



Norfolk and Waveney
Clinical Commissioning Group

SUBJECT ACCESS REQUESTS AND ACCESS TO HEALTH RECORDS POLICY

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Approval Body:	Chief Finance Officer – Norfolk and Waveney CCGs		Date Approved:	09/10/2019
Date Issued:	17 th March 2020		Review Date:	July 2020
<p>Contact for Review: This document can only be considered valid when viewed via the CCG's intranet. If this document is printed as a hard copy or saved to another location, you must ensure that the version number on the printed copy matches that of the online version.</p> <p>Approved documents are valid for use after their approval date and remain in force beyond any expiry of their review date until a new version is available.</p>				

Prepared by:	This policy has been prepared by the Data Protection Officer for NHS Norfolk and Waveney CCG and reviewed by representatives of the Norfolk and Waveney IG Working Group
Impact Assessment:	Equality Impact Assessment completed – no adverse impact Data Protection Impact Assessment not required.
Consultation:	This is an external document that does not require further involvement or engagement at this time, as it has been written in accordance with the UK's current data protection legislation.
Authorised by:	The CCG via its Scheme of Delegation and governance procedures
What is it for?	This policy provides NHS Norfolk and Waveney CCG with a process to: <ul style="list-style-type: none"> • Respond to a living individuals rights to access their personal data under the Data Protection Act 2018; and • To enable certain individuals with a right of access to the health records of a deceased individual, to raise a request under the Access to Health Records Act 1990.
Who is it aimed at and which settings?	<p>This policy applies to any request by a patient, their Power of Attorney, a beneficial of an interest in a deceased individual's Estate, or member of staff for access to their personal data held by NHS Norfolk and Waveney CCG.</p> <p>This policy does not apply to the release of information held by a GP Practice, care provider or local authority.</p> <p>Implementation of this policy is the responsibility of all staff who work for NHS Norfolk & Waveney CCG, including employees, contractors, interims, governing body members and member practice representatives.</p>
Evidence	<ul style="list-style-type: none"> • General Data Protection Regulation 2018

	<ul style="list-style-type: none"> • Data Protection Act 2018 • Access to Health Records Act 1990 • Freedom of Information Act 2000 • Human Right Act 1998 • Regulation of Investigatory Powers Act (& Lawful Business Practice Regulations 2000) • Public Interest Disclosure Act 1998 • Re Use of Public Sector Information Regulations 2005
Reviewed by	NHS Norfolk and Waveney CCG's Information Governance Working Group
Other relevant approved documents	Local Policies: <ul style="list-style-type: none"> • IG Strategy and Framework • Data Security, Confidentiality and Cyber Security Policy • Freedom of Information Act Policy & Publication Scheme • Record Management & Information Lifecycle Policy • Information Risk Management Policy • Data Protection Impact Assessment Policy • Data Quality Policy
References:	<ul style="list-style-type: none"> • General Data Protection Regulations • National Data Guardian's Data Security Standards • Information Commissioner's guidance on Subject Access Requests • Access to Health Records Act 1990
Training and competencies	This policy is underpinned by the Data Security and Awareness national e-learning package which is mandatory for all staff
Monitoring and Evaluation	This policy will be monitored and reviewed for effectiveness by the Norfolk and Waveney CCG's IG Manager / Data Protection Officer
Appendix	

Version Control

Revision History	Summary of Changes	Author(s)	Version No.
September 2019	Initial draft	Christina Jackson, Governance Manager / Data Protection Officer	0.1
September 2019	Initial review	NCCG Governance Support Officer AGEM CSU IG Team	0.1
09/10/2019	Approval recommended by IG Working Group. Policy approved by Chief Finance Officer	-	1.0
17/03/2020	Updated to NHS Norfolk & Waveney CCG	Christina Jackson – Data Protection Officer	1.1
13/04/2020	Updated with new IG Team address. Removed reference to AGEM CSU	Christina Jackson – Data Protection Officer	1.2

