

Scottish Public Services Ombudsman (SPSO)  
Freepost EH641  
Edinburgh EH3 0BR

Phone: 0800 377 7330  
Text message: 07900 494 372  
Email: [ask@spsso.org.uk](mailto:ask@spsso.org.uk)  
Website: [www.spsso.org.uk](http://www.spsso.org.uk)

Alternatively you may make a complaint or seek advice from the Information Commissioner at the following address:

The Information Commissioner's Office – Scotland  
93 - 95 Hanover Street  
Edinburgh  
EH2 1DJ  
Telephone: 0131 301 5071  
Email: [Scotland@ico.gsi.gov.uk](mailto:Scotland@ico.gsi.gov.uk)

## Bank Street Medical Group

The Health Centre  
Bank Street  
Cupar  
Fife KY16 4JN  
Telephone: 01334-653478  
Fax: 01334-657305  
[www.bankstreetmedical.co.uk](http://www.bankstreetmedical.co.uk)

## Access to Medical Records

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Everyone has the right to have access to personal information about them. This information includes medical records, under the Data Protection Act 1998 and the Access to Health Records Act 1990.

### **What is a medical record?**

This is any record, whether held on computer or paper, which includes information about your physical or mental health, or your condition, that is made by (or for) a health professional involved in your care. It could include case notes, letters to and from other health professionals, x-rays, results of laboratory tests and scans.

### **Who can see your medical record?**

- You
- Your representative, as long as they have your written permission to see your records; this also includes third part representatives such as solicitors and insurance companies
- A parent or person authorised with parental responsibility; in this case the GP will consider if the child is of a capable age of making his or her own judgment on their healthcare, if they are then consent will be sought from the child before the application is accepted
- A court appointed representative of someone who is not able to manage their own affairs, i.e. having power of attorney
- A representative of a person who has died, or anyone who has a claim arising from the death (this only applies for records made after the 1<sup>st</sup> November 1991)

### **What if I don't understand something in the medical record?**

You have the right to have any part of the record explained by a clinician. You will not be charged for this but in most circumstances will need to make an appointment with the GP to discuss this.

### **What if there is something wrong with my records?**

If any information about you is incorrect or misleading, you are entitled to have it corrected or removed.

If the person holding your records agrees with you, it must be corrected. If the health professional disagrees with you, and refuses your request, you can ask for the Information Commissioner (see contact details below) to ensure that correct information is corrected or removed.

### **How can I complain if I am not happy about this process?**

If you are not happy about the way that your request has been dealt with you should initially make a complaint to the Practice Manager. If you are dissatisfied with the way your complaint is being dealt with you may contact the following:

If a patient has moved abroad then their record will be retained by Practitioner Services.

### **Timescales**

Copies of records will be supplied within 21 days of receiving a valid and complete request. In exceptional circumstances this may take a little longer, up to 40 days, but you will be advised prior to the expiry of the initial 21 day period.

In all cases the medical record will be screened by a GP to ensure that any information likely to cause serious harm or relates to a third party who has not given consent for disclosure is omitted from the record.

Where an access request has recently been complied with, the Act permits that the practice does not have to respond to a subsequent identical or similar request unless a reasonable interval has elapsed since the previous compliance.

### **Charges**

The practice will charge you £10.00 to view your health records; this includes records held manually or on computer. This charge will not apply if the records have been added to within the last 40 days.

The practice may charge you up to a maximum of £10.00 to provide copies of your health records which are held totally on computer. If the record is totally manual or part manual/part on computer the practice will charge you 40p per page if records are to be photocopied up to a maximum of £50.00.

### **How do I get access to a medical record?**

If you want to view your records or obtain a copy of these you must make a written request to the practice in the first instance. You will be asked to complete a form for this purpose – a copy of the form is enclosed in this leaflet; you may also be asked to provide proof of your identity. Completed form should be sent to:

The Practice Manager  
Bank Street Medical Group  
The Health Centre  
Bank Street  
Cupar KY15 4JN

In rare cases where consent can only be taken verbally then the details of the consent will be entered on the patient's medical record.

If you want to view your records then the practice will contact you to arrange a mutually convenient time for you to view these – there is no facility for immediate access. The viewing will be carried out in the presence of a member of practice staff.

If you want a copy of your records and to save time and expense you can identify which parts of the record you require, a section of the form allows you to request this. Please bear in mind a considerable cost may be involved should you require a copy of all records.

If you would like to see someone else's records then the patient must complete the Application for Access to Medical Records form enclosed to give

you that authorisation. If there is any doubt about the patient's wishes it may be necessary for the practice to contact the patient to verify that consent has been given. The practice may withhold access if it is of the view that the patient authorising the access has not understood the meaning of the authorisation.

### **Can I be refused access to medical records?**

The practice will only refuse you access to medical records if:

- The GP holding your records thinks that access to the records is likely to cause you or anyone else serious physical or mental harm
- The record contains details that the patient has asked not be revealed
- The records include information relating to another person, unless their consent has been given
- You are unable to provide proof of your identity when asked for it
- The fee for providing the records has not been paid

### **Access to a deceased patients medical records**

Where a patient has died and you want to make an application to access the record you must be the patient's representative or have a claim arising out of the patient's death. Access shall not be given to any part of the record which, in the GP's opinion, would disclose information which is not relevant to any claim which may arise out of the patient's death; the effect of this is that you confirm the

nature of the claim which you say you may have arising out of the persons death.

The practice will not retain the medical records of any patients who have died for any length of time; these will be transferred to Practitioner Services, which is a division of NHS National Services Scotland. If the practice has submitted the record before you make an application you will be asked to contact Fife Primary Care Trust:

Secretary to the Head of Primary Care Administration  
Primary Care  
NHS Fife  
Cameron House  
Cameron Bridge  
Leven KY8 5RG  
Telephone: 01592 226 449  
Fax: 01592 714 240

### **Access to the medical records of patients who have left the practice**

When a patient leaves the practice record is sent to Practitioner Services, who will manage the transfer of the record this to the next practice the patient chooses to register with.

An application to access the record should be made to the new practice. If access is required during the period of transfer of the record from one practice to another then an application should be made to the Secretary to the Head of Primary Care Administration, at the address given above.