

Access to health records

This factsheet looks at your right to see your health records and how to do this. It explains what to do if you think the information on your health records is wrong. In this factsheet, when we say 'record' or 'records', we mean your health record. This information is for adults affected by mental illness in England. It's also for their loved ones and carers and anyone interested in this subject.

Key Points.

- When an NHS professional sees you, they will update your record with information about your condition and treatment.
- You can see your records. But your doctor can withhold information if it may harm your physical or mental health.
- You should be able to see a copy of your record within 1 month.
- Other people, such as an employer or insurer, can only see your records if you agree.
- Records are kept in different places. That are kept at the service where you have your appointment or treatment.
- Your record should be accurate. But if you disagree with a professional's opinion in your records, you can't always get it changed.
- You might be able to see your records online.
- You can have a 'summary care record' which gives the NHS important information about your health. This helps them to deal with emergencies. You don't have to have one if you don't want to.

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1. What are my records?

When you see a health professional, they will update your health records with information about your condition and treatment.

These records may be on a computer or handwritten.

Your records have information about things like your:¹

- name, age, and address,
- your NHS number,
- health conditions and diagnoses,
- treatments and medicines,
- allergies and past reactions to medicines,
- tests, scans, and X-ray results,
- specialist care, such as maternity or mental health,
- lifestyle information, such as whether you smoke or drink,
- hospital admission and discharge information, and
- any reports or letters.

The NHS keeps detailed records locally so the person in charge of your treatment can see it. This means things like:

- your GP surgery will hold records of your GP visits, and
- your mental health team will keep records of your contact and appointments with them.

Health records in mental health teams may have information about your care plan and time spent in hospital.

Your GP records and mental health team records aren't kept together. But specialist services and your GP may share some important information about your care.² This may include:

- referral letters,
- your diagnosis,
- reports, and
- results.

What is my NHS number?³

Your NHS number is a 10-digit number, like 485 777 3456.

Your number is unique to you. It helps NHS healthcare staff and service providers identify you correctly and match your details to your health records.

If you know your NHS number, it will help you and NHS staff if you tell it to them when you contact them.

What is a data protection officer?

Local NHS services must have a 'data protection officer'. This is a professional who is responsible for processing all the data they record.⁴

What are summary care records?

When you are treated outside your GP surgery, healthcare professionals can't access your GP records.

They may be able to see a 'summary care record' instead. This holds important information about your health.

Your GP will automatically start a summary care record.

The record will have information about:⁵

- your medication,
- your allergies,
- any bad reactions to medications you have tried, and
- your name, address, date of birth and NHS number.

For example, in an emergency, doctors could look at the record to see if you are allergic to any medications. This can help them treat you properly.

Professionals can put additional information on your summary care record unless you tell them not to. This additional information can include:⁶

- significant medical history,
- reasons for medication,
- information about the management of long-term conditions,
- end of life care information, and
- immunisations.

Specific sensitive information won't be automatically included on your summary care record. This includes things like fertility treatments, sexually transmitted infections, pregnancy terminations and gender reassignment.⁷

Health professionals must ask you before looking at your record. But they can look at your record without your permission in an emergency if necessary. If they do this, they must make a note on your record to explain why.⁸

You can ask to see a list of who has looked at your summary care record.⁹

What if I don't want a summary care record?¹⁰

If you don't want a summary care record, you can:

- contact your GP surgery and tell them, or
- you can fill in a form and hand it into your surgery.

This is called 'opting out'.

You can find a copy of the form here:

<https://digital.nhs.uk/services/summary-care-records-scr/scr-patient-consent-preference-form>

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2. How long are my records kept?¹¹

Different NHS services will keep your records for different lengths of time. The length of time depends on where the record is kept.

Normally records are kept for up to 8 years after you were last seen by the service or discharged.¹² There are some exceptions, that are explained below.

GP records

Your GP surgery will create a record when you register there. This will be kept and updated for as long as you are still registered there.

Your GP record will usually be kept for 10 years after you die.¹³

Electronic patient records¹⁴

Some NHS services and GP surgeries have electronic patient records.

These records should also follow the rules explained above.

