

## Subject Access Request (SAR) Procedure

Version:	1.2
Bodies consulted:	Caldicott Guardian, Data Security & Protection Manager and DPO; Director HR, Director DET/ Dean of Postgraduate Studies, and EMT
Approved by:	EMT
Date Approved:	27 November 2023
Lead Manager:	Information Governance
Responsible Director:	Director of Corporate Governance
Date issued:	30 November 2018
Review date:	November 2026
Intranet:	Yes
Extranet:	Yes

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<b>Audit Trail</b>		
<b>Date</b>	<b>Changes made</b>	<b>Author</b>
August 2018	<p>Updated legislation throughout the procedure, sections 1 and 2</p> <p>Disclosure detail within section 7.1 'Receipt of the request for disclosure'.</p> <p>Updated forms for access to health records (appendix 3) and form of authority (appendix 4).</p>	Data Security & Protection Manager and DPO
October 2023	<p>Section 1 Introduction - updated to include reference to 'staff' and 'students' records</p> <p>Section 2 Legislative background - updated for reference to 'personal' records instead of just 'health' records</p> <p>Section 5 Definitions - updated with patient / former patient record definition</p> <p>Section 7.2 Staff and student information added</p> <p>Section 7.3 staff member, student or applicant added</p> <p>Section 7.11 Fees - reference to Health records has been replaced with the generic 'records'</p> <p>Flow chart of process (appendix 2)</p>	Marion Shipman, Associate Director Quality and Governance

## 1. Introduction

The Data Protection Act (DPA) 2018 sets out the data protection framework in the UK, alongside the UK General Data Protection Regulation (GDPR). This legislation gives individuals the right to access personal information that the Tavistock and Portman NHS Foundation Trust holds about them.

The UK GDPR and DPA 2018 give living individuals, or their authorised representatives, the right to apply to see certain personal data held about them, including health records. This procedure has been written in line with the Information Commissioners (ICO) guidance on access to personal information and details the Trust's approach to managing:

- Subject Access Requests (SARs) made under the UK GDPR and DPA 2018
- Requests for access to the health records of deceased people made under the Access to Health Records Act 1990.

The Trust works to a framework for handling patient, staff and student records in a confidential and secure manner to meet ethical and quality standards, ensuring personal information is dealt with legally, securely, effectively and efficiently to deliver the best possible care to current and past patients and in compliance with the aforementioned Legislation.

This Subject Access Request Procedure should be followed upon receipt of a request for access to personal information under the UK GDPR and DPA 2018.

Requests for the health records of a deceased patient do not fall within the framework of DPA/UK GDPR and are not subject to the same statutory timeframes as Subject Access Requests. Instead, they are processed in line with the requirements of the Access to Health Records Act 1990.

## 2. Legislation background

The main legislative measures that give rights of access to personal records include:

The UK GDPR, DPA 2018 – right for living individuals to access their own records. The right can also be exercised by an authorised representative on the individual's behalf. Under Article 15 of the GDPR, subject to certain exemptions, an individual is entitled to be informed whether personal data about them is being processed by or on behalf of the Data Controller.

If data is being processed; the individual has the right to be given: a description of the data, the purposes of the processing, if the information has been/will be shared and to whom it has been/will be disclosed. The individual is also entitled to have the information communicated to them in an intelligible format. This procedure recognises and responds to these rights.

The Subject Access Request Procedure contains a number of safeguards and exceptions that are designed to ensure the following:

- The identity of an individual who provided/recorded information should not be disclosed, nor should the identity of any other person/s referred to in the record(s) of the individual requesting access, unless explicit consent has been given. This does not include entries by a registered health professional who has compiled or contributed to the health records, or who has been involved in the care of the patient.
- The identity of the applicant or their representative has been verified, consent has been provided where required and the Trust is satisfied the applicant is entitled to access the information requested.
- Individuals have a right to access information held about them, although there are exceptional reasons and tightly defined situations where this can be denied upon clear justification by a relevant registered health professional or members of faculty. This is likely to apply only where clinical/professional opinion concludes that serious harm to the requestor, or any third party, may result if the requested information is shared.
- Tavistock and Portman NHS Foundation Trust is a Data Controller and can only provide information held by the organisation.

The Freedom of Information Act 2000 has been amended to provide individuals with additional rights in regard to personal data held by a public authority. In particular, individuals can gain access to, manual data about themselves regardless of how the filing record or record keeping system containing the data is organised.