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1. Introduction

- 1.1 This policy reflects the current legal and professional guidelines which underpin the processing and release of person identifiable data:
- General Data Protection Regulations (GDPR)
 - Data Protection Act 2018 (DPA)
 - Subject Access Code of Practice – Information Commissioner’s Office
- 1.2 Under GDPR and the DPA, the right of access, commonly referred to as subject access, gives all individuals the right to obtain a copy of their personal data, as well as other supplementary information. Current legislation assists individuals to understand how and why organisations are using data about them, and check that it is being used lawfully i.e. in accordance with their information rights.
- 1.3 The DPA however, only relates to living individuals. There is additional legislation in place to underpin the release of health records relating to deceased individuals, to ensure that their right of confidentiality does not cease following death. This is called the Access to Health Records Act 1990 (AHRA).

2. Purpose

- 2.1 The purpose of this policy is to establish a process to manage all requests for the release of personal data from:
- Living individuals under the DPA
 - Power of Attorneys for living individuals under the DPA
 - Legal representatives on behalf of living individuals under the DPA
 - Beneficiaries of a deceased individual’s Estate under the AHRA
 - Legal representative on behalf of beneficiaries of a deceased individual under the AHRA
- 2.2 It defines the legislative requirements which govern the above types of requests, and supports staff to identify which process to apply to each type of request.
- 2.3 It also describes the relationship between the CCG and the Commissioning Support Unit and responsibilities for managing each step in the process when responding to subject access requests and the release of records relating to deceased individuals.
- 2.4 This policy should be read in conjunction with the CCG’s IG Strategy and Framework and supporting policies, as well as NHS Norfolk and Waveney CCG’s Fair Processing Notices, which describe how the CCGs addresses data protection, confidentiality, information security and records management.

3. Scope

- 3.1 This policy applies to any request raised by a patient, a parent or legal guardian, member of the public, member of staff and/or legal representative(s) in relation to personal data held by NHS Norfolk and Waveney CCG and used for its processing activities. This policy does not relate to information held by GP Practices and/or provider organisations.

- 3.2 Application of this policy applies to all staff (substantive, temporary and seconded to the CCG), contractors, members of the Governing Body and clinical advisors.
- 3.3 This policy relates to personal data held in the following forms:
- Paper records, both current and archived regardless of the volume of records held;
 - Electronic records held within the CCG's IT network;
 - Personal data stored within an electronic system, such as a case management system, electronic staff record;
 - Information contained within emails;
 - Video recordings;
 - Audio recordings.
- 3.4 This policy applies to all complaints files, personnel records, continuing healthcare files and all other documentation which makes reference to a living or deceased individual.
- 3.5 This policy does not cover requests for records generated by the Coroner's Court, as a result of a Police enquiries. It also does not cover requests made by the Police. These types of requests should be referred to the Data Protection Officer.
- 3.6 This policy only relates to the release of person identifiable data under the DPA and/or AHRA. It does not relate to the release of information under the Freedom of Information Act 2000, as all requests for information which may result in a breach of the DPA, are exempt from disclosure under the Freedom of Information Act 2000.
- 3.7 This policy does not apply to requests for duplicate copies of information already provided by the CCG, or requests for anonymised information. These types of requests should be referred to the Data Protection Officer.

4. Roles and Responsibilities

- 4.1 All staff are responsible for ensuring that the CCG only holds the minimum information necessary to justify the CCG's operational and statutory obligations. This will ensure that the CCG does not create unmanageable repositories of information which could have a negative impact on responding to an access request in a timely manner. Staff are also responsible for ensuring that information is stored in a structured and easily identifiable way in accordance with the Records Management and Information Lifecycle Policy, so that it can be retrieved in a timely manner.
- 4.2 The IG Team has responsibility to ensure that requests for access to personal data under an access request are lawful and justifiable by ensuring that a request has been made using the Access to Records Request form and the appropriate supporting documents have been provided.
- 4.3 The IG Team has operational responsibility for responding to all requests for access to personal data in respect of living and deceased individuals.

