

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
- 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. This leaflet explains your rights.

Why look at my health records?

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.

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.
- Your records may only be kept for a certain period of time, after which they can be destroyed. The NHS has guidelines about how long health records should be kept. If you would like more information about this, speak to the person in charge of health records at the place where your records are kept. In your GP surgery this will probably be the practice manager, and in hospitals it will probably be the records manager.

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 should say if you would like your records to be given to you in a format that meets your needs. This will be done wherever possible.
- 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.
- You can apply to see someone else's records if:
 - they have agreed to this
 - you are a parent, guardian, or main carer, and your child doesn't understand what is involved
 - you have a welfare power of attorney or a welfare guardianship order for someone who cannot make decisions for themselves and the order gives you the power to look at their health records

See page 10-11 for where to get more information about the rights of children.

See page 10 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 your, 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.
- 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 8.

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 your, 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
- 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.

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 still not happy after you've done this, you can make a complaint. The leaflet 'Making a complaint about the NHS' explains how to do this. See page 12 for where to get a copy of this leaflet.

- 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 below 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 and ask to speak to someone about your health records (you can find contact details for your local NHS Board in the phone book under 'health services' or on the internet at www.show.scot.nhs.uk/organisations/orgindex.htm)
 - the NHS Helpline on 0800 22 44 88
 - NHS 24 on 08454 24 24 24 (textphone 18001 08454 24 24 24)
 - your local Citizens Advice Bureau (find your nearest bureau on the internet at www.cas.org.uk or in your local phone book)
 - 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 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 welfare 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

- 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 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

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**
- **Making a complaint about the NHS**
- **The NHS and You**

You can get these leaflets from:

- GP and dental surgeries, and hospitals
- other places where you receive NHS care
- your local NHS Board
- the NHS Helpline on 0800 22 44 88
- NHS 24 on 08454 24 24 24 (textphone 18001 08454 24 24 24)
- www.scotconsumer.org.uk/hris
- www.show.scot.nhs.uk/healthrights
- your local Citizens Advice Bureau (find your nearest bureau on the internet at www.cas.org.uk or in your local phone book)

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

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 **Scottish
Consumer Council**
Making all consumers matter



SCOTTISH EXECUTIVE

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To get this information in another language or format phone your local NHS Board. If you need help to do this contact 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 أخرى أو بنسق مختلف، اتصل بالمكتب المحلي لهيئة الرعاية الصحية الوطنية NHS. وإذا احتجت للمساعدة للقيام بذلك اتصل بخط الاستعلامات التابع للهيئة NHS Helpline على الرقم 0800 22 44 88 أو على الرقم 08454 24 24 24 (أو رقم textphone 18001 08454 24 24 24 الخاص بالصم).

এই তথ্যগুলি অন্য ভাষায় কিম্বা আকারে পেতে চাইলে আপনার স্থানীয় এনএইচএস বোর্ড (NHS Board)-কে ফোন করুন। এতে আপনার সাহায্যের দরকার হলে যোগাযোগ করুনঃ এনএইচএস হেল্প লাইন (NHS Helpline)- 0800 22 44 88 কিম্বা এনএইচএস২৪ (NHS 24)-08454 24 24 24 (টেক্সটফোনঃ18001 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 Board。若您需要幫助，請致電 NHS 求助熱線：0800 22 44 88 或 NHS24：08454 24 24 24 (盲文電話：18001 08454 24 24 24)。

ਇਹ ਜਾਣਕਾਰੀ ਕਿਸੇ ਹੋਰ ਭਾਸ਼ਾ ਜਾਂ ਰੂਪ ਵਿੱਚ ਪ੍ਰਾਪਤ ਕਰਨ ਲਈ ਆਪਣੇ ਲੋਕਲ NHS ਬੋਰਡ ਨੂੰ ਫੋਨ ਕਰੋ। ਜੇ ਤੁਹਾਨੂੰ ਅਜੇਹਾ ਕਰਨ ਵਿੱਚ ਸਹਾਇਤਾ ਦੀ ਲੋੜ ਹੈ ਤਾਂ NHS ਹੈਲਪਲਾਈਨ ਨੂੰ 0800 22 44 88 ਨੰਬਰ ਤੇ ਜਾਂ NHS 24 ਨੂੰ 08454 24 24 24 (ਟੈਕਸਟਫੋਨ 1 8001 08454 24 24 24) ਨੰਬਰ ਤੇ ਸੰਪਰਕ ਕਰੋ।

یہ معلومات کسی اور زبان یا شکل میں حاصل کرنے کیلئے اپنے این ایچ ایس کے مقامی بورڈ کو ٹیلیفون کریں۔ اگر آپ کو اس سلسلے میں مدددرکار ہو تو این ایچ ایس ہیلپ لائن سے 0800 22 44 88 پر یا این ایچ ایس 24 سے ٹیلیفون نمبر 08454 24 24 24 (ٹیکسٹ فون 18001 08454 24 24 24) پر رابطہ کریں

www.scotconsumer.org.uk/hris