



How to see your Health Records

Who is this leaflet for?

It is for people who use the NHS in Scotland. People using private health care services can see their health records, but this leaflet explains only how it's done in the NHS.

What is this leaflet about?

It tells you:

- what your health records are
- how to apply to see your health records
- who can apply, and
- what to do if you're unhappy about your application to see your health records.

Why has this leaflet been produced?

It's been produced to explain your rights to read and have a copy of your health records.

What are my health records?

They are records that include information about your health and any care or treatment you've received. This could be, for example, test and scan results, x-rays or letters to and from NHS staff.

How and where are my health records kept?

- Your records can be written on paper, held on computer or both.
- Different parts of the NHS hold records. For example, your GP surgery and any hospital you have been to may hold records about you.
- Your records may only be kept for a certain period of time, after which they can be destroyed. The NHS has guidelines about how long health records should be kept. If you would like more information about this, speak to the person in charge of health records at the place where your records are kept. In your GP surgery this will probably be the practice manager, and in hospitals it will probably be the health records manager.
- It is important that your records are kept up to date. You should let NHS staff know when any of your personal details change, or if you expect to be out of the UK for a long period of time.

Your Emergency Care Summary

Most patients in Scotland now have an Emergency Care Summary. This gives basic information about your health (for example, your

medication) that may help NHS staff if you need urgent medical care when your GP surgery is closed, or if you go to an accident and emergency (A&E) department.

NHS staff can also use your Emergency Care Summary if your GP refers you to an outpatient clinic or for admission to hospital. For example, it will help NHS staff check whether your medication has changed since the GP wrote your referral letter.

Before any member of staff looks at your Emergency Care Summary, they will usually ask your permission. If you are too unwell to give permission they may need to read your Emergency Care Summary without your agreement, to give you the best possible care.

For more information, see the leaflet '**Your Emergency Care Summary – What does it mean for you?**' You can get a copy from your GP surgery, by phoning the NHS inform Helpline on 0800 22 44 88, or on the internet (www.hris.org.uk).

The Key Information Summary

Patients with particular needs (for example, palliative care, support at home or care from family members) and patients living with long-term conditions may also have a Key Information Summary. This includes information that patients want NHS staff looking after them to know (for example, who should be contacted in an emergency, what conditions they have and what treatment they receive).

Your GP will discuss with you what information can be included in your Key Information Summary, if you need one.

How do I ask to see my health records?

- You can read your records and, if you wish, you can get a copy.
- You don't have to read or get a copy of all of your records - you can ask for just some parts. You may have to give information to help identify the parts you want.
- If you ask a member of NHS staff providing your care, they may show you your records or ask you to come back to do this. However, staff don't have to show you your records unless you ask in writing.
- To ask in writing, send a letter to the practice manager at your GP surgery, or the health records manager at the hospital or other NHS organisation that has your records. In the letter you should say if you want to:
 - just read your records or also have a copy
 - get all or just part of your records.
- You may need to fill in an application form and give proof of your identity.
- You should say if you would like your records to be given to you in a format that meets your needs. This will be done wherever possible.
- You don't need to give a reason for wanting to get your health records.

Who can apply to see my health records?

- You can usually apply if you're able to understand what is involved in asking to read your records.
- Someone else can apply to read your records if you are an adult and:
 - you agree to this

- you can't make decisions for yourself or can't tell others your decisions. In this case, someone who has a welfare power of attorney or a welfare guardianship order can ask to read your records.
- If you are a child:
 - someone who has parental responsibility for you can apply to read your records, but usually only if you agree to this
 - if you don't understand what is involved, your parent, guardian, or main carer can apply to read your records.

If I ask to see my records, what will I see?

- If you read your records at your GP surgery or hospital, someone will probably be with you while you do this. You may get a paper file, a computer printout or a photocopy.
- If you ask for a copy, you may get a computer printout or a photocopy.
- NHS staff should explain any words you don't understand.
- Some information on your records may be kept from you. For example, you won't be able to read information that could:
 - cause serious harm to your physical or mental health, or someone else's
 - identify another person (except NHS staff who have treated you), unless that person gives permission.
- NHS staff don't have to tell you if information has been kept from you. If you think information has been kept from you and you're unhappy about this, see 'What if I'm unhappy about my application to see my health records?' on page 8.

- When someone else is allowed to get your records, that person will not usually receive information that you have told NHS staff you don't want them to have.

How much does it cost?

- If your health records have been added to in the last 40 days, you will not have to pay just to look at them. If they have not been added to in the last 40 days, you will have to pay up to £10 just to look at them.
- You will have to pay if you want to get a copy of all or part of your health records. The cost depends on where your health records are held (on computer, on paper, or both). It also depends on how much information there is and whether documents such as x-rays have to be copied.
 - If your health records are held on computer, you will have to pay up to £10 for a copy.
 - If your health records are held on paper, you will have to pay up to £50 for a copy.
 - If your health records are held on computer and on paper, you will have to pay up to £50 for a copy.
- After you make a request to see your health records, we will always let you know what the cost will be, so you can decide whether you want to pay.