- 4.4 The Caldicott Guardian has executive responsibility for the release of personal data under a subject access request and the release of personal data relating to a deceased individual. As the Caldicott Guardian has a clinical background, they will be responsible for reviewing the final response, ensuring that the personal data has been appropriately and correctly redacted and authorise the release of the response.
- 4.5 The Data Protection Officer (DPO) is responsible for ensuring that the CCG acts lawfully in accordance with the DPA and AHRA. Therefore the DPO will be responsible for managing all complex requests, refusals to release personal data and any associated complaints.

5. Subject Access Requests

- 5.1 Subject Access is most often used by individuals who want to see a copy of the information an organisation holds about them. However subject access goes further than this and an individual is entitled to:
- Be informed whether their person data is being processed, held or stored;
 - Request a copy of the data held about them, in a format of their choice;
 - Request details of the purposes for processing of their personal data and who it is being shared with; and
 - Request details of the source sharing their personal data with the organisation.
- 5.2 An individual is only entitled to their own personal data, and not to information relating to other people (unless the information is also about them or they are acting on behalf of someone). Therefore, it is important to establish whether the information requested falls within the definition of personal data.
- 5.3 It is imperative to review all information before it is released to the requester. The IG Team will therefore ensure that all references to a third party have been redacted (i.e. crossed through) to protect the confidentiality of everyone bar the requester, where it is appropriate to do so. It is important to balance the redaction process against avoiding changing the context and meaning of the information provided to the requester. The IG Team will therefore take all appropriate steps to ensure that information is not overly redacted.
- 5.4 To assist with the release of personal data, staff are responsible for ensuring that only the minimum information necessary to satisfy the original purpose for the data collection is held by the CCGs (GDPR Principle B – Purpose Limitation).
- 5.5 Staff are also responsible for ensuring that information is held in a safe and structured way, in accordance with the Records Management and Information Lifecycle Policy, to ensure that it can be retrieved quickly when an access request is received.

6. Access to Health Records Requests

- 6.1 The AHRA provides certain individuals with a right of access to the health records of a deceased individual. These individuals are defined under Section 3(1)(f) of the Act as “the patient’s Personal Representative and any person who may have a claim arising out of the patient’s death”.

- 6.2 A “Personal Representative” is defined as an Executive or Administrator of a deceased individual’s Estate. As such, a personal representative does not need to explain why they are making a request, but they must provide documented evidence that they are the personal representative, before any identifiable information is released. This should be in the form of a Grant of Probate.
- 6.3 If a Personal Representative has legal representation, a copy of the Grant of Probate, letter of authority for the legal representative to act on their behalf and a signed consent form to release the information to the third party must be obtained before any identifiable information is released.
- 6.4 In the absence of a Personal Representative, the CCG must be satisfied that the person requesting the release of personal data relating to the deceased individual could have a claim arising out of the deceased individual’s Estate, particularly if the individual passes away intestate (without a Will), and their relationship to the deceased individual. Individuals who are not personal representatives must provide a reason for the request, including why they believe they have a claim arising out of the Estate.
- 6.5 It is important to note that relatives, friend and carers do not have an automatic right of access to a deceased individual’s health records. The request must be justifiable and proportionate.
- 6.6 Requests made under AHRA can be complex, and therefore should be managed by the IG Team in conjunction with the Information Asset Owner for the records in question. This will enable the IG Team to identify if there is a legal basis for the release of information, or if disclosure outweighs the duty of confidentiality to the deceased and any other individual referenced in the information.
- 6.7 The IG Team will consider any preferences expressed by the deceased prior to their death, the distress or detriment that any living individual might suffer following the disclosure and any loss of privacy or negative impact on the reputation of the deceased. The views of the surviving family and the length of time after death are also important considerations, as the obligation of confidentiality to the deceased is likely to erode over time.
- 6.8 The IG Team will also consider the extent of the disclosure. Disclosing a complete health record is likely to require a stronger justification than a partial disclosure of information extracted from the records. For example, if the point of interest is eligibility for a particular period of care, then disclosure, where appropriate, should be limited to the pertinent details.

