**Killynether Practice**

**SUBJECT ACCESS REQUESTS**

**(General Data Protection Regulations 2018)**

The Access to Health Records act 1990gives individuals certain rights regarding information held about them. It places obligations on those who process information (data controllers) while giving rights to those who are the subject of that data (data subjects). The General Data Protection Regulations(GDPR) gives individuals the right to ask for a copy of the information an organisation holds about them. The request is known as a Data Subject Access Request DSAR

Personal information covers both facts and opinions about the individual.

Anyone processing personal information must comply with the eight data protection

principles. Data must be:

1. Fairly and lawfully processed
2. Processed for limited purposes
3. Adequate, relevant and not excessive
4. Accurate and up to date
5. Not kept longer than necessary
6. Processed in accordance with the individual’s rights
7. Secure
8. Not transferred to countries outside the European Economic area unless country

 has adequate protection for the individual.

The disclosure of records of deceased persons is dealt with under the Access to Health

Records Act 1990. Under that legislation, when a data subject has died their personal

Representative or executor or administrator or anyone having a claim resulting from the death (this could be a relative or another person), has the right to apply for access to the

deceased’s health records.

Health records relating to deceased people do not carry a common law duty of confidentiality but it is Department of Health and General Medical Council policy that records relating to deceased people should be treated with the same level of confidentiality as those relating to living people.

If the deceased person had indicated that they did not wish information to be disclosed, or the record contains information that the deceased person expected to remain confidential then it must remain so.

 A DSAR is applicable to the following groups

* Individuals, for information about them
* Access to health records of a deceased person
* Access to health records of an individual by an authorised person when the individual does not have capacity to make a decision for themselves
* An organisation requesting information about an individual for legal or insurances purposes

Requests may be made by competent patients. Individuals may apply or authorise third party access to their records

**Children and young people**

We will not automatically presume that children less than sixteen years old have capacity however children 12-16 years are expected to have capacity to consent Parents may apply as long as competent child has consented.

**Individuals with responsibility for adults**

Individuals with responsibility for adults who do not have capacity are not automatically entitled to their records. Access must be in accordance with Mental Health Act 2005.

**Police**

Police must obtain a court order, warrant or letter from the coroner in the case of a deceased person. The exception is if there is an overriding public interest.

**Solicitors and insurance companies**

We will also require a signed consent from the patient and will make sure the patient is fully aware of the information that is to be released. We call this signed consent a Form of Authority.

**REQUESTING A DATA SUBJECT ACCESS REQUEST**

If you want to make a request for information you believe Killynether Practice holds about you (or someone else if it falls into the criteria outlined above). The request must be in writing. This is called a ‘Data Subject Access Request’ under the GDPR or

Health Records Act, and if you are seeking information about you, then you are the ‘data

subject’.

Under **GDPR**, a data controller (in this case, the Practice) is not obliged to comply with a request unless we are supplied with such information as we may reasonably require in order to satisfy ourselves as to the identity of the person and to locate the information which that person seeks. So while you may have already made a request to us by other means, we may still require you to fill in this form.

**STATUTORY DEADLINE**

There is a 30 calendar day statutory deadline for Subject Access Requests. We will respond to your request within 30 days of receipt of a valid request and the appropriate fee.

**TERMS & CONDITIONS**

You are entitled to receive a copy of your records free of charge. You should also be aware that in certain circumstances your right to see some details in your records may be limited in your own interest or for other reasons for example where the notes contain third party information or the doctor decides the information would cause undue stress or alarm.

Any information you have supplied in making this request will be treated in confidence. It will only be used for the purpose of carrying out the search for your information. This practice is only responsible for providing information which is held by us.

**Fee**

Although there is no fee attached to the request an administrative fee may be charged if the request is manifestly unfounded or excessive or we may refuse to agree to the request. If this is the case we will explain our reason for doing so.

**Timescale**

We will aim to respond to your request within one calendar month from the day after we receive your request. If the last day falls on a bank holiday or a weekend the next working day will be the 30th day. There may however be occasions where we are unable to respond within the 30 day timeframe and if that is the case, we will endeavour to contact you to advise you of a delay.

**Requests**

All requests must be made writing to Killynether Practice, Regency Medical Centre, 2a Frederick Street, Newtownards, BT23 4LR

and include the following:

1. Form of Authority from the Patient (if requesting on behalf of patient i.e. Solicitor)

 b) Specify the time period of data required from i.e. from dd/mm/yy to dd/mm/yy

***Please note that failure to provide a Form of Authority and confirmation of your request will indicate that you no longer require the DSAR.***

**Collection of Completed Requests**

The Practice requires that all DSAR requests must collected by the requestor and within 10 days of confirmation from the Practice that they are ready to be collected. Identification will be required to authenticate the collector (e.g. either in form of ID badge from requesting company or copy of letter requesting the medical notes (on requesting company’s headed paper or if requesting by yourself as a patient – photographic ID). The Practice advises if the request has not been collected within 10 days, the request will be shredded and a repeat request will be chargeable. DSARs cannot be posted.