**Access to Health Records Act 1990**

**Access to deceased patient Health Records**

This form is to be used if you wish to apply for access to Health Records in relation to a deceased individual.

Please return your completed application form to:

*Information Governance Department*

*NHS Digital*

*1 Trevelyan Square*

*Boar Lane*

*Leeds*

*LS1 6AE*

**enquiries@nhsdigital.nhs.uk**

**Role of the Health and Social Care Information Centre**

NHS Digital is the new trading name for the Health and Social Care Information Centre (HSCIC). The Health and Social Care Information Centre (HSCIC) was established in law as an Executive Non-Departmental Public Body (ENDPB) on the 1st April 2013. Its remit was outlined in the Health and Social Care Act 2012 and the Governments information strategy for health and care in England. It is the trusted source of authoritative data and information relating to health and care.   It supports the delivery of IT infrastructure, information systems and standards to ensure information flows efficiently and securely across the health and social care system to improve patient outcomes.

Section 7 of the Data Protection Act 1998 gives individuals the right to request access to personal records held on them by persons or organisations such as NHS Digital. This is known as a Subject Access Request (SAR).

**Please read the following information carefully**

The Access to Health Records Act 1990 grants rights to certain individuals to see what has been written about a deceased patient in a hospital and other health records. This only applies however to written records made on or after 1st November 1991.

Access is available to:

1. The patient’s personal representative (this will be the executor of the will or the administrator of the estate)

2. Any person who may have a claim arising out of the patient’s death

**Fees**

As a Data Controller of personal information, NHS Digital can charge a fee for dealing with a request for personal information. There are special rules that apply to fees for access to manual health records (such as those records which fall under the Lloyd George envelope category). The charges will be:

Health records

* Held electronically only: up to a maximum £10 charge.
* Held in part electronically and in part on other media (paper, x-ray film): up to a maximum £50 charge.
* Held totally on other media: up to a maximum £50 charge.

NHS Digital will charge 20p per sheet for photocopying plus the cost of postage up to the maximum £50 charge.

You will be advised of the exact cost once the relevant information has been located.

**Section 1: Details of the person the request is about (data subject)**

Title:

Surname:

First Name:

Former Surname:

Date of Birth:

Sex (Male/Female):

Home Address:

Postcode:

NHS Number (if known):

Telephone Number (day):

Email Address:

If the above has been known by a different name or has lived at a different address during the period to which the information required relates, please give details below:

Name: From (date): To (date):

Address:

Postcode

Name: From (date): To (date):

Address:

Postcode

**Section 2: Your name and address**

# Title:

Surname:

First Name:

Address:

Post code:

Telephone number (day):

Email address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Section 3: Your relationship to the patient**

I am the patients personal representative (please attach proof of relationship see section 5 for further details)

I am the executor of the estate (please attach confirmation of your appointment)

I have been designated the administrator of the patient (please attach confirmation of your appointment)

I have a claim arising from the patient’s death (please provide details of this claim below)

**Section 4: Helping us to find the information**

Please use the space below to provide details of which health records you require access to, if possible which periods and parts of those records you require, along with any other details you may feel have relevance e.g. consultant name etc. Please supply as much detail as possible in order that we may locate the information required and interrogate the most appropriate systems to provide the most relevant information in relation to your request.

**Section 5: Proof of Identity**

It will be necessary to confirm the identity of **all** parties included on this form. Please supply a photocopy of **one** document from sections A and B, and **all** relevant documents from section C with the application if relevant.

A. Confirmation of name[[1]](#footnote-1)

* Full driving licence
* Passport
* Birth certificate
* Marriage certificate
* Health and Social Care Information Centre identity badge

B. Confirmation of address

* Utility bill
* Bank statement
* Credit card statement
* Benefit book
* Pension book

C. Confirmation that a third party can access the records of the data subject

* Proof of relationship to subject i.e. patients personal representative
* Confirmation of appointment as executor of the estate of a deceased person
* Confirmation of appointment of administrator of a deceased person

I am providing the following types of identification, which are attached to this document.

A. Confirmation of name

B. Confirmation of address

C. Third Party confirmation

**Section 6: Declaration**

Please tick as appropriate and sign below:

I confirm I am the patient’s personal representative and have enclosed evidence of executor of the will/administrator of the estate and evidence of my identity.

I confirm I have a claim arising out of the patient’s death and have enclosed proof of my identity and documented evidence of my claim.

Signature: Date:

Please note that your information will be posted to you by special delivery which will require a signature upon receipt. However, if the Royal Mail are unable to deliver to the address given and need to return the documentation to NHS Digital this will be returned by normal post (i.e. not under confidential cover).

**Your Checklist**

Is your contact information correct? [ ]

Have you enclosed acceptable identification? [ ]

Have you signed the form? [ ]

Have you completed all the sections? [ ]

1. Where there has been a change of name we will require evidence of the name for which you are seeking information e.g. a birth certificate will not be considered as evidence for searches on a married name. [↑](#footnote-ref-1)