7. Identifying which Legislation Applies

- 7.1 The CCG receives requests for the release of person identifiable data from a variety of sources, however the majority of requests received by the CCG are made to support an appeal against a Continuing Healthcare decision and/or process. Whilst we have a duty to respond to all requests, we have an overriding duty to ensure that personal data is only released in accordance with the DPA and AHRA. Staff are therefore required to understand which category the request for the release of personal data falls under:

- A. Does the request relate to a living individual? If Yes, it must be managed as a Subject Access request
- B. Does the request relate to a deceased individual? If Yes, it must be managed as an Access to Health Records request.

8. Making a Request for Access to Personal data

- 8.1 The data subject should be encouraged to use the **Access to Records Request form at Appendix A** to ensure that the CCG has sufficient information and verification of identity before processing a request, as we are legally obliged to ensure that requests are handling appropriately.
- 8.2 Personal Representatives, Powers of Attorney, parents, legal guardians and legal representatives acting on behalf of a patient or the Estate of a deceased individual **must** complete the Access to Records Request Form (Appendix A). This will ensure that the CCG has sufficient information to process the request and avoid any potential delays.

9. Responding to a Request

- 9.1 All requests for the release of the person identifiable data, whether relating to a living or deceased individual should be managed by the IG Team, with the support of the Commissioning Support Unit.
- 9.2 The DPA/GDPR or AHRA do not specify how to make a valid request. Therefore, to enable the CCG to manage their obligations effectively, all requests should be made via email or in writing as per Appendix A.
- 9.3 Where a request is being made by an applicant on behalf of the data subject, the Access to Personal Records Request Form (Appendix A) must be completed.
- 9.4 In certain circumstances it will be appropriate to process a request without a completed Access to Personal Records Form, but only from a data subject who is known to the organisation and sufficient information has been provided to confirm the identity of the data subject and scope of the request.
- 9.5 All requests for access to personal records will be managed in accordance with Appendix B of this policy to ensure that the CCG adheres to the statutory timeframe and maintains a log of all requests received, in accordance with the guidance issued by the Information Commissioner's Office.
- 9.6 If a member of staff receives a request for access to personal records / data, it must be forwarded to the IG Team to instigate the appropriate process as per Appendix B.

10. Children's Records

- 10.1 For the purposes of disclosure of records, a child is a person who has not attained their 16th birthday at the time of the request. If the applicant is 16 or over their request should be treated a request from an adult in accordance with this policy. The parents or legal guardians of the applicant over 16 years are not entitled to see the records

without the consent of the young person. The only exception to this is when the over

16 year old lacks capacity and the parent / legal guardian holds a Lasting Power of Attorney.

- 10.2 If the application is from a child that is under 16, the CCG may need to obtain parental authority to release the information, on the basis that the applicant is not authorised to make such a request under GDPR / DPA legislation. This will be achieved using the Access to Records Request Form (Appendix A).
- 10.3 However, the CCG will look sympathetically on a request from a child aged 12 -16 who is judged to be "Gillick Competent". Such a request will be managed by the Data Protection Officer and Caldicott Guardian.

11. Adults without Capacity

- 11.1 GDPR/DPA legislation makes no special provision regarding requests for personal information from adults who lack mental capacity and are unable to manage their own affairs.
- 11.2 Mental disorder does not equate to mental incapability and many individuals who suffer from a mental disorder have sufficient capacity to enable them to deal with their own affairs. However the potential for physical harm or mental distress must be considered, and so these types of requests will be managed by the Data Protection Officer, Caldicott Guardian and clinical member of staff engaged in the individual's care.
- 11.3 Patients with learning disabilities, depending on their individual circumstances may have enough capacity to understand the process, albeit with support. Again the Data Protection Officer, Caldicott Guardian and clinical member of staff engaged in the individual's care will manage these types of request.

12. Access to Third Party Records

- 12.1 On occasion, the CCG will receive requests for information that is owned by a Third Party as a Data Controller.
- 12.2 In these instances, we will advise the data subject that we are unable to release this information, but provide the relevant contact details to enable the data subject to raise a further request direct with the relevant Data Controller.
- 12.3 This will ensure that the data subject receives the correct most up to date information, and all considerations have been given by the appropriate party in respect of confidentiality and information rights.