Data subjects also have the right to receive personal data concerning them in a structured, commonly used and machine-readable format. If access to manual data is required, the requester must describe the information in a way which allows it to be located. A general request such as "please send me all of the data which you hold about me" is not sufficient, in terms of access to unstructured manual data, and will require further clarification to be sought.

There is no statutory requirement to complete an application form, it is however provided to all applicants as it is useful in ensuring all relevant information is identified and supplied. If the application form is completed and all relevant information including identity verification is provided then Tavistock and Portman NHS Foundation Trust must confirm if the personal data is held relating to that individual and then provide them with a copy of the requested data, in a suitable format.

### 3. Purpose

The purpose of this procedure is to:

- Provide a framework for the Trust to ensure compliance with Data Protection Legislation; UK GDPR, DPA 2018 and Access to Health Record Act 1990.
- Ensure that implementation of Subject Access Requests (SARs) are supported by the Trust's operational processes
- Ensure that individuals or third party representatives have the right to make the request and that their SAR is treated equally within the law

### 4. Scope

This procedure relates to all personal data of patients, staff and students (data subjects) held by the Trust and covers information held across all formats including, but not limited to electronic systems and paper records. The procedure applies to all staff members whether permanent or temporary or

contracted-in (either as an individual or through a third party supplier, e.g. trainee Doctors).

This procedure should be read in conjunction with the Health Records Management Procedure, which provides additional detail on the management of clinical records within the Trust.

Freedom of Information Act 2000 requests are outside the scope of this procedure and also where it is established that another legislative requirement supersedes the GDPR.

## 5. Definitions

Term	Definition
Clinical notes/records	The clinical notes of the work with the service and service user.
Data controller	A person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data.
Data subject	The identified or identifiable living individual to whom personal data relates.
Patient record	The integrated digital care record (IDCR) contains all the personal information about a service user and their care. Such information may include the clinical notes, letters and legal documents, reports, and any other records required to be held on the service user. Different categories of information are held under specific tabs on the electronic record for ease of reference. CareNotes is the current electronic system used, however there are also paper files stored for past service users.
Personal data	Any information relating to a person (a 'data subject') who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that person.

Redact(ion)	This is the separation of disclosable from non-disclosable information by blocking out individual words, sentences or paragraphs or the removal of whole pages or sections prior to the release of the document.
Student/ former student record	The integrated student record contains all the personal information about a service user and their education / training. Such information may include applications, interview notes, assessments and marks, awards and any other records required to be held on the service user. MyTAP is the current electronic system used, however, there are also paper files stored for past service users.
Subject Access Request (SAR)	A Subject Access Request is a written, signed request from an individual to see information held on them. The Trust must provide all such information in a readable format within 30 days of receipt of the request.
Third party / Representative	A person or organisation other than the data subject (past or current service user) acting on behalf of the individual.

## 6. Individual roles and responsibilities

### **Chief Executive Officer**

The CEO is responsible for appointing an officer who is accountable for the management of SARs. The CEO has appointed the Associate Director of Quality and Governance to have lead responsibility for the management of SARs.

### **Associate Medical Director and Caldicott Guardian**

The Associate Medical Director, in conjunction with the Medical Director set the standards for clinical record keeping in the Trust.

### **Caldicott Guardian**

The Trust Caldicott Guardian is the key point of contact for the Access to Records Officer and other Trust staff members to ensure that patient data is handled with strict adherence to confidentiality by the Trust and in line with Caldicott

principles. The Trust's Caldicott guardian is there to provide expert advice and guidance on compliance with Subject Access Requests.

### **Director of Corporate Governance/SIRO**

The Director of Corporate Governance/SIRO is responsible for overseeing the Trust's handling of Subject Access Requests. They will also provide support to the Access to Records Officer in the event of any challenging requests.

### **Information Governance**

The information governance team will be responsible for processing all patient Subject Access Requests (SARS) in line with Trust policies and liaising with SARS Administrators within HR, DET and GIC for reporting purposes.

Identified for advising on complex enquiries and ensuring compliance with regulations.

### **All staff members who create a clinical record for a past/current service user**

All clinicians within the Trust should recognise that current and past service users have a right to request access to their health records held by the Trust. In the event that a SAR is made then clinicians involved in the service users care may be asked to review the patient record, advise on disclosure and redact if necessary.

### **Medical Records**

Responsible for extracting archived clinical paper records from manual storage.