At the end of the time period:

- the record should be destroyed, or
- access should be denied to people using the computer system.

Mental health records¹⁵

These records include details of any treatment and care you may have been given under the Mental Health Act 1983. This includes people detained under the Mental Health Act in the criminal justice system.

Your records will be kept for 20 years after you were last seen or discharged from the Act. Your records might be kept for more than 20 years if:

- your case is ongoing, or
- professionals think there is a good chance you might be detained under the Mental Health Act again in the future.

If you die the records will be kept for 10 years.

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3. Why might I want to see my records?

There are different reasons why you might want to see your health records. For example, you might want to:

- check if there are any mistakes in your records,
- find out information about your healthcare, or
- get evidence for a complaint about your healthcare.

You don't have to explain why you want to see your records.¹⁶

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4. How can I see my records?

You have the right to see your health records under General Data Protection Regulations (GDPR).¹⁷

How can I ask the service who hold my records?

You can ask to see your records during an appointment, over the phone or by email or letter. If they agree, this is a quick and easy way to see your records.¹⁸

During an appointment, they could show you the notes on paper or on a screen. But they might not give you a copy of your records this way.

You may have to make a [subject access request](#) to get a copy, or your local NHS trust can tell you how to apply.

Can I view my health records online?

How do I use GP online services?

Most GP practices now offer online services to patients. These let you look at your health records online, as well as other services such as booking appointments.¹⁹

You can ask your GP surgery how you can sign up for their online services.

How do I use the NHS website or app?²⁰

You can get your GP record by using the NHS app or NHS website. First you must create an account.

You can find out how to do this here: www.nhs.uk/using-the-nhs/about-the-nhs/how-to-get-your-medical-records

The NHS App is free to download from the App Store and Google Play.

What are subject access requests?

A subject access request is when you use your legal right to ask an organisation for a copy of your personal information.²¹

You have this right under Article 15 of the General Data Protection Regulations (GDPR).²²

How do I make a subject access request?

You can make a subject access request in writing or by speaking to the service.²³ The service might have a form they ask you to fill out.

In your request, you should give:²⁴

- your name,
- address,
- date of birth, and
- any other information which would help locate the information you have requested.

Explain that you are making a subject access request under Article 15 of the General Data Protection Regulations 2018.

You don't have to tell the service why you want to see your records. But you may have to show them some proof of your identity.

You don't have to fill in a special form when asking to see your records. But some services might ask you to, to make the process faster. Ask the service first if you are unsure.

If you can, you should send your letter or form by recorded delivery. You can also use the letter in the [Sample letters](#) section this factsheet.

Can anybody help me with a subject access request?

Your local Patient Advice and Liaison Service (PALS) might be able to help you with a subject access request. You can search for your local PALS office at: <https://www.nhs.uk/service-search/other-health-services/patient-advice-and-liaison-services-pals>

5. Can anyone else see my records?

Your health records are confidential. This means the NHS won't normally share your health records with anyone unless you consent.

But they can share information without your consent if:

- they are sharing it with other NHS or social care staff who are involved in your care under 'implied consent',
- there is a risk of serious harm to you or to others,
- there is a risk of a serious crime,
- the law says they must share it, or
- you are mentally incapable of making your own decision and they are sharing the information in line with the Mental Capacity Act.

Can someone holding a Lasting Power of Attorney for Health and Welfare see my records?²⁵

You might have appointed an attorney or attorneys under a Lasting Power of Attorney for Health and Welfare. They can make some health and welfare decisions for you if you no longer have capacity to do so.

They can access your health records on your behalf.

You can find out more about Lasting Power of Attorney in our information on Mental capacity and mental illness - The Mental Capacity Act 2005.

You can find more information about:

- Confidentiality
- Mental capacity and mental illness - The Mental Capacity Act 2005

at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

What if an employer or insurer wants to know about my medical history?^{26,27}

If your employer or insurer wants health information, they may ask your doctor for a medical report. They won't normally ask for your full medical records.

Your doctor will need your consent to give them this information.²⁸

6. Do I have to pay to see my records?

Under the General Data Protection Regulations (GDPR) you should not be charged for getting a copy of your record unless:²⁹

- you are asking for a very large amount of information, or
- if you ask for information you have already had.

