

How to see your Health Records



Who is this leaflet for?

It is for people who use the NHS in Scotland. People using private healthcare services can see their health records but this leaflet describes how it's done in the NHS.

What is this leaflet about?

It tells you:

- what your health records are
- how to apply to see your health records or medical reports
- who can apply
- what to do if you're not happy

Why has this leaflet been produced?

You have the right to see or have a copy of your health records. You can also see or have a copy of any medical reports made about you for an insurance company or an employer. This leaflet explains these rights.

Why look at my health records or medical reports?

You might want to know more about treatment that you've had or check that your information is correct. It's your choice whether to look at them and there can be a charge to do this.

Health Records

What are my health records?

They are records that include information about your health and any care or treatment you've received. This could be, for example, test results, x-rays or letters to and from NHS staff.

How and where are my health records kept?

- Your records can be written on paper, held on computer or both.
- Different parts of the NHS hold records. For example, your GP surgery and any hospital you have been to may hold records about you.

How do I ask to see my health records?

- You can see your records and, if you choose, you can get a copy.
- You don't have to see or get a copy of all of your records - you can ask for just some parts. You might have to give information to help identify the parts you want.
- If you ask a member of NHS staff providing your care, they might show you your records, or suggest that you come back to do this. However, staff don't have to show you your records unless you ask in writing. To do this, write to the practice manager at your GP surgery, or the records manager at the hospital or other NHS organisation which holds your records. In the letter you should:
 - ask either to see or have a copy of your records
 - say whether you want all or just part of your records
- You might need to fill in an application form and give proof of your identity.
- You do not need to give a reason for wanting to see your health records.

Who can apply to see my health records?

- Generally, you can apply if you're able to understand what is involved in applying to see your records.
- Someone else can apply to see your records if:
 - you have agreed to this
 - you are a child who is able to understand what is involved and that person has parental responsibility for you, and you agree to it
 - you are a child who doesn't understand what is involved, and that person has parental responsibility for you
 - you are an adult who cannot make decisions for yourself or cannot tell others your decisions, and either you previously granted that person power of attorney or a court has granted them a guardianship order

See page 15 for where to get more information about the rights of children.

See page 15 for where to get more information about the rights of adults who cannot make their own decisions or tell others their decisions.

What will I see?

- If you look at your records at your GP surgery or hospital, it's likely someone will be with you while you see them. What you see might be a paper file, a computer printout or a photocopy.
- If you ask for a copy, it could be a computer printout or a photocopy.
- NHS staff should explain any jargon or words that you don't understand.
- Some information on your records may be kept from you. For example, this includes information that:
 - could cause serious harm to you, or someone else's, physical or mental health
 - could identify another person (except members of NHS staff who have treated you), unless that person gives their permission

- When someone else is allowed to see your records, that person will not receive information that:
 - you have told NHS staff you don't want them to have
 - you expected would be kept confidential
- NHS staff don't have to tell you if information has been kept from you. If you suspect that information has been kept from you and you're not happy about it, see 'What if I'm not happy?' on page 11.

How much does it cost?

- If your records are paper or a mixture of paper and computer records, and you just want to look at them, there is no charge if they have been added to during the last 40 days. If they haven't been added to in this time, it costs up to £10. If you want a copy of any part of them, it can cost up to £50. The cost depends on the size of the records and whether there are documents such as x-rays to be copied.
- If your records are held totally on computer, it costs up to £10 to see or have a copy of them.

After I've applied, how long will it take?

After you give NHS staff enough information to identify you and your records, and pay any fee, you will get the information within 40 days.

What if I think information in my health records is incorrect?

If you think information in your records is incorrect, first talk to a member of NHS staff providing your care. What will be done depends on whether or not NHS staff decide the information is correct.

- If they decide that the information is incorrect they will score through it so that people can still read the information but can see that it has been corrected. They will also attach a note to your records explaining why the information has been scored out.
- If they decide that the information is correct, they will not change it. However, you can choose to have a note attached to your records explaining why you think the information is incorrect.

In most cases, information can't be removed from your records unless a court orders it. NHS staff need your full records to understand earlier decisions that were made about your care and treatment.

Can I claim compensation?

You can claim compensation if you suffer physical or financial damage because:

- information in your records is inaccurate
- your information is accidentally lost, damaged or destroyed, or disclosed without permission

Can I see the health records of someone who has died?