### **HR Director**

Current and past staff members have the right to request access to their individual HR records held by the Trust. In the event that a SAR is made then the HR Director will be asked to review the staff record, advise on disclosure and redact if necessary.

### **Director of Education and Training / Dean of Postgraduate Studies**

Student (current and past), and faculty (staff and visiting lecturers) have the right to request access to their individual records held by the Trust. In the event that a SAR is made then the Director of Education and Training and Dean of Postgraduate Studies will request that the Dean's Office Manager be asked to review the student / staff record, advise on disclosure and redact if necessary.

#### **Clinical / HR/ DET Department or Team**

Will be responsible for making a printed copy of the relevant notes.

## **7. Procedure for the request of records**

The following procedure provides direction to patients (past and present), staff (past and present), students (past and present) and applicants and their representatives about the provision of access to individual records. The reasons for requesting access is not required. In order for the request to be processed the following is required:

- Sufficient information to identify the relevant patient, staff member, student, or applicant;
- Additional information which might assist in the location of the file;

### *7.1 Receipt of the request for disclosure*

Subject Access Requests should be made in writing, either by letter or email to [SAR@tavi-port.nhs.uk](mailto:SAR@tavi-port.nhs.uk) and can be made by the following:

- Personally (data subject);
- A person authorised by the individual in writing to make an application on an individual's behalf;
- A person having parental or guardian responsibility for the individual where he/she is a child. Please note, where a child is 13 years old or over and has capacity, their consent must be obtained before their information can be shared with a third party. In some instances children under 13 may be judged to have capacity. This must be taken into account and each request assessed individually – see under Disclosure detail paragraph below);
- Police requests;

- Court Order or individuals appointed by a court to manage the affairs of the individual;
- A person appointed by the courts to manage the affairs of an individual who is deemed mentally incapacitated in order to fulfil their function to seek access (Mental Capacity Act 2005);
- Where an individual has died, the personal representative and any person who may have a legitimate claim arising out of the individual's death;
- Solicitor acting on behalf of an individual.

All such requests should be (exceptions apply for court orders):

- Handled by the Access to Records Officer, or a deputy for health records;
- In writing signed by the applicant, a legally appointed representative of the applicant, or for health records requests in the case of a child, by someone who holds parental responsibility for the child (but see above and below under Disclosure detail regarding children aged 13 and over);
- Requests will be passed to the relevant clinician if the patient/past service user is asking to review their health records. The clinician will consider the request, review the file and make arrangements to meet with the patient/past service user;
- Verified using the disclosure process;
- Passed to the HR Director or Director of Education and Training / Dean's Office Manager where the request relate to staff / former staff HR records or student / former student / applicant records.

#### Disclosure detail

- In the case of a deceased individual's health records, access to any part(s) of the record(s) which are relevant shall only be given to the personal representative and to anyone with a legitimate claim which may arise out of the individual's death.
- A person with parental responsibility for a child does not have automatic access to that child's records (see above regarding children aged 13 and over). Health care professionals may consider a child capable of understanding what the application is about. The child can then prevent any person with parental responsibility from having access to their records. Where

the health professionals consider a child is not capable of understanding the nature of the application, the holder of the record has the right to either allow or deny access. Such a decision must be based on justifications about the individual's best interest.

- A solicitor acting on behalf of an individual can request copies of any records held about that individual. The solicitor must provide adequate evidence of authorisation from the individual that they have permission to access the data requested.
- Individuals who hold a Lasting Power of Attorney (for Property and Affairs or Health and Welfare) or an Enduring Power of Attorney (created before the 1st October 2007) can also make a request on behalf of an individual. This is where one or more persons', who do not have to be the next of kin, can make decisions regarding an individual who is no longer able to consent for themselves. General Power of Attorney will not be accepted by Tavistock and Portman NHS Foundation Trust to make a request on behalf of another individual.
- The Police may request access to personal data of individuals. Whilst there is an exemption in the GDPR which permits the Trust (Tavistock and Portman NHS Foundation Trust) to disclose information to support the prevention and detection of crime, the Police have no automatic right to access; however they can obtain a Court Order which the Trust must comply with – for further information – see Article 12 to 22 and 34 of GDPR.