After I've applied, how long will it take to get my records?

After you give NHS staff enough information to identify you and your records, and pay any fee, you will get the information within 40 days.

I want to see my dental records. Do the same rules apply?

Yes – you should speak to someone at the dental practice about this.

What if I think information in my health records is incorrect?

If you think information in your records is incorrect, first talk to a member of NHS staff providing your care. What happens next depends on whether or not NHS staff decide the information is incorrect.

- If they decide the information is incorrect, they will put a line through it so that people can still read it but can see that it has been corrected. They will also attach a note to your records explaining why this has been done.
- If they decide the information is correct, they will not change it. However, you can choose to have a note attached to your records explaining why you think the information is incorrect.

Usually, information can't be removed from your records unless a court orders it. NHS staff need your full records to understand earlier decisions that were made about your care and treatment.

Can I claim compensation?

You can claim compensation if you suffer physical, psychiatric or financial damage because:

- information in your records is inaccurate, or

- your information is accidentally lost, damaged or destroyed, or disclosed without permission.

Can I read the health records of someone who has died?

- The law allows you to read records made after 1 November 1991. But generally, records are only kept for three years after death.
- You can only see that person's records if you are their personal representative, administrator or executor. If you have a claim as a result of that person's death, you can only see information that is relevant to the claim.
- You may be asked for proof of your identity, and of your relationship to the person who has died.
- You won't be able to read information that could:
 - cause serious harm to your physical or mental health, or anybody else's
 - identify another person (except members of NHS staff who have treated the patient), unless that person gives their permission.
- You won't be able to read the records of someone who made it clear that they did not want other people to read their records after their death.

What if I'm unhappy about my application to see my health records?

- Ask to speak to the person in charge of health records at the place where your records are kept. In your GP surgery this

person will probably be the practice manager, and in hospitals it will probably be the health records manager.

- If you are still unhappy, you can make a complaint. The leaflet '**Making a complaint about the NHS**' explains how to do this. See pages 11 - 12 for where to get a copy.
- If you have complained but are unhappy with how the NHS handled your complaint, you can complain to the Information Commissioner's Office. You can only do this if you have already used the NHS Complaints Procedure. See page 10 for how to contact the Information Commissioner's Office.

How to find out more

- For more information about anything in this leaflet, contact:
 - a member of NHS staff involved in your care
 - the NHS inform Helpline on 0800 22 44 88 (textphone 18001 0800 22 44 88; the helpline also provides an interpreting service), or
 - your local citizens advice bureau (find your nearest bureau on the internet at www.cas.org.uk or in your local phone book).
- For more information about how the law affects children and young people, contact:

The Scottish Child Law Centre

54 East Crosscauseway Edinburgh EH8 9HD

Information helpline **0131 667 6333**

Freephone number for under 18s **0800 328 8970**

Free text enquiry service: text 'SCLC' followed by your question to **80800** (replies will be sent to your mobile)

Email enquiries@sclc.org.uk

Website www.sclc.org.uk

- For general information about becoming a legal proxy, contact:

The Office of the Public Guardian (Scotland)

Hadrian House, Callendar Business Park, Callendar Road
Falkirk FK1 1XR

Phone **01324 678 300**

Email opg@scotcourts.gov.uk

Website www.publicguardian-scotland.gov.uk

- For more information about the rights of people with a mental illness, learning disability, dementia or other mental disorder, contact:

Mental Welfare Commission for Scotland

Thistle House, 91 Haymarket Terrace, Edinburgh EH12 5HE

Freephone number for service users and carers **0800 389 6809**

Email enquiries@mwscot.org.uk

Website www.mwscot.org.uk

The Mental Welfare Commission for Scotland can also give you information and advice on people's rights under the Adults with Incapacity Act.

- To find out more about how your personal information is used and protected, contact:

Information Commissioner's Office – Scotland

45 Melville Street, Edinburgh EH3 7HL

Phone **0131 244 9001**
Email **Scotland@ico.gsi.gov.uk**
Website **www.ico.gov.uk**

You can also contact this office to complain about how the NHS has used or protected your information, but only if you have already used the NHS Complaints Procedure.

Information about health rights

- **The NHS and You** explains what you can expect from the NHS in Scotland, and what the NHS expects from you.
- **Making a complaint about the NHS** tells you how to complain using the NHS complaints procedure.
- **Consent – it's your decision** explains how you should be involved in decisions about your health care and treatment.
- **How to see your health records** explains your right to see or have a copy of your health record.
- **Health care for overseas visitors** is a set of factsheets explaining what NHS services overseas visitors can expect to receive while they are in Scotland.
- **The Charter of Patient Rights and Responsibilities** is a summary of the rights and responsibilities patients have when using NHS services in Scotland (available from October 2012).