13. Timeframes

- 13.1 Both the DPA and AHRA implement a timeframe in which to respond to requests for access to personal data:
 - Requests made for information relating to a **living individual** must be completed within one calendar month of the date of the request. This time begins on the date the request is received by the CCGs, and not the next working day.

- Requests made for information relating to a **deceased individual** should be answered within 40 days. However as the nature of these requests can be complex, it is important to ensure that the request is valid which may delay completion of the request in a timely manner.

14. Fees

- 14.1 In most cases the CCG cannot charge a fee to comply with a request for access to personal data under DPA or AHRA.
- 14.2 However a reasonable fee for the administrative costs of complying with a request can be levied if:
- The request is manifestly unfounded or excessive; or
 - An individual requests further copies of the data following a completed subject access request
- 14.3 The CCG's fees will be based on the administrative costs of complying with the request such as consumables, paper and postage.
- 14.4 Where a fee is appropriate, the IG Team will contact the requester promptly to inform them and provide the opportunity for the requester to revise their request to avoid a fee.
- 14.5 Where a fee remains appropriate, no work on the request will commence until the fee has been received.

15. Refusal

- 15.1 In certain cases the CCG can refuse to comply with a request if it feels that it is manifestly unfounded or excessive, particularly if the requester refuses to modify the request, does not confirm their identity if they are not already known to the CCG or refuses to pay a fee in accordance with Section 14 above.
- 15.2 Some information, particularly relating to safeguarding concerns, could cause significant physical and mental distress/harm to the data subject and/or a third party if read and therefore, if there is no justifiable or legal reason to release the information, these types of requests will be rejected or partially addressed.
- 15.3 These decisions will be taken by the CCGs' Data Protection Officer(s) and the Caldicott Guardian, who can make a clinical decision on the potential for the information to cause significant harm.

16. Complaints and Appeals

- 16.1 The applicant has the right to appeal against a CCG's decision to refuse access to personal data or complain about the way a request for access has been managed. Such complaints should be made to NHS Norfolk and Waveney CCG to the:

Data Protection Officer
 NHS Norfolk & Waveney Clinical Commissioning Group
 Lakeside 400, Broadland Business Park,

Old Chapel Way,
Thorpe St Andrew,
Norwich NR7 0WG

- 16.2 After local resolution has been exhausted, if the requester remains unsatisfied with the CCG's response, they are able to escalate their concerns to the following regulatory body:

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

Telephone number: 0303 123 1113

Email: casework@ico.gsi.gov.uk

Online: [Contact us | ICO](#)

17. Monitoring and Review

- 17.1 The IG Working Group will be responsible for monitoring the effectiveness of this policy, and ensuring that all access to personal records requests are handled in accordance with this policy.
- 17.2 The Audit Committee will be responsible for monitoring the effectiveness of this policy as part of the CCG's process for internal control, by reviewing the CCG's performance against statutory response times and the volume and outcome of any complaints relating to access to personal records.


18. Equality Impact

- 18.1 In applying this policy, the CCG will have due regard to the need to eliminate unlawful direct and indirect discrimination, promote equal opportunity and provide for good relations between diverse groups. The CCG will have due regard to the following protected characteristics under the Equality Act 2010; age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; gender; and sexual orientation

Appendix A – Access to Records Request Form

The Access to Health Records Act 1990 and Data Protection Act 2018 give patients/clients/staff or their representatives a right of access, subject to certain exemptions, to their health records. NHS Norfolk and Waveney CCG respects the rights of individuals to request copies of personal data, where there is a legitimate basis for the request.

Personal data collected from you by this form, is required to enable your request to be processed, this personal data will only be used in connection with the processing of the Request for Access to Records.



Charges Payable: In accordance with legislation **no fee** will be charged for your request, unless the request is manifestly unfounded, excessive, or repetitive.

If necessary, before any further action is taken, we will contact you with details of our “reasonable administrative charges” in order to comply with your request, or provide an opportunity for you to modify your request.

