

Application for Access to General Practice Medical Records (Deceased Patients)

Application information

Access to medical records is governed by the Access to Health Records Act 1990 for deceased patients.

Medical records may be in a paper format, electronic or both.

St Thomas Medical Group can only process a request for GP medical records. We do not hold hospital notes, medical imaging, community services notes; and you will need to contact the clinician or organisation who created them

People who can apply for access to a deceased person's medical record

Someone acting on behalf of the patient for example:

- The deceased patient's personal representative (someone who is executor/administrator of the will)
- Someone who may have a claim arising from the death of the patient (please note we can only supply information directly relevant to the claim)
- Or if we are ordered by the court

Please note that the Access to Health Records Act 1990 does not provide automatic access to medical records for the deceased's next of kin. They must satisfy the above criteria for access to a deceased patient's records.

Requirements

- When making your application we ask that you give details of the time periods and which parts of the health record you require, if applicable, to assist with processing the application.
- If you are the executor/administrator or the personal representative of a deceased person you will need to provide documentary evidence of this.
- To make an application, you must provide evidence of your identity – this must include one form of personal photographic ID and one form of proof of address.
- If you are making the application as an individual's legal representative (e.g. you are a solicitor or insurance company), you must provide written authorisation from the applicant to act on their behalf and explicit permission to obtain a copy of their medical record.
- Applicants who may have a claim arising out of the patient's death have a right of access to information in the deceased person's records directly relevant to the claim. **Information which is not directly relevant to the claim will not be disclosed.** A GP will review the claim and decide which records may be released. You **must** provide a detailed narrative of the claim.
- The health professional may request additional information to support your application if the information provided is insufficient to assess the record's suitability for disclosure.

Submission of Application

Please send your completed application form, copies of relevant identification and supporting documentation via email to stthomas@nhs.net. If you are unable to submit your request via email, please forward your completed application to the following postal address

Secretarial Team
St Thomas Health Centre
Cowick Street
St Thomas
Exeter
EX4 1HJ

We will process the request once we have received your completed application form, together with the appropriate supporting evidence of your identity and supporting documentation.

Incomplete applications will be returned, with correspondence stating what would be required for the application to be accepted. We will not retain any documentation.

Disclosure

We will endeavor to deal with your application within 40 days, in accordance with the Access to Health Records Act 1990. In exceptional circumstances this may not be possible, but we will update you and keep you informed of the delay and likely timescales.

A GP will be asked to review the records and decide which records may be released.

There are certain circumstances in which the GP may deny access to the complete records or to certain parts of the record:

- The GP has deemed the notes are not suitable for disclosure as they are not within the scope of the request.
- In the case of deceased records, the deceased person stated that they did not wish for any part of their records to be released after death, or the information contained within the records was such that the deceased person expected them to remain confidential.
- In the case of deceased records, access cannot be given to records made prior to November 1991. (S.5(1)(b) Access to Health Records Act 1990)
- Deceased patient who died over 10yrs ago.
- If or when the health professional has assessed the record's suitability for disclosure, copies of the records will be sent by post.
- We can only provide copies of health records which we hold. Parts of a person's medical record may be held with hospital, community or mental health trusts. St Thomas Medical Group cannot provide access to these records and you therefore may wish to make a separate application to another health organisation.
- S. 5 (4) of the Access to Health Records Act states that parts of records should only be released which are relevant to the request. You may find that you request all notes of the deceased patient and only receive what is relevant to the reason why the records are required. This is the decision of the GP in line with the legislation.

1.0

Patients Details

Surname	
Forename(s)	
Previous/Other Names /Surnames <i>(if applicable, otherwise enter N/A)</i>	
Date of Birth	
NHS Number (If known)	
Date of Death (If known)	
Address, including postcode	

Applicant Details* (if different from above)

*Solicitors and Insurance companies must insert their client's details below.

Surname	
Forename(s)	
Address, including postcode	
Telephone number	
Contact Email	
Relationship to the Individual	

2.0

Request Information

Please tell us the dates of the records you require.

Reason for access (Please give a full and detailed description ensuring that any relevant dates of the incident in question are included).

2.1 Authorising a Solicitor/Agent/Insurance Company (if applicable)

I have appointed the following Solicitor/Agent/Insurance Company to act upon my behalf _____.

I understand that filling in this section gives PCSE permission to disclose copies of the medical records to the Solicitor/Agent/Insurance Company detailed above.

Please provide the Solicitor/Agent/Insurance Company copies of the medical record in line with the Access to Health Records Act 1990 within 40 days.

Your Signature: _____

2.2

Declaration by Applicant

I declare that the information given by me is correct to the best of my knowledge and that I am entitled to apply for access to the health record referred to under the provisions of the Access to Health Records Act 1990.

