

Requesting Access to your Wirral Community NHS Foundation Trust Record

Please read these notes before completing the application form

This leaflet will tell you:

- how you can arrange to see your records
- how your records are used to help you
- how the confidentiality of your records is safeguarded

Introduction

You have the right under the General Data Protection Regulation (2016), subject to certain exemptions, to access records that Wirral Community NHS Foundation Trust (WCT) hold about you. This is known as a ‘subject access request’ (SAR).

Anyone making such a request is entitled to:

- a description of the information held, what it is used for, who might use it, who it may be passed on to and an explanation as to where the information was gathered from
- information on expected retention periods for the information held
- request rectification or erasure of processing
- raise an objection to the processing altogether

How can I apply for access to my records?

If you want to see your records you need to complete the ‘Access to Records - Request for Access to Personal Data’ application form at the back of this document and provide a copy of personal identification that has a photograph on it such as:

Acceptable Documentation	Type
Passport	Any current and valid passport
Biometric residence permit	UK
Current driving licence photo card (full or provisional)	All countries outside the EU (excluding Isle of Man and Channel Islands)
HM Forces ID card	UK

The completed application form and a copy of your personal identification can be returned by email wcnt.vchgeneraloffice@nhs.net

or alternatively posted to:

General Office
 Victoria Central Health Centre
 Victoria Central
 Mill Lane
 Wallasey
 Wirral
 CH44 5UF
 Tel: 0151 604 7592

Will I get to see all of my record?

WCT are only able to give you access to the records that we hold about you, and also to explain any part of the record which you do not understand. However, if the health or social care professional who has been providing your care believes that seeing your record might put your physical or mental health at risk, you may only be shown part of your record or your request may be declined. Access may also be declined if someone

other than the health or social care professional has added information and could be identified from the records.

Will I have to pay?

A copy of the requested information will be provided free of charge. However, the trust can charge a 'reasonable fee' when a request is manifestly unfounded or excessive, particularly if it is repetitive. The trust may also charge a reasonable fee to comply with requests for further copies of the same information. The fee would be based on the administrative cost of providing the information.

What documents do I need to support my application?

When you come in to view your record, or to collect a copy of your record, you must bring personal identification that has a photograph on it.

Any copies should be collected from the General Office at Victoria Central Health Centre, Wallasey or Middlewich Clinic, Lewin Street, Middlewich. A member of staff will ask to see your personal identification when you arrive.

If you nominate someone else to collect the copies on your behalf they must bring personal photographic proof of their identity. They must also provide a letter of authorisation signed by you unless you have already authorised them to act on your behalf when completing the application form.

What will happen after I apply?

All applications are forwarded on to the most appropriate health or social care professional or manager within the trust. They have responsibility for deciding whether you can access your full records.

If access is granted, you will be contacted by the trust to either:

- arrange a mutually suitable appointment time to view the records, or
- arrange to have copies made for collection

If you choose to come in to view the records you may also request a copy.

Whichever process you select you should receive a response within 1 month of the receipt of your application. Where the request is complex or numerous the period may be extended by a further two months.

The month will begin on receipt of:-

- 'Access to Records - Request for Access to Personal Data' application form
- Copy of personal identification containing a photograph
- Sufficient detail to locate the information requested

How to request access to a record on behalf of another person?

There are circumstances where it is necessary to make an application on behalf of another person. This includes:

- a parent/carer applying on behalf of a child

Generally, if you have parental responsibility for a child under 16 then you may apply on their behalf. However, there may be exceptions to this. Sometimes it may be necessary to ask the views of children when an application is received. See the authorisation section in the application form.

- a patient who has the capacity, choosing to authorise another person to apply on their behalf

If the treating professional or manager responsible for reviewing the application considers that the patient does not have capacity to understand the application, then the decision to disclose information will be at their discretion.

- a person who has been given Lasting Power of Attorney (including health and welfare)

If you have been appointed to administer a Lasting Power of Attorney (which must include the health and welfare category) you may have limited access to the patient's/service user's records when necessary. The same applies to a person appointed to make decisions about such matters by the Court of Protection in England and Wales. See the authorisation section in the application form.

Accessing the records of a deceased person

If an individual is deceased there is still a duty of confidentiality to that person.

In accordance with the 'Access to Health Records Act 1990' only the Personal Representative or someone who has a claim arising out of the patient's death is legally entitled to apply for disclosure of any health records which may support a claim.

The Personal Representative is the Executor of the Will or someone who has been granted probate. Evidence of this status must be enclosed with the application.

At all other times a voluntary disclosure will be considered by the trust providing there is a valid reason to support the application. A statement must be enclosed with the application.

What if I disagree with what is in my records?

