

KINGSLEY NAPLEY
WHEN IT MATTERS MOST

Medical Negligence and Personal Injury

A Guide to Requesting your Medical Records

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 2018 and the Access to Health Records Act 1990. 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 complete their online form (this may be called a 'subject access request') or otherwise 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 email / letter to the practice manager of your GP surgery. Again, you may be able to simply complete an online form. GP records may also be able to be obtained via the NHS app or NHS website.

You should confirm whether you would like hard copies or electronic copies of the records.

Is a fee payable to obtain my records?

Generally, no charge can be made to provide copy medical records. There are some limited exceptions to this for example if the request is 'manifestly

unfounded' or 'excessive'.

Can my application be refused?

There are only a few circumstances in which healthcare professionals may refuse to release your medical records which include 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 an 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. Only records that are relevant to claim will be disclosed. 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.

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 2018. I look forward to receiving the copy documents within 1 month.

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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