

## How to Prepare and Submit your Subject Access Request for Access to Medical Records.

### Do include:

- A clear label for your request (e.g., use 'subject access request' as your email subject line or heading of your letter;
- The date of your request;
- Your name (including any aliases, if relevant);
- Any other information used by the Health Board to identify or distinguish you from other individuals (e.g., hospital number (CRN) or NHS number).
- A comprehensive list of what records you want access to, including if you require all notes, or just a specific section.
- The format you would like to receive your request: via secure email or paper copies (we cannot provide both).

### Don't include:

- Information which does not relate to your request.
- A request for all information the Health Board holds on you, unless that is what you want (if the Health Board holds a lot of information about you, it could take them longer to respond, or make it more difficult for you to locate the specific information you need in their response);

### When sending the form back please can you ensure to include copies of two forms of ID:

- A copy of photo ID (i.e., passport / drivers' licence)
- A copy of address ID dated within the last 6 months (i.e., utility bill / bank statement / council letter etc)

If you are making an application on behalf of another patient, please see the relevant applicable section below:

### Notes of a deceased patient.

- If your application is for the notes of a deceased patient, we will require proof that you are one of the following:
  - The **executor** of the will.
  - Someone named on the **Grant of Probate** as being responsible for the administration of the estate.
  - Someone who has been granted **Letters of Administration** by the Probate Registry.

### **Notes of an Adult Lacking in Capacity.**

- If your application is made on behalf of an adult who lacks the capacity to consent personally, you must either:
  - Hold Lasting Power of Attorney for Health and Welfare.
  - Have been appointed to make decisions about such matters by the Court of Protection for England and Wales (or equivalent authority).

### **Notes of a Child.**

- To enable someone to prove that they have Parental Responsibility you will need to provide proof of your identity (eg passport, their birth certificate and photo ID) together with one of the following documents:
  - The child's Birth Certificate – To acquire Parental Responsibility
  - The father and mother must have registered the child's birth together on or after 1 December 2003, or
  - Marriage Certificate, or
  - Parental Responsibility Agreement entered into by birth parents, or
  - Copy of a Court Order giving Parental Responsibility

Please do not hesitate to contact the Access to Health Records Team if you have any queries about your request on the email address below:

[ABB.ATHR@wales.nhs.uk](mailto:ABB.ATHR@wales.nhs.uk)

Or call us on: 01633 740165 / 01633 740160

### **Further information:**

ABUHB is committed to complying with Subject Access Requests (SAR) and it is generally expected that the Health Board will respond to a SAR without charging the enquirer.

There are, however, occasions when an SAR may be refused or timelines to respond to a SAR extended. The UK - GDPR and DPA ICO guidance will be followed in such cases, and in consultation ABUHB's Data Protection Officer.

### **Manifestly unfounded' requests**

Manifestly unfounded means the organisation believes you're not making a SAR because you truly want to exercise your legal right of access.

To come to this decision, the organisation must consider each request on a case-by-case basis. They must also explain their reasoning to you and us if necessary.

### **'Excessive' requests**

There is no set meaning of what makes a subject access request 'excessive'. However, organisations should consider whether the request is clearly unreasonable.

To come to this decision, the organisation must consider each request on a case-by-case basis. They must also explain their reasoning to you.

### **Information about other people**

Responding to a SAR may involve giving out information about other people.

Organisations must respect your right to get copies of your information. However, they must also protect other people's rights over their information. This means that if another person's information is included in the requested documents (eg that of a family member or colleague), the organisation might redact it or not provide it at all.

### **Legal professional privilege**

If your personal information is discussed or included in confidential communications between the organisation and their legal advisors (including in-house legal teams), they don't have to give it to you as part of your request. This information is considered 'privileged', which means it should remain confidential between the organisation and the legal team.

Further information can be found using this link: [Why organisations might partially or fully refuse a subject access request | ICO](#)