### *7.2 Verification of the identity of the data subject*

- The Trust has a legal obligation to ensure that it does not breach any data subject's confidentiality. All reasonable steps must be taken to ascertain the identity of the data subject to ensure only the relevant information is disclosed
- The patient, staff, student or applicant or their legally appointed representative will be asked to provide information to enable the trust to identify the relevant records this will include;

*Name of patient*

*Date of birth*

*Address registered at the time of contact*  
*Hospital No /NHS number / student/applicant number*  
*Service in which they were seen*  
*Name of clinician seen*  
*Approximate dates of contact with the trust*

### *7.3 Verification of Identity*

The requestor will be required to provide evidence of their identity and evidence of their authority to request disclosure if not the patient, staff member, student or applicant.

#### ***List A***

Requestors will be asked to supply a copy of one of the following to support their application:

- Valid passport
- EU photo driving licence. Driving licences that do not have a photo are not acceptable
- EU/ELEA National Identity Card
- Northern Ireland Voters Card (with photograph)
- Firearms or shotgun licence (with photograph)

#### ***List B***

If the data subject cannot provide one of the above, they will be required to supply two documents from list B:

- Benefits or State pension notification letter
- Current UK non-photo driving licence
- Blue disabled drivers pass
- All other current signed passports with valid UK Visa not listed above
- UK Birth Certificate (under 18s only)
- National Insurance Card (under 18s only)
- Medical Card/Certificate (under 18s only)

### *7.4 Verification of Address*

#### ***List C***

The requestor will be required to provide evidence of an address in the form of a photocopy of one of the following:

- Bank, Building Society or Credit Union statement (we do not accept statements printed off the internet)
- Current UK non-photo driving licence (only if it is not been used as proof of identification)
- Utility Bill/Utility Statement or Certificate/Letter from a supplier of utilities dated within the last 3 months
- Local authority tax bill/council tax bill for current year
- Benefits or pensions notification letter confirming the right to benefit (only if it has not been used as proof of identification)

Prospective requests will not be accepted until the Trust has satisfied itself as to the identity of the requestor.

#### *7.5 Confirmation of authority for those acting on behalf of others*

In addition to the information required in the sections above, those acting on behalf of others will also need to supply written authority from the prospective subject, or an explanation of the circumstances why this is not possible (e.g. parent of a child if incapable of understanding the request) , and proof of their identity. Requests received from statutory agencies (e.g. the police or HMRC) or a personal representative (e.g. solicitors) should be accompanied by a signed letter of authority to disclose.

#### *7.6 Details of what is being requested*

In addition to verifying identity, the administrator should liaise with the requestor to find out which records they are requesting. For patient requests, we will ask for the reason for disclosure to see if we can assist the patient, however, the patient is not legally obliged to tell us the reason for their request.

- Why the information is being requested
- Approximately when they attended the Trust
- Which department were they seen in and name of their clinician if known

#### *7.7 Process for providing access*

Details of the request are sent by the relevant patient, staff, student SARS administrator to the relevant individual as follows:

- Patient record requests are sent to the senior clinician(s) who should review the record and provide advice on disclosure, or to the relevant head of service for them to delegate as appropriate.

If there may be grounds for withholding all or part of the record (see the section below) the clinician should consult with the Caldicott Guardian who will provide advice on disclosure.

- Staff / former staff (human resources) requests are sent to the HR Director to review the record and provide advice on disclosure.
- Student / former student / applicant file requests are sent to the Director of Education and Training / Dean's office Manager to review the record and provide advice on disclosure.

### *7.8 Grounds for withholding access – review of information*

#### Patient Record Requests

Before the patient's health record is released, an appropriate health professional should ensure that they have checked the record and considered if allowing access would result in either of the following:

- Serious harm to the physical or mental health condition of the patient, or of any other person as advised by the health professional
- Or
- Disclosure of information relating to, or provided by a third person (not a health professional), who had not consented to that disclosure.

If either of these applies then the Trust may deny or limit access to the record.

The Trust is required to advise applicants if information has been withheld unless all or part of the records are withheld on the grounds that they may cause serious harm to the physical or mental health condition of the patient in which case there is no obligation to notify the applicant that records have been withheld. Details of the course of action, reasons for withholding information and if consent is relevant, why it was not sought or considered not appropriate must be clearly

documented and saved with the rest of the SAR documentation as a court order seeking disclosure might subsequently be sought by the individual or their representative.

Where third party information is included as much of the information requested should be given without disclosing the identity of any third party where possible unless it is reasonable given all of the circumstances to disclose without consent. If the third-party information has previously been provided to, or is known by the applicant, or it is generally available, it would be considered reasonable to disclose the information without consent.

