

NOTES ON APPLYING FOR ACCESS TO HEALTH AND SOCIAL CARE (HSC) RECORDS

Please ensure that you read these notes before completing your Application Form
Different legislation may apply, depending on the records you are looking to access

NOTE 1: relates to requests for the records of a living individual; e.g. when applying for a copy of your own records or applying on behalf of a relative or person you represent.

NOTE 2: relates to requests for the records of a deceased former patient or client of the Trust

NOTE 1 - when applying for access to your own health and social care records or when you have the authority to apply on behalf of another living person

Data Protection legislation gives everyone the right to access their own personal information.

Please complete all relevant sections of 'Application Form'. A formal letter of application from a solicitor is also acceptable if accompanied by the appropriate written / signed authority permitting them to access relevant HSC records on your behalf.

Please include as much detail as possible about the records or specific information you require, e.g. type (hospital, social work, etc.), dates of attendance or treatment, etc.

Please ensure you also provide any relevant additional documents as indicated at Section D of the Application Form (i.e. proof of identification, written consent, and/or other legal documentation). These documents are necessary to validate your request and without the appropriate verification or authorisation unfortunately we will be unable to process your request.

Most health and social care records are deemed to be complex due to the sensitive nature of the information and the need for review and authorisation by relevant professional staff before release. The General Data Protection Regulation (GDPR) allows up to 90 days for providing a response to complex requests; however requests that are not deemed to be complex (e.g. requests for an A&E attendance, a single report, dates of treatment, or a recent radiography image) will be responded to within 30 days.

For the above reasons please ensure your request for information is as concise and focused as possible. If we require further details about your application, we will contact you.

NOTE 2 - when applying for access to health and social care records of a deceased former patient or client of the trust

Please complete all relevant sections of 'Application Form', paying particular attention to section E.

The law in relation to access to a deceased person's health and social care records is the Access to Health Records (Northern Ireland) Order 1993. This legislation provides that an application for a deceased's records may be made by the legally appointed personal representative of the deceased and by any person who may have a legal claim arising out of the patient's death.

Due to a common law duty of confidentiality that remains after death, the Trust needs to validate your request and your entitlement to access the personal information of the deceased. We cannot provide unrestricted access to sensitive health records of any deceased patient or client.

We would therefore ask that you include as much detail as possible on your application about the records or specific information you wish to access about the deceased and the reason for requesting this information.

Please ensure you also provide relevant document(s) as indicated at Section E of the Application Form. This is required as evidence of your authority and entitlement to access this sensitive Health and Social Care information. Without the appropriate legal document(s) unfortunately we will be unable to process your request.

Where the required authority is in place and verified, you should also note that access may also only be given to limited information related to any claim or to deal with matters arising out of the individual's death. You are therefore asked to ensure your request is as concise and focused as possible.

The Access to Health Records (NI) Order 1993 allows up to 40 days to respond to a valid request, or 21 days where the requested records have been created within the last 40 days of the date of the request.

NOTE 3 - General

In most cases, access to personal information is provided free of charge; however, the Trust reserves the right to charge a fee or to refuse to respond to a request that is manifestly unreasonable or excessive. We will be in contact if we believe this to be the case.

Please note that the time period for processing a request will commence when we receive all documentation and your request has been validated and authorised to proceed. If you require the records by a certain date or for a specific purpose, please allow enough time for your request to be processed.

All applications should be sent to the address at the end of the Form. To ensure delivery, please make sure that the correct amount is paid for postage, particularly if you are sending original documents. The Trust will not be responsible for applications incorrectly addressed or not delivered due to incorrect postage paid.

Please contact us if you have any queries about completing the Application Form.

Yours Sincerely

Information Governance Office

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