

The governing rule of the access to the contents of case notes can be summarised as follows: -

*“Notes are created as an aid to the treatment or diagnosis of a patient and access is allowed to the notes to hospital staff where such access is in the interests of the patient’s treatment or diagnosis, e.g. nursing staff recording results and observations, checking doctors’ annotations, etc.”*

It is necessary, however, for medical records clerks, medical secretaries and ward clerks to have access for administration and communication purposes. Therefore, great care should be taken to ensure that no unauthorised person has access to the notes when they are in your possession. The case notes of the patient are the property of the Department of Health and powers of custody are delegated to the Trust Board. The case notes of private patients made by a Consultant are his or her private property and if they are ever in your possession, they must be treated under the rules laid down in this memorandum.

## **ACCESS TO HEALTH RECORDS**

### **Informal Access**

At the time of consultation, subject to necessary safeguards, patients should be permitted to see what has been written about them in their records.

### **Formal Access**

If a patient’s record has not been up-dated in the last 40 days then the patient needs to apply for formal access to their records. The Medico-Legal Secretary, Mrs Angela Hunt, who is based in the Health Records Department on ext. 3456, can arrange this. An Administrative Fee will be charged.

### **NB**

Although the Data Protection Act 1998 gives the right of access, the Record Holder may withhold any information which might cause serious harm to physical or mental health or identify a third party.

### **Security and Confidentiality**

All staff must comply with legal requirements (Data Protection Act, Copyright Designs and Patent Act, Computer Misuse Act), and must also observe the NHS Caldicott Recommendations for patient confidentiality. Further information concerning these issues is contained in the Staff Handbook, issued at the time of appointment, and relevant Trust policies.

### **Declaration**

I, certify that I have read the above information.

I understand that any information whenever held concerned with the treatment of patients or individual staff records is confidential and under no circumstances should be divulged to unauthorised persons or agencies. I also understand that failure to observe confidentiality at all times will lead to dismissal.

If in doubt I will consult my supervisor.

Name

Date

Signature