There are other unusual circumstances when requests may be declined, and you can contact the Trust's Caldicott Guardian for further information. In addition, if the application is for access to a deceased person's record and the record contains information that the deceased person expected to remain confidential then it must remain so.

#### Staff / Former Staff Record Requests

If consent has not been obtained for the disclosure. The relevant department manager should also consider if disclosure would cause the member of staff (former staff) any harm or distress on receipt of the information.

#### Student / Former Student / Applicant Record Requests

If consent has not been obtained for the disclosure. The relevant department manager should also consider if disclosure would cause the student/former student/applicant any harm or distress on receipt of the information.

### *7.9 Responding*

The Trust has a maximum of 1 calendar month to respond to a subject access information request. This is from the day after relevant identity checks have been completed. Complex requests may require a maximum of three calendar months. If disclosure is agreed the relevant clinical / GIC/HR/ DET Access to Records Officer should arrange photocopy and dispatch of the records, which

must be sent in line with the Trust safe haven procedure e.g. recorded/ special delivery, or collected in person from the Trust on presentation of identification.

A letter of confirmation that the application has been completed should be sent with the information including the reasons for the data processing. If payment has been requested the information will be sent once this has been received.

### Supervised Access to Records

Viewing the records can be an option as long as this is agreed by the individual and the Caldicott Guardian or IG Manager and DPO (or suitable representative nominated by the Caldicott Guardian).

If the viewing is supported, the viewing date and time agreed should be documented and an invitation letter to attend the viewing sent to the applicant. This letter should include that the data subject or deceased person's personal representative can attend with a supporter / advisor. When giving feedback consider whether there are any codes or acronyms within the documentation which should be explained to the applicant.

The records must not be left unattended with the individual so a team member / department representative must remain in the room to ensure that the records are not tampered with and to explain any entries or terminology or to decipher and help with any legibility queries.

### *7.10 Access Log*

A log will be kept by the administrator to record how the Trust is complying with the request.

SAR documentation held locally is an information asset and should be logged with the Trust Information Asset Management (IAM) system.

### *7.11 Fees*

The Trust will waive fees for anyone requesting access to their records unless requests are ‘manifestly unfounded or excessive, in particular because of their repetitive character’. If the request is denied on these grounds a reasonable fee may be charged for the administrative costs of complying with the request. If this is the case the Trust must demonstrate that the request was excessive or manifestly unfounded. A fee may also be charged if an individual requests further copies of their data following a request.

A requestor has three months in which to pay these charges, if no payment is forthcoming, then the request will be deemed to have been withdrawn.

### *7.12 Correcting a Record*

#### Patient Record Requests

If, after accessing the record, the patient feels that information recorded on their health record is incorrect then they should be advised to discuss the situation with the health professional in an attempt to have the record amended. If the matter is not resolved they should be advised of the current complaints policy and procedure as outlined in the Complaints Procedure.

Statements of professional opinion cannot be changed. The Trust suggests in line with good practice that the patient is allowed to include a statement in their record that they disagree with specific parts of their record. The patient could further complain to the Information Commissioner, who may rule that any erroneous information is rectified, blocked, erased or destroyed, or they may seek legal independent advice to pursue their complaint.

#### Staff / Former Staff or Student/Former Student/Applicant Record Requests

If, after accessing the record, the staff member/ student / applicant feels that information recorded on their record is incorrect then they should be advised to discuss the situation with the HR Director or Director of Education and Training/ Dean’s office Manager in an attempt to have the record amended.

## 8. Training requirements

National training is available at <https://portal.e-lfh.org.uk/>

The session is aimed at members of staff who are managing subject access requests (SARs), taking on responsibility for SARs or providing data for SARs

## 9. Process for monitoring compliance with this procedure

The Associate Director for Quality and Governance is responsible for ensuring compliance with this procedure and reporting to the Information Governance and Security Workstream.