A

I am the Deceased Patient's Appointed Personal Representative and attach a photocopy of confirmation of my appointment: (Tick the relevant box below)

- Grant of Probate
- Letter of Administration
- Certified Copy of the Last Will & Testament

(Should you fail to provide one or more of the above requested documents, your application will be returned to you. We cannot accept Lasting Power of Attorney as proof of Personal Representative.)

B

I have/may have a claim arising from the patient's death and have provided written details below. (Please ensure that any relevant dates of the incident in question are included)

I understand that filling in and signing this form gives St Thomas Medical Group permission (if appropriate) to disclose copies of medical records belonging to:

(patient name) _____

I declare that the information given by me is correct to the best of my knowledge and that I am entitled to apply for access to the health record referred to under the provisions of the Access to Health Records Act 1990.

Name (Print)	
Signature	
Date	

3.0

Identification

We only require photocopies of identification documents:

- One form of photo personal ID

AND

- One proof of current home address

Acceptable Photo Personal Identity Documents:

- Current UK (Channel Islands, Isle of Man or Irish) passport or EU/other nationalities passports.
- Passports of non-EU nationals containing UK stamps, a visa or a UK residence permit showing the immigration status of the holder in the UK*
- Current UK (or EU/other nationalities) Photo-card Driving Licence (providing that the person checking is confident that non-UK Photo-card Driving Licences are genuine)
- A national ID card and/or other valid documentation relating to immigration status and permission to work*.

Where the applicant is not able to provide acceptable photographic ID, the following must be provided:

- One form of non-photographic personal identification and one document confirming the address must be provided from different sources.

AND

- A passport sized photograph, endorsed on the back with a signature of a 'person of standing' who has known them for at least 3 years (e.g. magistrate, medical practitioner, officer of the armed forces, teacher, lawyer or civil servant)

Any document not listed above is not an acceptable form of identification e.g. organisational ID card.

Acceptable Non-Photo Personal Identity Documents

- Full UK birth certificate – issued within 6 weeks of birth
- Current full driving license (old version); (provisional driving licenses are not acceptable)
- Residence permit issued by Home Office to EU Nationals on inspection of own-country passport
- Adoption certificate
- Marriage/civil partnership certificate
- Divorce or annulment papers
- Police registration document
- Certificate of employment in HM Forces
- Current benefit book or card or original notification letter from the Department of Work and Pensions (DWP) confirming legal right to benefit
- Most recent HM Revenues and Customs (previously Inland Revenue) tax notification
- Current firearms certificate
- Application Registration Card (ARC) issued to people seeking asylum in the UK (or previously issued standard acknowledgement letters, SAL1 or SAL2 forms)
- GV3 form issued to people who want to travel in the UK without valid travel documents
- Home Office letter IS KOS EX or KOS EX2
- Building industry sub-contractor's certificate issued by HM Revenues and Customs (previously Inland Revenue)

To confirm address, the following documents are acceptable:

- Recent utility bill or a certificate from a supplier of utilities confirming the arrangement to pay for the services on pre-payment terms (note: mobile telephone bills must not be accepted as they can be sent to different addresses).
- Utility bills in joint names are permissible*
- Local authority tax bill*
- Current UK photo card driving licence (if not already presented as a personal ID document)
- Current Full UK driving licence (old version) (if not already presented as a personal ID document)
- Bank, building society or credit union statement or passbook containing current address
- Most recent mortgage statement from a recognised lender*
- Current local council rent card or tenancy agreement
- Current benefit book or card or original notification letter from Department of Work and Pensions (DWP) confirming the rights to benefit
- Confirmation from an electoral register search that a person of that name lives at the claimed address*
- Court Order*

*The date on these documents must be within the last 6 months (unless there is a good reason for it not to be e.g. clear evidence that the person was not living in the UK for 6 months or more) and they must contain the name and address of the applicant.

4.0

Application Checklist

	Please tick
1.0 Patient Details complete	
2.0 Request Information complete	
2.1 Form of Authority complete (if required)	
2.2 Declaration by Applicant complete	
3.0 Identification – Acceptable Proof of Address provided	
3.0 Identification – Acceptable Proof of ID provided	

4.1

Consent to Email your completed request.

St Thomas Medical Group are now able to complete requests and send records electronically via secure email. Please confirm you wish to receive the records via secure email and specify the email address that the records should be sent to.

I confirm I am happy to receive the outcome of my request via email to the below email address.

Email Address: _____

Signature _____

Please send your completed application form, copies of relevant identification and supporting documentation via email to **stthomas@nhs.net**. If you are unable to submit your request via email please forward your completed application to the following postal address.

FAO Secretarial Team, St Thomas Health Centre, Cowick Street, St Thomas, Exeter, EX4 1HJ

Any information you have supplied in making this request will be treated in confidence. It will only be used for the purpose of carrying out your request in accordance with the Access to Health Records Act 1990. After your request is completed your information will be retained for a statutory time period (currently 6 years), after which date it will be securely destroyed.