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7. When will I get my records?

The NHS has one calendar month to get your information to you. This can be extended for a further 2 months if:³⁰

- you have made multiple requests, or
- the information you have asked for is very complex.

The NHS tries to deal with requests within 21 days.³¹

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8. Can the NHS keep information from me?

The NHS can hold back information that would cause serious harm to your physical or mental health or anyone else's. The Data Protection Act allows them to do this.³²

If they do this, they should explain why they decided to keep information from you.

If you think that information is missing and the NHS has not told you why, you can contact them to ask.

What if my records contain information about other people?³³

Your records may have information about other people. The NHS should only disclose information about others to you if:

- they have consented to it, or
- it is reasonable to for them to do so without that individual's consent.

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9. What if the information on my record is wrong?

The information in your records should be accurate.³⁴ If you notice that something is factually incorrect, like your name or address, the NHS must correct it.

What if I disagree with a professional's opinion in my records?

Some of the information in your records might be a professional's opinion. A health professional may have written an opinion about you that you think is wrong. Such as your diagnosis.

The NHS won't usually remove these opinions from your record. They need to keep this information because it shows why they made decisions about your care and treatment.³⁵

If your doctor agrees that the information is wrong, they may add a correction to your record. If your doctor doesn't agree with you, you should be able to add a note showing this.³⁶

You should write to the record holder to tell them what you think is wrong and explain why. It's a good idea to send this letter by recorded delivery.

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10. Can I see my relative's records when they die?

When someone dies, their health records are still confidential. Only certain people can see them.

What if I'm my relative's personal representative?

Being someone's personal representative means you deal with their affairs after they have died. This includes dealing with their property, including their bank accounts.

If you are your relative's personal representative, you can apply to see their medical records.³⁷

You can read more about being a representative here: www.gov.uk/wills-probate-inheritance.

What if I have a claim on the deceased's estate?

If you have a claim from a person's death, you can also apply to see their medical records.³⁸

The law is unclear about what it means to have a claim from someone's death, but this may include people who are entitled to an inheritance.

How do I access my deceased relative's records?

You might be your relative's personal representative, or you have a claim from a person's death. You need to contact the record holder with enough information to identify the records.

You should include evidence to show you are the personal representative or that you have a claim.³⁹

You may need to show a death certificate, the grant of representation or a copy of the will. You may also need to show proof of your identity.

If the person left a note in their records saying they didn't want you to see them, then the NHS may hold them back.⁴⁰

What about their GP records?⁴¹

If your relative died in England their GP records will be passed to Primary Care Support England.

To access their GP records, you will need to:

- contact the GP surgery that your relative was last registered with, if they are still practising, or
- contact Primary Care Support England if the GP surgery that your relative was last registered has now closed down. See here for more details: <https://pcse.england.nhs.uk/services/medical-records/access-to-medical-records-and-patient-details>

For hospital or other NHS service records, contact the hospital or service your relative attended.

What if I don't fall into the above groups?

You can apply to see someone's health records if you don't fall into the above groups. But it will be up to the NHS to decide if they share the records with you.

They should think about:⁴²

- if the person who died said if they wanted their records to be shared,
- if anyone will be distressed if the records are shared,
- the views of any surviving family,
- how long ago the person died,
- how much information you are asking for,
- why you want the information, and
- if you had a relationship with the person who died.

Can coroners see my deceased relative's health records?

When someone dies unexpectedly, the coroner can see their health records. They may get a copy to prepare for the inquest into the person's death.⁴³

You can find out more about '**Inquests**' at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

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11. How can I complain?

You may want to complain because of things like:

- the NHS has not dealt with your request as quickly as they should,
- the NHS says you can't see your records,
- the NHS doesn't give you all the information that you asked for, or
- you disagree with the information in your records.

You can use the NHS complaints procedure to try and resolve these problems.

You can find more about '**Complaining about the NHS or social services**' at www.rethink.org. Or call 0121 522 7007 and ask for the information to be sent to you.

