two most relevant to healthcare are:

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- If the record contains third party information where that third party is not a health care professional and has not consented to their information being disclosed. If possible the individual should be provided with access to that part of the record which does not contain the third party identifier
- If access to all or part of the record will seriously harm the physical or mental well-being of the individual or any other person. If possible the individual should be provided with access to that part of the record that does not pose the risk of serious harm

What to do if access is refused

If you feel that the refusal is unjustified you may wish to consider making a formal complaint to the Trust's Chief Executive Office. You may also seek advice from the Information Commissioner's Office.

What to do if you do not understand something in your health records

You have a right to have any part of the record that you do not understand explained by the relevant health professional upon written request to the Access to Health Records Officer. You will not be charged for this explanation.

Will I be charged for this service

No, in most cases you will not be charged a fee for copies of information, however a reasonable fee, based on the administrative costs for providing the information, will be charged when a request is manifestly unfounded or excessive, particularly if it is repetitive.

What to do if you feel there are mistakes or inaccuracies in your health record

If you consider that there are factual mistakes or inaccuracies within your health records, you can ask the holder for a note to be made in the records stating your opinion. It should be understood that, for legal reasons, nothing can be erased from a health record but a correction may be added and a copy given to you.

Complaints

If you have a complaint about the accuracy of the information that you are shown, or you think that parts of the records are being unnecessarily withheld, you can discuss this in the first instance with the relevant health professional. Alternatively, formal complaints may be submitted for further investigation to the Trust's Customer Care Manager under the NHS Complaints Procedure.

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Accessing your health record

To see a copy of your health record, or for further information about our records system, please contact our health records manager as follows:

In writing, or forward your application form to:

Subject access administrator

Health records department

Moorfields Eye Hospital NHS Foundation Trust

City Road, London, EC1V 2PD

- By telephone: 020 7566 2200

By email: moorfields.recordsrequest@nhs.net

Further information

For more information about your rights under the Data Protection Act, contact the information commissioner's office:

- In writing: Information commissioner's office, Wycliffe House, Cheshire SK9 5AF
- By telephone: 08456 30 60 60
- Online: www.ico.gov.uk

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