- The law allows you to see records made after 1 November 1991. But generally, records are only kept for three years after death.
- You can only see that person's records if you are their personal representative or executor, or if you have a claim for compensation as a result of that person's death. If you are claiming compensation, you can only see information which is relevant to the claim.

- You will not be able to see parts of the records which:
 - could cause serious harm to you, or someone else's, physical or mental health
 - could identify another person (except members of NHS staff who have treated the patient), unless that person gives their permission
 - the patient expected would be kept confidential
- You will not be able to see the records of someone who made it clear that they did not want other people to see their records after their death.

Medical Reports

How can I see medical reports written about me?

- You can see any medical report about you written for an insurance company or an employer, by your GP or any doctor who has treated you.
- An insurance company or employer who wants a report about you must:
 - get your permission and explain your rights
 - ask you if you want to see the report

- If you do want to see the report, you should contact the doctor within 21 days of the insurance company or employer asking the doctor for the report. If you have not contacted the doctor by this time, they can send the report to the insurance company or employer.
- If you see the report, the doctor needs your permission to send it to the insurance company or employer.
- The doctor keeps a copy of the report for six months after it is sent to the insurance company or employer. You can see it during this time.
- There is no charge to look at the report, although you might have to pay for a copy of it.

What information can't I see?

Any part of a report can be kept from you if it would:

- cause serious harm to your physical or mental health, or the health of others
- show how the doctor planned to treat you in the future

- reveal information about, or the identity of, another person (except members of NHS staff who have treated you), unless that person has given their permission

The doctor must tell you if any information has been kept from you.

What if I think there is a mistake?

- You can ask the doctor to correct anything that you think is incorrect. If the doctor refuses, you can write a statement of your views which must be attached to the report when it is sent to the insurance company or employer.
- You can refuse to allow the report to be sent to the insurance company or employer. This could mean that you are refused insurance cover or a job offer.

What if I'm not happy?

- If you are not happy about anything connected with your application to see your health records, ask to speak to the person in charge of health records at the place where your records are kept. In your GP

surgery this person will probably be the practice manager, and in hospitals it will probably be the records manager.

- If you are not happy about anything connected with your medical report, talk to the doctor who wrote it.
 - If you are still not happy after you've done this, you can make a complaint. The leaflet 'The NHS Complaints Procedure' explains how to do this. You can get this leaflet from:
 - any place where you receive NHS care
 - the NHS Helpline on 0800 22 44 88
 - NHS 24 on 08454 24 24 24 (Textphone 18001 08454 24 24 24), if it's available in your local area
 - If you have complained, but are not happy with how the NHS handled your complaint, you can complain to the Information Commissioner's Office. You can only do this if you have already used the NHS Complaints Procedure.
- See page 14 for how to contact the Information Commissioner's Office.

How to find out more

- For more information about anything in this leaflet, contact:
 - your local NHS Board at the address below, and ask to speak to someone about your health records

Western Isles NHS Board
37 South Beach Street
Stornoway
Isle of Lewis
HS1 2BB
Phone: 01851 702 997
Fax: 01851 704 405
Website: www.show.scot.nhs.uk/wihb
 - the NHS Helpline on 0800 22 44 88
 - NHS 24 on 08454 24 24 24 (Textphone 18001 08454 24 24 24), if it's available in your local area
 - your local Citizens Advice Bureau (find your nearest bureau on the website www.cas.org.uk or in your local phone book)

- your local health council, which can give independent advice (to find out how to contact them, phone the Scottish Association of Health Councils on 0141 225 6880, or e-mail: enquiry.sahc@nhshealthquality.org)
- Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
SK9 5AF
Phone: 01625 545 700
Fax: 01625 524 510
Website: www.informationcommissioner.gov.uk
- If you would like to see your health records and are not registered with a GP, or no longer live in Scotland, contact the Practitioner Services Division of NHS National Services Scotland at one of their three local offices.
 - Aberdeen office – Phone: 01224 358 400,
Fax: 01224 358 490
 - Edinburgh office – Phone: 0131 537 8473,
Fax: 0131 537 8456
 - Glasgow office – Phone: 0141 300 1300,
Fax: 0141 300 1347

- For more information about how the law affects children and young people, contact:

The Scottish Child Law Centre

54 East Crosscauseway

Edinburgh

EH8 9HD

Information helpline: 0131 667 6333

Freephone number for under 18s: 0800 328 8970

Fax: 0131 662 1713

Website: www.sclc.org.uk

- If you can't make decisions for yourself, or can't tell others your decisions, this is called 'incapacity'. For information about the Adults with Incapacity (Scotland) Act including powers of attorney and guardianship orders, contact:

The Office of the Public Guardian

Hadrian House

Callendar Business Park

Callendar Road

Falkirk

FK1 1XR

Phone: 01324 678 300

Fax: 01324 678 301

Website: www.publicguardian-scotland.gov.uk

Other leaflets in this series

This leaflet is part of a series. The other leaflets in the series include:

- **Confidentiality – it's your right: How the NHS protects your personal health information**

You can get these leaflets from:

- GP and dental surgeries, and hospitals
- other places where you receive NHS care
- the NHS Helpline on 0800 22 44 88
- NHS 24 on 08454 24 24 24 (Textphone 18001 08454 24 24 24), if it's available in your area
- www.scotconsumer.org.uk/hris
- www.show.scot.nhs.uk/healthrights
- your local Citizens Advice Bureau (find your nearest bureau on the website www.cas.org.uk or in your local phone book)
- your local health council

We have tried our best to make sure that the information given in this leaflet is correct. However, the leaflet is for guidance only and should not be relied on as a complete statement of the law. If you are thinking about taking legal action, you should contact a solicitor, Citizens Advice Bureau or other advice agency.

Produced by Health Rights Information Scotland, a project of the Scottish Consumer Council, for the Scottish Executive Health Department.

SCC Scottish
Consumer Council
Making all consumers matter



SCOTTISH EXECUTIVE

Version 1

Produced in June 2004

Revision date April 2005

To get this information in another language or format phone the NHS Helpline on 0800 22 44 88 or NHS 24 on 08454 24 24 24 (Textphone 18001 08454 24 24 24).

للحصول على هذه المعلومات بلغة أو بتصميم آخر اتصل ب (NHS Helpline) على الرقم 0800 22 44 88 أو اتصل ب (NHS 24) على الرقم 08454 24 24 24 (أو تيكست فون للصم إلى 18001 08454 24 24 24)

অন্য কোন ভাষায় কিংবা পাঠক উপযুক্ত অন্য কোন নমুনায় এই তথ্যটুকু চাইলে এন.এইচ.এস হেল্পলাইনের 0800 22 44 88 নাম্বারে অথবা ২৪ ঘণ্টার মধ্যে যে কোন সময় 08454 24 24 24 নাম্বারে ফোন করুন। (টেক্সটফোন 18001 08454 24 24 24)।

若要取得此份資料的另一種語言或形式版本，請致電NHS求助熱線：0800 22 44 88 或 NHS 24：08454 24 24 24 (文本電話：18001 08454 24 24 24)

આ માહિતી અન્ય ભાષામાં અથવા નીતે મેળવવા માટે મહે-બાની ક-નીને NHS હેલ્પલાઇનને 0800 22 44 88 ઉપ- અથવા, NHS 24 ને 08454 24 24 24 ઉપ- ટેલીફોન ક-ને. (ટેક્સ્ટ ફોન 18001 08454 24 24 24)

ਇਹ ਜਾਣਕਾਰੀ ਕਿਸੇ ਹੋਰ ਭਾਸ਼ਾ ਜਾਂ ਰੂਪ ਵਿਚ ਲੈਣ ਲਈ ਐਨ ਏਚ ਐਸ ਮਦਦਲਾਈਨ (NHS Helpline) ਨੂੰ 0800 22 44 88 ਜਾਂ ਐਨ ਏਚ ਐਸ 24 (NHS 24) ਨੂੰ 08454 24 24 24 ਤੇ ਫੋਨ ਕਰੋ (ਟੈਕਸਟਫੋਨ 18001 08454 24 24 24)।

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یہ معلومات کسی اور زبان یا شکل میں حاصل کرنے کے لئے این ایچ ایس، ہیلپ لائن سے فون نمبر 0800 22 44 88 پر یا این ایچ ایس 24 سے فون نمبر 08454 24 24 24 (ٹیکسٹ فون 18001 08454 24 24 24) پر رابطہ کریں۔

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