PLEASE COMPLETE IN BLOCK CAPITALS – Illegible forms will delay the time taken to respond to requests.										
1.	Details of the Data Subject (i.e. the subject of the personal data requested) (Please complete one form per person)									
Surname	Date of Birth									
Forename(s)	Current Address									
Any former names (If Applicable)	Full Postcode									
Telephone Number	Previous Address (If Applicable)									
NHS Number (If known/relevant)	Full Postcode									
<table border="1"> <tr> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> </table>										
If further details are available please include in a separate covering note.										

2.	Details of Records to be Accessed
In order to locate the records you require please provide as much information as possible. Please list the department or services you have accessed that you require records from: i.e. Complaints, Continuing Healthcare or Human Resources etc. (Continue on a separate sheet if required).	
Records dated from	Department or services accessed
/ / to //	
/ / to //	
/ / to //	
/ / to //	
/ / to //	

3. Details of applicant (Complete if different to patients/clients/staff members details)	
Full Name:	
Company (if Applicable):	
Address:	
Email address:	
Contact telephone number:	
Is the request related to a living individual (data subject)?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Are you the Parent / Legal Guardian of the living individual (data subject)	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, please provide a copy of the data subject's Birth Certificate or evidence that you are the legal guardian.
Are you Power of Attorney for the living individual (data subject)	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, please provide a copy of the Power of Attorney. This is required in order to proceed with a request under the General Data Protection Regulations / Data Protection 2018
Are you the Legal Representative of the living individual (data subject)	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, please provide a copy of your Letter of Appointment and a signed and dated Consent Form to release the data subject's personal data to you. This is required in order to proceed with a request under the General Data Protection Regulations / Data Protection 2018
Is the request related to a deceased individual?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Do you have a claim arising from the deceased individual's Estate:	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, please provide the reason for your request (continue on a separate sheet if necessary):
Are you the Personal Representative of the deceased's Estate?	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, please provide a copy of the Grant of Probate. This is required in order to proceed with a request under the Access to Health Records Act 1990

Are you the Legal Representative of the Personal Representative (data subject)	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If Yes, please provide a copy of your Letter of Appointment, Grant of Probate and ensure Section 4 of this form is completed.</p> <p>This is required in order to proceed with a request under the Access to Health Records Act 1990</p>
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4.	Authorisation to release personal data to a Legal Representative
<p>I (Print name) _____ hereby authorise the Norfolk and Waveney CCGs to release the personal data requested within this application form to the above applicant (Section 3) who I have authorised to act on my behalf.</p> <p>I acknowledge that the Commissioning Support Unit will require access to my information in order to coordinate completion of my request on behalf of NHS Norfolk and Waveney CCG.</p> <p>Signature of patient/client/staff member : _____ Date: / /</p>	

5.	Correspondence Address
<p>Address for receipt of final response including personal data.</p> <p>Please note only one response will be provided. A charge will be levied for additional copies</p>	<p>Postcode: _____ Tel: _____</p>

6.	Declaration (to be completed by the Applicant)
<p>I declare that information given by me is correct to the best of my knowledge and that I am entitled to apply for access to the health record(s) referred to above, under the terms of the Access to Health Records Act (1990) or the Data Protection Act (2018).</p>	
<p>Please select one box:</p> <p><input type="checkbox"/> I am the patient/client/staff member (data subject)</p> <p><input type="checkbox"/> I am the parent/guardian of the data subject</p> <p><input type="checkbox"/> I am the Power of Attorney for the data subject</p> <p><input type="checkbox"/> I am the Personal Representative of the data subject</p> <p><input type="checkbox"/> I am the Legal Representative of the data subject</p> <p><input type="checkbox"/> I have a claim arising from the patient/client's death and wish to access information relevant to my claim (Covering letter with further details to be supplied).</p>	

Please Note:

- If you are making an application on the behalf of somebody else we require evidence of your authority to do so.
- It may be necessary to provide evidence of your identity (i.e. Driving Licence).
- If there is any doubt about the applicant’s identity or entitlement, information will not be released until further evidence is provided. You will be informed if this is the case.
- Under the terms of the Data Protection Act 2018, requests will be responded to within **one calendar month** from receipt of the request. Where the request cannot be satisfied in this timeframe, we will ensure that the applicant is kept appraised. Requests will be satisfied within two calendar months.
- Under the Access to Health Records Act 1990, requests will be responded to within **40 days**. Where the request cannot be satisfied in this timeframe, we will ensure that the applicant is kept appraised. Requests will be satisfied within three calendar months.
- Under the terms of Section 7 of the Data Protection Act 2018, information disclosed under a Subject Access Request may have information removed; this is to ensure that the confidentiality of any third party is maintained, unless their consent has been obtained or there is an overriding legal justification for disclosure.

