



## **Records and Sharing Your Medical Information**

This leaflet explains:

- Why the NHS collects information about you and how it is used
- Who we may share information with
- Your right to see your health records and how we keep your records confidential

## **Why we collect information about you:**

In the National Health Service we aim to provide you with the highest quality of health care. To do this we must keep records about you, your health and the care we have provided or plan to provide you with.

### **These records may include:**

- Basic details about you such as address, date of birth, next of kin
- Contact we have had with you such as clinical visits
- Notes and reports about your health
- Details and records about your treatment and care
- Results of X-rays, laboratory tests etc
- Relevant information from people who care for you and know you well such as health professionals and relatives

## **Background Information on Record Sharing**

For a number of years, work has been ongoing to improve the way that medical records are made available to treating clinicians. As a result of this work we are now able to share clinical information between certain health professionals.

This means that **with your consent**, we are able share your medical records with those in the NHS who are involved in your care. NHS staff can only access shared information if they are involved in your care and being an electronic service an audit log is maintained showing when and who has accessed medical records.

This helps clinicians to make decisions based upon a wider knowledge of you and also helps to reduce the number of times that you or your family members are asked the same question. **In short it assists clinicians to provide more 'joined up care'.**

We already share records of children for child protection reasons and patients who are under the care of the District Nursing Team.

## If I agree, who could see my records?

Clinicians treating you, who have access to the same system can **view** and in some cases **update** your medical records. Locally this includes the Walk-In-Centre, many departments at local hospitals (including A&E) and community services, such as the District Nursing Team. It is anticipated that over time more health services will be able use this system to access records if appropriate.

Clinicians outside of the surgery who wish to access your medical records will **ask for your permission** to do so and will need to have been issued with a NHS Smartcard. This is a 'chip and pin' card -similar to a bank card.

## Can I choose who sees my record?

Yes you can—there are two levels of consent. The first is to agree to sharing your medical records OUT of the practice. This is your agreement that records maintained by your GP can be seen, **subject to your authority at the time**, by clinicians working outside of the surgery. The second is agreeing to share your records IN. This means that your GP can see the records made by other health professionals who have access to EDSM.

However, as the treating clinician needs to ask your permission to see the records at the beginning of each period of care **you are in control of who can see your medical information.**

## Can I see my records?

You have the right to ask for a copy of all records about you (a fee may be charged). Your request must be made in writing to the organisation holding your information and the organisation is required to respond within 40 working days. There may be a charge to have a printed copy of the information held about you.

You will be required to give adequate information (for example, full names, address, date of birth, NHS number etc) and you will be required to provide ID before any

information is released to you. **If you think anything is inaccurate or incorrect, please inform the organisation holding your information.**

With regards to charges, under the Data Protection Act 1998 (Fees and Miscellaneous Provisions) Regulations 2001 the maximum fee that can be charged for providing copies of health records is £10 for computer records and £50 for copies of manual records or a mixture of manual and computer records. Charges are for copying and posting the records only and should not result in a profit for the record holder. Some types of records, such as x-rays, may be expensive to copy.

### **What can I do if I don't want to allow access to my records?**

As we feel this access will enhance patient care we will automatically 'opt you in' to both parts of the scheme.

**If you prefer not to be then please mention it to a member of the reception team.**

**You are free to change your mind at any time.**

### **I can see the benefits of the other people treating me seeing my notes, but what if there is a matter that I want to stay just between me and my doctor?**

You can ask for any consultation to be marked as **private**, this means that viewing is restricted to the surgery, but allows the rest of the record to be viewed by whoever else is treating you. It is your responsibility to ask for a consultation to be marked as private.

### **Confidentiality**

Sometimes others may need to use records about you to:

- Check the quality of health care (such as clinical audit)
- Protect the health of the general public
- Keep track of NHS spending

- Manage the health service
- Help investigate any concerns or complaints you or your family have about your health care
- Teach health workers
- Help with research

Some information will be held centrally to be used for statistical purposes. In these instances we take strict measures to ensure that individual patients cannot be identified.

We use anonymous information, wherever possible, but on occasions we may use personal identifiable information for HS purposes such as research/auditing. However, **this information will only be used with your consent**, unless the law requires us to pass on the information.

You have the right to confidentiality under the Data Protection Act 1998 (DPA), the Human Rights Act 1998 and the common law duty of confidence (the Disability Discrimination and the Race Relations Acts may also apply).

Everyone working for the NHS has a legal duty to keep information about you confidential.

The NHS needs to account for how money is spent and to research diseases, illnesses, and the effectiveness of treatments. For some of this work they will use Universities or private organisations, and these will generally work with anonymised data relating to groups of patients. To link together hospital visits and community events, elements of your identity are needed. This is a new service facilitated by NHS England called **Care.data**.

If you want records which may identify you, not to be available for clinical research, and anonymised through the accounting processes of the NHS you can ask to be opted out of **Care.data**.

### **How is this Record Sharing different from previous arrangements?**

In the past other NHS Services were able to see your current medications and the drugs that you are allergic or sensitive to via a **Summary Care Record**. This new system allows your full record to be seen.

## **Can I change my mind?**

**Yes**, you can always change your mind and amend who you consent to see your records. For instance you can decline to share your records out from the surgery, but if you built up a relationship with the physiotherapist who was treating you and they asked you if they could look at an x-ray report, you could give your consent at that point for them to view your records.

You will be referred back to us to change your preference, so the physiotherapist treating you should—with your permission—be able to see your records by the time of your next appointment

## **If I decline – what happens in an emergency?**

In the event of a medical emergency, for instance if you were taken unconscious to A+E, and the clinician treating you feels it is important to be able to see your medical records he is able to override any consents set.

However, the doctor has to give a written reason for doing so. Where this happens an audit is undertaken by the local Caldicott Guardian (the person with overall responsibility for Data Protection compliance).

## **Can anyone else see my medical records?**

**Not unless you give your written consent for this to happen.**

On a daily basis, we get requests from Insurance Companies to either have copies of medical records or excerpts from patients' medical records. This requires your signed consent as it has not been requested to treat/care for you.

Occasionally we are asked for information from the medical records for legal reasons, again this has to be done with your written consent, or in very exceptional circumstances, by court order.

## **Any questions?**

If you have any questions, please speak to reception.

If necessary the receptionist will arrange for another member of the team to give you a call.