The Information Commissioner's Office can look into your complaint and ask the NHS to solve the problem. The Information Commissioner can only get involved if you have already tried to resolve your issue by making an NHS complaint. Their details are in the [Useful contacts](#) section below.

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Useful Contacts

Information Commissioner's Office (ICO)

This organisation regulates the use of the Data Protection Act in organisations such as the NHS. They have a helpline you can call for information.

Phone: 0303 123 1113

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

Email: Online form here: <https://ico.org.uk/global/contact-us/contact-us-public/>

Website: www.ico.org.uk

The Patients Association

A charity campaigning for improvements in health and social care for patients. They have a helpline that can advise you on how to find out what is in your medical records and other things to do with your healthcare.

Phone: 0800 345 7115 (freephone number)

Email: helpline@patients-association.org.uk

Website: www.patients-association.org.uk

Sample letter to ask for your medical records

[Your full address]

[Phone number, if you want to include it]

[The date]

[Name and address of the NHS body]

Dear Madam or Sir,

Subject access request

[Your full name, date of birth, address, and any other details to help identify you and the information you want]

Please supply the information about me I am entitled to under Article 15 of the General Data Protection Regulations 2018 relating to:

[give specific details of the information you want]

- *e.g. your medical records [between 2006 & 2009] held by Dr 'C' at 'D' hospital*

If you need any more information from me, please let me know as soon as possible.

It may be helpful for you to know that a request for information under the General Data Protection Regulations should be responded to within 1 calendar month.

If you don't normally deal with these requests, please pass this letter to your Data Controller. If you need advice on dealing with my request you can contact the Information Commissioner's Office <https://ico.org.uk>.

I look forward to hearing from you.

Yours faithfully

[Signature]

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³ NHS. *What is an NHS number?* <https://www.nhs.uk/using-the-nhs/about-the-nhs/what-is-an-nhs-number/#:~:text=An%20NHS%20number%20is%20a,details%20to%20your%20health%20records>. (accessed 24 August 2024)

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⁵ NHS Digital. *Summary Care Records (SCR)*. <https://digital.nhs.uk/services/summary-care-records-scr> (accessed 21 February 2023.)

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¹⁴ NHS England. Transformation Directorate. *Records Management Code of Practice*. See Appendix II: retention schedule – See table 'Record type Electronic Patient Record Systems (EPR)' – 'Notes'. Last updated 7 August 2023 <https://transform.england.nhs.uk/information-governance/guidance/records-management-code/records-management-code-of-practice/#section-4-records-storage-for-operational-use> (accessed 24 August 2023)

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¹⁶ The Patients Association. *Seeing your medical records - Can I view my medical records?* <https://www.patients-association.org.uk/seeing-your-medical-records> (accessed 24 August 2023)

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¹⁸ NHS. *How to get your medical records*. <https://www.nhs.uk/using-the-nhs/about-the-nhs/how-to-get-your-medical-records/> (accessed 21 February 2023.)

¹⁹ NHS England. *About GP Online Services*. <https://www.england.nhs.uk/gp-online-services/about-the-prog/> (accessed 21 February 2023.)

²⁰ NHS. *How to get your medical records – How to get your GP record – Using your NHS account* <https://www.nhs.uk/using-the-nhs/about-the-nhs/how-to-get-your-medical-records> (accessed 24 August 2024)

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²⁵ NHS England. *Subject access requests FAQs - Can we release a SAR to someone holding a lasting Power of Attorney (LPA) for health and welfare?* <https://transform.england.nhs.uk/information-governance/subject-access-requests-faqs> (accessed 25 August 2023)

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³⁸ s3(1)(f), Access to Health Records Act 1990 c23.

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This factsheet is available in large print.

Rethink Mental Illness Advice Service

Phone 0808 801 0525

**Monday to Friday, 9:30am to 4pm
(excluding bank holidays)**



Did this help?

We'd love to know if this information helped you

Drop us a line at: feedback@rethink.org

or write to us at Rethink Mental Illness:

RAIS
PO Box 18252
Solihull
B91 9BA

or call us on 0808 801 0525

We're open 9:30am to 4pm

Monday to Friday (excluding bank holidays)



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