Information for young people

- **Consent – your rights** explains how you should be involved in decisions about your health care and treatment.
- **Confidentiality – your rights** tells you how the health service keeps information about you private.

- **Have your say! Your right to be heard** tells you how to give feedback or make a complaint about the NHS.

Information for carers

- **Caring and consent** explains your right to be involved in decisions about the health care of the adult you care for.

Information about eHealth

- **eHealth – using computers to improve your healthcare** tells you how eHealth will affect the service you receive from the NHS, how your information will be stored and shared safely and legally, and what may happen in the future.

You can get this information from:

- GP and dental surgeries, hospitals and other places where you get NHS care
- the NHS inform Helpline on **0800 22 44 88** (textphone 18001 0800 22 44 88; the helpline also provides an interpreting service)
- **www.hris.org.uk**
- your local citizens advice bureau (find your nearest bureau on the internet at **www.cas.org.uk** or in your local phone book).

Your comments please!

We want to know what you think about this leaflet.

Please give us your comments:

- by post to **NHS inform**, NHS 24, Golden Jubilee National Hospital, Beardmore Street, Clydebank G81 4HX
- by emailing us at **nhs.inform@nhs24.scot.nhs.uk**

- by visiting our website at **www.nhsinform.co.uk** and clicking on the 'contact us' link, or
 - by phoning us on **0800 22 44 88**.
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We have tried our best to make sure the information in this leaflet is correct. However, the leaflet is for guidance only so you should not rely on it as a full statement of the law. If you are thinking about taking legal action, you should contact a solicitor, a citizens advice bureau, the Patient Advice & Support Advice or other advice agency.

Produced by NHS inform

To get this leaflet in another language or format phone your local NHS board. If you need help to do this contact the NHS inform Helpline on 0800 22 44 88 (textphone 18001 0800 22 44 88).

وصول على كراسة 'الحفاظ على السرية - إنه حقك' باللغة العربية اتصل بهاتف المكتب
لمحلي لهيئة الرعاية الصحية الوطنية NHS board. وإذا احتجت للمساعدة للقيام بذلك، اتصل
بخط الاستعلامات التابع للهيئة NHS Helpline على رقم 0800 22 44 88

'গোপনীয়তা - এটি আপনার অধিকার' তথ্যপত্রটি বাংলায় পেতে চাইলে আপনার স্থানীয় এন.এইচ.
এস বোর্ডে ফোন করুন। এটি করার জন্য আপনার সাহায্যের প্রয়োজন হলে, এন.এইচ.এস
হেল্পলাইনে 0800 22 44 88 নম্বরে ফোন করুন।

如欲索取《資料保密 - 這是你的權利》資料單張，請致電你當地的NHS管
理局。如需協助致電管理局，請致電NHS求助熱線 0800 22 44 88。

Pour obtenir « Confidentialité – c'est votre droit » en français, téléphonez
à votre bureau NHS local. Si vous avez besoin d'aide pour cela, contactez
l'assistance téléphonique de la NHS au 0800 22 44 88.

'गोपनीयता - यह आप का अधिकार है' हिंदी में पाने के लिए, अपने स्थानीय
NHS बोर्ड को फोन करें। अगर आपको ऐसा करने के लिए मदद चाहिए, तो
0800 22 44 88 पर NHS हेल्पलाइन को कॉल करें।

Norėdami gauti informaciją 'Konfidencialumas – tai jūsų teisė' Lietuvių
kalba, skambinkite į savo vietinę NHS tarybą. Jei tai padaryti jums
reikalinga pagalba, kreipkitės į NHS pagalbos liniją telefonu
0800 22 44 88.

Aby otrzymać broszurę "Poufność – to Twoje prawo" w języku polskim,
prosimy o telefoniczny kontakt z lokalnym oddziałem NHS. Więcej
informacji można uzyskać dzwoniąc pod numer linii informacyjnej NHS:
0800 22 44 88.

Для получения «Конфиденциальность – это ваше право» на русском
языке, позвоните в местное управление Государственной Службы
Здравоохранения. Если Вам для этого нужна помощь, обратитесь в
телефонную службу помощи по номеру телефона 0800 22 44 88.

Para obtener una copia del folleto 'Confidencialidad – es su derecho'
en español llame a su oficina local del NHS. Si necesita ayuda para
hacerlo puede llamar al teléfono de asistencia del NHS: 0800 22 44 88.

رازداری- یہ آپکا حق ہے 'اردو میں حاصل کرنے کیلئے اپنے مقامی این ایچ ایس بورڈ
کو ٹیلیفون کریں۔ اگر اس کیلئے آپ کو مدد درکار ہو تو این ایچ ایس ہیلپ لائن پر
0800 22 44 88 پر ٹیلیفون کریں۔

www.hris.org.uk