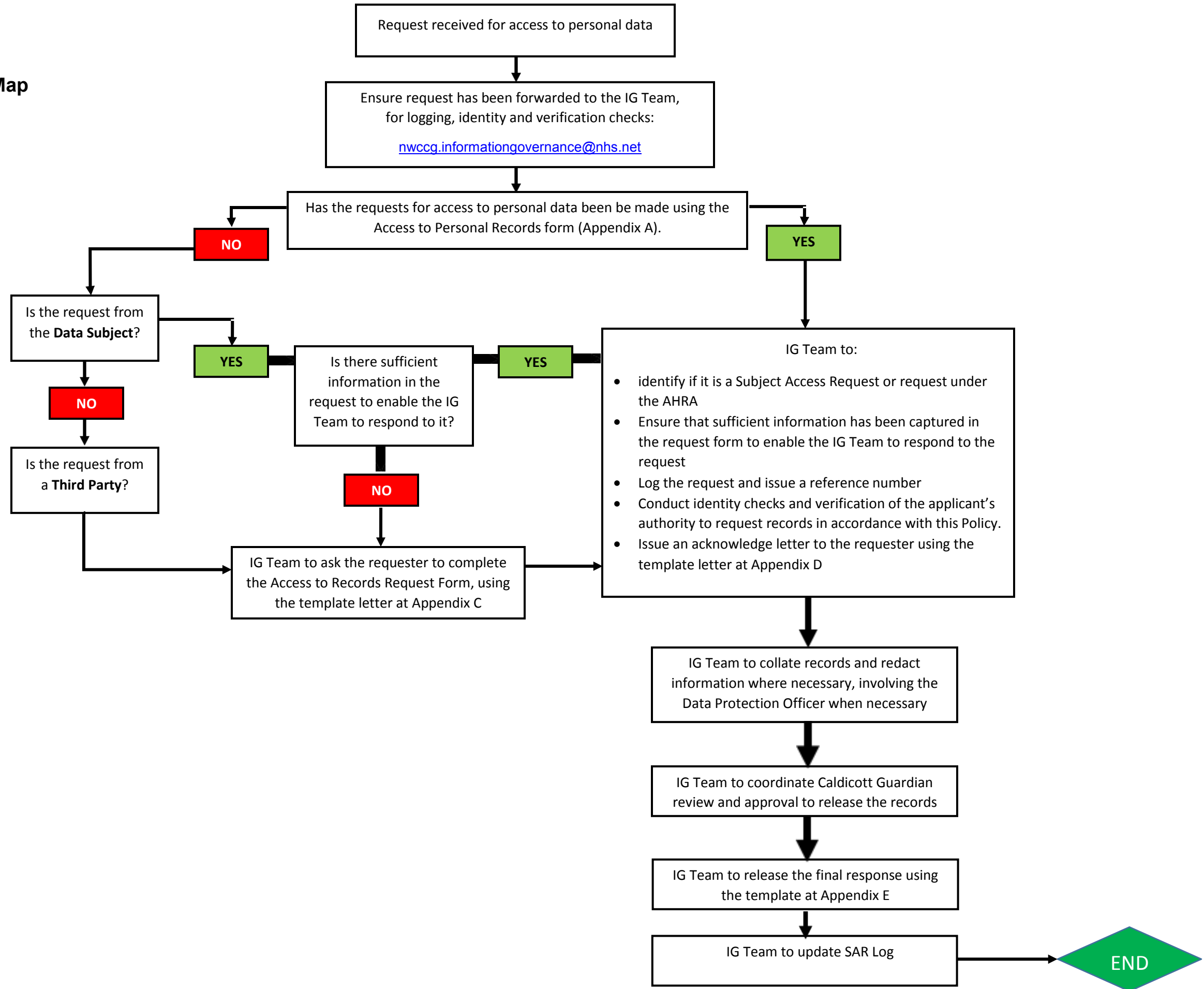
Print Name	
Signed (Applicant)	
Date	

Please complete and send this document to:

NHS Norfolk and Waveney CCG
Information Governance Team
Lakeside 400
Old Chapel Way
Broadland Business Park
Thorpe St Andrew
Norwich NR7 0WG

Email: nwccg.informationgovernance@nhs.net

Appendix B - Process Map



Appendix C – Letter requesting completion of the Access to Records Request Form

Private and Confidential

[address]

[date]

Our Ref:

Your Ref:

Request for Access to Personal Records

Thank you for your request of [date] in respect of the release of your personal information held by NHS Norfolk and Waveney CCG.

In order to satisfy your request, the CCG will require completion of the attached Access to Personal Records Request Form and proof of your identity.

OR

Thank you for your request of [date] in respect of the release of personal information relating to your child/relative/client (*delete as applicable*), held by NHS Norfolk and Waveney CCG.

Before we are able to progress your request, the CCG will require further evidence of your authority to request records in this case / proof of identity / evidence of parental responsibility / xxx (*delete as applicable*) in accordance with the attached Policy. The CCG also requires completion of the attached Access to Personal Records Request Form.

Your request will be placed on hold until we have received the above documentation.

Please do not hesitate to contact us if you have any questions in this regard.

Yours faithfully

[IG Team]

Enc.

Appendix D – Letter acknowledging receipt of the request

Private and Confidential

[address]

[date]

Our Ref:

Your Ref:

Request for Access to Personal Records

Thank you for your request of [date] in respect of the release of your personal information / personal information relating to your child/relative/client (*delete as applicable*), held by NHS Norfolk and Waveney CCG.

You have requested the release of the following records in relation to the period xxx to xxx:

[summarise request here]

In accordance with the attached policy, the IG Team from the CCG will now progress your request in line with the General Data Protection Act / Data Protection Act 2018 OR Access to Health Records Act 1990 (*delete as applicable*).

The CCG will aim to respond to your request by [date] and will notify you as soon as possible if further time is needed.

Please do not hesitate to contact us if you have any further questions.

Yours sincerely

[IG Team]

Enc.

Appendix E – Letter enclosing the final response

[address]

[date]

Our Ref:

Your Ref:

Request for Access to Personal Records

Further to your request for personal records made in your letter of [date] and subsequent correspondence please find attached the following documents:

[Summarise contents of the response to the request]

We have conducted a search of the records held by [insert name of directorate] in a physical format, within its electronic filing system and its electronic case management system. The documents referred to above reflect all of the records held by the CCG that are directly relevant to your request.

(Delete as applicable)

We have not included documentation that is already in your possession, previously provided or due to be provided as part of our standard operating procedures, particularly in relation to the Continuing Healthcare assessment and management process.

Please note that we have redacted information that directly or indirectly refers to a third party where it is appropriate to do so, in order to protect the right of confidentiality of the third party.

Furthermore we have not re-issued correspondence relating to the administration of this request.

Please note that when certain documents are printed from an electronic case management system/database, the date of printing automatically replaces the date the document was originally created. Where this is the case, the incorrect date has been redacted and initially.

Based on the information you have provided, we have conducted a thorough search of our records and do not hold any of the information requested. Our checks have been conducted on the information supplied, and therefore if there is any further information available, such as an NHS number / personnel number which might assist us to identify the data subject, we will be happy to conduct a further review. If we do not hear back from you within the next two weeks, we will close the request and assume that your request has been answered to your satisfaction.

Should you have any further questions regarding your request, please contact the IG Team at: nwccg.informationgovernance@nhs.net or in writing at the above address.

Yours sincerely

[name]
Caldicott Guardian
NHS Norfolk and Waveney Clinical Commissioning Group

Enc.