The General Data Protection Regulation (2016) gives individuals rights in respect of the personal information that we hold about you. These are:

1. To be informed why, where and how we use your information
2. To ask for access to your information
3. To ask for your information to be corrected if it is inaccurate or incomplete
4. To ask for your information to be deleted or removed where there is no need for us to continue processing it
5. To ask us to restrict the use of your information
6. To ask us to copy or transfer your information from one IT system to another in a safe and secure way, without impacting the quality of the information

7. To object to how your information is used
8. To challenge any decisions made without human intervention (automated decision making)

Should you have any further queries on the uses of your information, please speak to our Data Protection Officer on 0151 514 2202.

How are my records used to help me?

Your records are used in the following ways to guide and administer the care you receive:

- to ensure that health and social care professionals have accurate and up to date information about your care needs
- to ensure that full information is available should you see another health or social care professional or are referred to another part of the National Health Service (NHS)
- to ensure that there is a good basis for reviewing the quality of care you have received

Whilst preserving your confidentiality, your records can also help us to help you by:

- assisting with teaching and training of health and social care professionals (but you can choose whether or not to be involved personally)
- assisting with research (if you need to be personally involved with the research, you will be contacted to see if you are willing to participate. You will not be identified without your agreement)

How my records are kept confidential

All staff working for WCT have a legal duty to maintain the confidentiality of patient and service user information.

Sometimes, you may receive care from other organisations as well as WCT. We may need to share some information about you with them, so that we can all work together for your benefit. Anyone who receives this confidential information about you from us is also under a legal duty of confidence.

We will only give your relatives, friends and carers information if you give us permission.

In certain circumstances, we are required by law to report information to the appropriate authorities. This information is only provided after formal authority has been given by a qualified health professional. For example:

- notification of new births
- where we come across infectious diseases which may endanger the safety of others (e.g. meningitis or measles, but not HIV/Aids)
- where a formal court order has been issued

Our guiding principle is that of confidentiality.

What if I have a complaint about accessing my records?

If you feel that you have not been fairly treated or that your application has not been dealt with appropriately, then you can write to us or complete one of our Your Experience cards and send to one of the following addresses:

Your Experience
Wirral Community Trust
St Catherine's Health Centre
Derby Road
Birkenhead
Wirral
CH42 0LQ

Freepost
Community NHS Trust
Patient Experience

E-Mail: wcnt.yourexperience@nhs.net

Freephone: 0800 694 5530

If you are still unhappy with the outcome of your enquiry you can write to:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Telephone: 0303 123 1113 or 01625 5457

**Access to Records
Request for Access to Personal Data
Application Form**

In Confidence

Please complete ALL sections of this form in **BLOCK CAPITALS and in BLACK.**

The completed application form and a copy of your personal identification can be returned by email wcnt.vchgeneraloffice@nhs.net

or alternatively posted to:

General Office
Victoria Central Health Centre
Victoria Central
Mill Lane
Wallasey
Wirral
CH44 5UF

Tel: 0151 604 7592

You will not be charged for a copy of your records. However, the trust can charge a 'reasonable fee' when a request is manifestly unfounded or excessive, particularly if it is repetitive. We may also charge a reasonable fee to comply with requests for further copies of the same information. The fee would be based on the administrative cost of providing the information.

Please be advised that you should receive a response within 1 month of the receipt of your application.

Particulars of person whose information is required

Title

Surname

Forename(s)

Date of Birth

Gender

Current Address

Post Code

Telephone No:

If the name of the person and/or address was different from the above during the period(s) to which the application relates, please give details:

Previous Surname

Previous Surname

Previous Address

Previous Address

Declaration

I declare that the information given in this form is correct to the best of my knowledge and that I am entitled to apply for access to the records referred to under the terms of the General Data Protection Regulation 2016, Access to Health Records Act 1990 or the Mental Capacity Act 2005

Full Name of Applicant

Signature of Applicant

Address For Reply
(if different from that specified)

Please tick the relevant box below if appropriate

Photographic proof of your identity will always be required as well as additional documentation described below.

	Please tick the relevant box
I am the patient / service user	
I have parental responsibility for the patient who is under age 16 (proof must be provided before the application can be processed)	
I have been appointed through a Lasting Power of Attorney (which includes the health and welfare category) to act on behalf of the patient (proof must be provided before the application can be processed)	
I have been appointed to act on behalf of the patient by the Court of Protection in England and Wales (proof must be provided before the application can be processed)	
I am the Personal Representative of the deceased (proof must be provided i.e. Grant of probate or proof that you are the Executor of the Will before the application can be processed)	
I am collecting the information on behalf of another who has authority (proof of this delegated authority will be needed at the time of collection)	

Patient/Service User Authorisation Section

Please note this section should only be completed if the patient/service user has capacity to authorise someone else to act on their behalf.

Authorisation of

I hereby authorise Wirral Community NHS Foundation trust to release any personal data they may hold relating to me covered by General Data Protection Regulation 2016 to:

(enter the FULL NAME of the person acting on your behalf)

To whom I have given my consent to act on my behalf

Signature of Patient/Service User

Date

If you have authorised another person to act on your behalf on this form please ensure they provide proof of their identity when contacting us.