

Client Guide

Requesting your
medical records



Kingsley Napley Client Guide

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You are entitled to obtain copies of all of your medical records held by hospitals, doctors and other healthcare professionals under the Data Protection Act 1998. You can obtain your records by making a written request to the relevant individual and/or healthcare provider.

Why would I ask for copies of my records?

If you are considering making a complaint against a healthcare professional and/or bringing a clinical negligence claim, it is essential that you obtain a copy of the records compiled by the practitioner against whom you are making a complaint.

When bringing a clinical negligence claim, it is important to obtain a full set of your medical records, even from practitioners against whom you have no complaint. Your GP records, for example, often provide background information about you and your condition, together with information about your treatment, current condition and your prognosis. By reviewing all of your records, your legal team may be able to assess whether the basis of your complaint has caused your current condition.

What should my medical records contain?

Your medical records should contain all handwritten and computerised notes made by your healthcare professionals, all correspondence concerning your healthcare, all test results, scans and x-rays.

Every healthcare professional who treats you will compile records. That individual is responsible for compiling notes that are clear and which act as guidance for both themselves and for other healthcare professionals who treat you.

How do I apply for copies of my records?

You need to make a written request to the body who holds the records. If you have received treatment through the NHS, the records will be held by the NHS Trust where you received the treatment and you should write to the Medical Records Department. In the case of private practitioners, the records will be held by the individual practitioner. If you are requesting records from your General Practitioner, you should address your letter to the practice manager of your GP surgery.

Is a fee payable to obtain my records?

Under the Data Protection Act 1998, if you have consulted with a healthcare professional in the 40 days immediately preceding your application for copies of your records, no charge may be made for providing you with your medical records.

Otherwise, the healthcare professional may charge a fee of up to £50.00 for providing copies of your paper based records, regardless of how much information is provided. Up to £10.00 may be charged for any records that are held on a computerised system.

How long will it take?

Your records should be provided to you within 40 days of your request. However, GPs and hospitals do receive a large number of requests for records so it is not always possible for them to provide the records within the 40 day time limit. If that is the case, they should inform you of any delay.

Can my application be refused?

The only circumstance in which healthcare professionals may refuse to release your medical records is if they believe that provision of the information that is contained within those notes would cause injury to you or other people. If this is the case, they should tell you this when refusing to provide the records.

Are there other documents that it might be useful to obtain?

If you have had a medical accident, the healthcare professionals may be in possession of other documents which would not be within your medical records. You should ask whether the incident was reported in writing and if so, ask for a copy of any complaint or risk assessment documentation that exists. If you have had an accident at hospital, it is possible that there may have already been some form of internal investigation and so a Serious Untoward Incident Report may be available, including statements from treating clinicians or even an independent expert report.

Can I request another person's records?

Generally, you can only make a request for disclosure of another person's records if you are that person's guardian/parent, personal representative or litigation friend. Parents of children who are minors or under a disability will be able to make a request on behalf of their children for disclosure of their children's medical records. The healthcare professional may request documentation to satisfy themselves that you are eligible to receive copies of those records.

Can I request a deceased person's records?

If you are the personal representative of the deceased person, or any person who may have a legal claim arising out of the patient's death, you can make an application for disclosure of that person's medical records under the Access to Health Records Act 1990. The healthcare professional may request documentation to satisfy themselves that you are eligible to receive copies of those records.

You are only entitled to any records created after 1 November 1991 unless it is necessary to see entries pre-dating this time in order to understand the events that followed. You must make the application in writing and you should be provided with the notes within 40 days, or 21 days if the records have been updated in the last 40 days. Records held by a GP will normally be sent away after a person's death so do check which healthcare body the records have been sent to.

Practitioners may charge you a fee for providing and copying the records. There is no maximum fee.

Sample request for release of medical records

If the request is for your own records

To Whom It May Concern

I [name] of [address] born on [date of birth] request you to release all of my medical records relating to my treatment from dd/mm/yyyy to date, including (but not limited to) clinical notes, surgical notes, nursing records, tests and investigations, correspondence, x-rays, adverse incident reports, internal investigations etc. under the Data Protection Act 1998. I understand that the maximum fee that you may charge me is £50.00. I look forward to receiving the copy documents within 40 days.

If the request is for the medical records of a deceased person

To Whom It May Concern

I [name] of [address] born on [date of birth] personal representative of the estate of 'x' [or the widow/widower who may have a claim arising out of 'the death of 'x'] request you to release all the medical records relating to 'x' from dd/mm/yyyy to date, including (but not limited to) clinical notes, surgical notes, nursing records, tests and investigations, correspondence, x-rays, adverse incident reports, internal investigations etc, under the Access to Health Records Act. I look forward to hearing from you with the copy documents within 21 days.

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