## 10. References

- ICO (2017), SAR Code of Practice, 20170609 v1.2
- Gov. (1990) Access to Health Records Act,  
<http://www.legislation.gov.uk/ukpga/1990/23/contents>
- Records Management Code of Practice for Health and Social Care.
- HSCIS (Dec 2014), Code of practice on confidential information, v1.0
- General Medical Council (April 2013), Good Medical Practice, London,  
[http://www.gmc-uk.org/good\\_medical\\_practice.asp](http://www.gmc-uk.org/good_medical_practice.asp)
- Health Professions Council, Standards of conduct, performance and ethics: Your duties as a registrant, London. [www.hpc-uk.org](http://www.hpc-uk.org)
- Nursing and Midwifery Council, January 2005. Guidelines for records and record keeping. Guidance -01-05, Nursing and Midwifery council, London.  
<https://www.nmc-uk.org.uk/standards/>
- Public Records Act 1958
- Gov.uk (1998), Data Protection Act, [www.gov.uk/data-protection/the-data-protection-act](http://www.gov.uk/data-protection/the-data-protection-act)

## 11. Associated documents

- Complaints procedure

## Appendix 1: Equality Impact Assessment

<b>Completed by</b>	<b>Marion Shipman</b>
<b>Position</b>	<b>Associate Director Quality and Governance</b>
<b>Date</b>	<b>2 March 2018</b>

The following questions determine whether analysis is needed

	Yes	No
Is it likely to affect people with particular protected characteristics		X
Is it a major policy, significantly affecting how Trust services are	X	
Will the policy have a significant effect on how partner organisations operate in terms of equality?		X
Does the policy relate to functions that have been identified through engagement as being important to people with particular protected characteristics?		X
Does the policy relate to an area with known inequalities?		X
Does the policy relate to any equality objectives that have been set by the		X
Other?		X

If the answer to *all* of these questions was no, then the assessment is complete.

If the answer to *any* of the questions was yes, then undertake the following analysis:

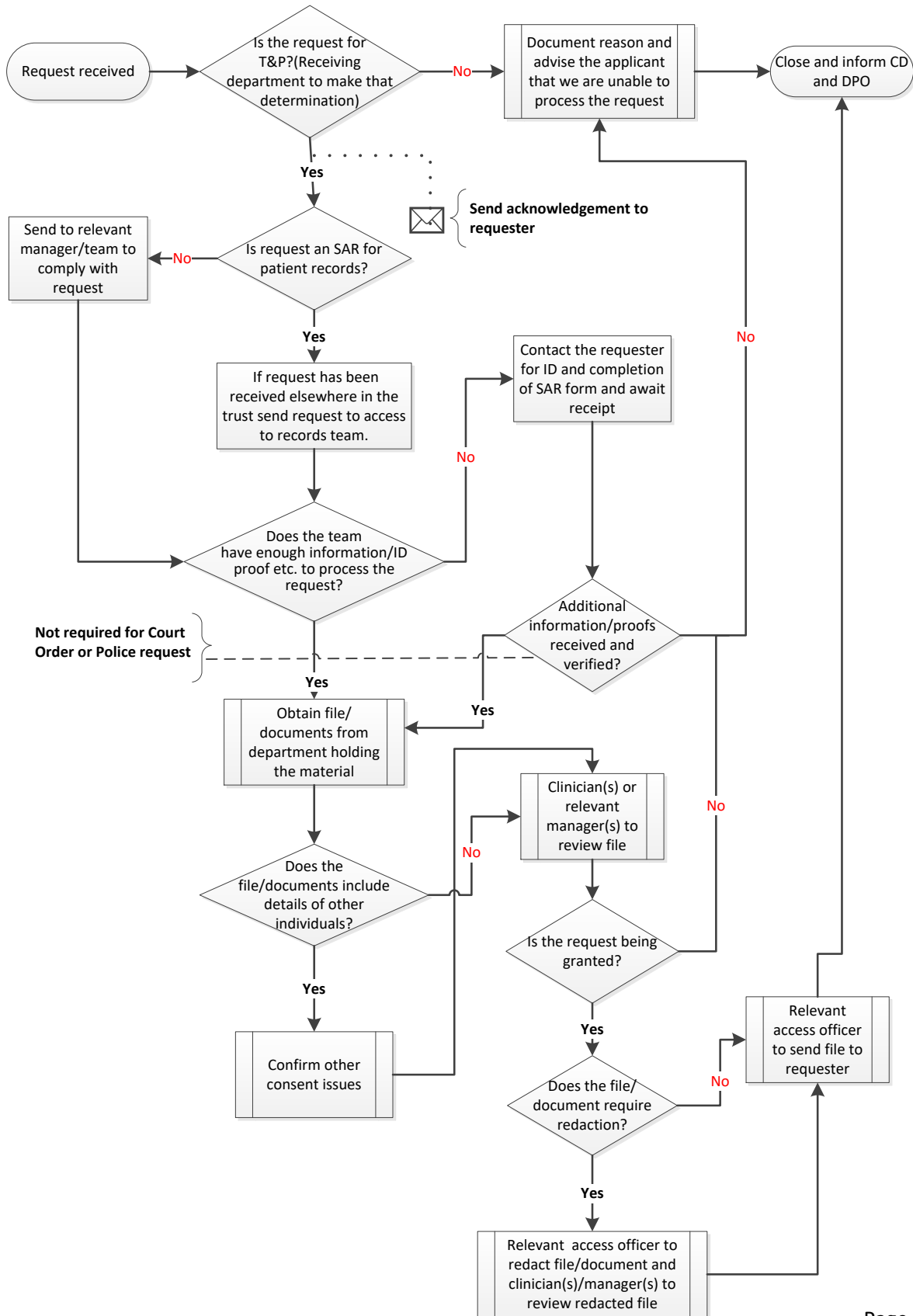
	Yes	No	Comment
Do policy outcomes and service take-up differ between people with different protected characteristics?		X	
What are the key findings of any engagement you have undertaken?			NA
If there is a greater effect		X	
On one group, is that consistent with the policy aims?			NA

If the policy has negative effects on people sharing particular characteristics, what steps can be taken to mitigate these effects?		X	
Will the policy deliver practical benefits for certain groups?		X	
Does the policy miss opportunities to advance equality of opportunity and foster good relations?		X	
Do other policies need to change to enable this policy to be effective?		X	
Additional comments			

If one or more answers are yes, then the policy may be unlawful under the Equality Act 2010 – seek advice from Human Resources (for staff related policies) or the Trust’s Equalities Lead (for all other policies).

## Appendix 2: Flow chart of process

### SAR PROCESS



Appendix 3: Application for Access to Records form

**APPLICATION FOR ACCESS TO PERSONAL INFORMATION**

You are advised that the making of false or misleading statements in order to obtain access to personal information to which you are not entitled is a criminal offence.

**(PLEASE COMPLETE IN BLOCK CAPITALS AND BLACK INK)**

**Section 1. Individual's details requested (Note 1)**

**Application Form No.....**

<b>Surname</b>		<b>Forename</b>	
<b>Address</b>		<b>Date of Birth</b>	
		<b>Sex</b>	
		<b>Telephone Number - Home</b>	
		<b>Telephone Number - Other</b>	
<b>Postcode</b>		<b>NHS Number</b> (if known)/ <b>Student Number</b> <b>Number</b> (delete as required)	

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

<b>Previous Surname</b>	
<b>Previous Address</b>	
<b>Dates To / From</b>	

## Section 2. Description of the information you require (Note 2)

Please provide as much information as possible. Give full details of all the periods you are interested in. Please add any additional comments below.

Types of Information Required	Date
<b>Comment</b>	

## Section 3. Type of Record Requested (Note 3)

Please specify your preference by placing a tick (✓) in the appropriate section(s) - please discuss with staff if you are unsure.

Details	Manual (Paper)	Electronic
View Original Record Only		
Photocopy or Printout Only		
View Original Records and receive photocopy		

## Section 4. Declaration (Note 4)

I declare that the information given by me is correct to the best of my knowledge and that I am entitled to apply for access to the personal information referred to above under the terms of the Data Protection Legislation - General Data Protection Regulation (GDPR), Data Protection Act 2018 (DPA 2018) / Access to Health Records Act 1990.

Applicants Name	
Address to which reply should be sent (if different from above) including postcode	
Signature of Applicant	

(If you are not the person named in Section 1, please tick (✓) one of the following boxes.

- I am the parent/guardian of an individual under 16 years old who has completed the Authorisation section (Section 5)
- I am the parent /guardian of an individual under 16 years old who [is unable to understand the request / has consented to my making this request]
- I am the deceased patient's personal representative and attach confirmation of my appointment by a court to manage the patient's affairs
- I am the legal representative of the individual, and they have given signed authorisation (Section 5)
- Other (please specify)

## Section 5. Authorisation (Note 5)

I hereby authorise Tavistock and Portman NHS Foundation Trust to release any personal data that they may hold relating to me to

..... (enter the name of the person acting on your behalf), to whom I have given consent to act on my behalf.

Signature of Applicant..... Date.....

Please return the application to the contact in the  
acknowledgement letter

## Guidance Notes:

### Information on applying for access to personal information

The GDPR article 15 gives you a statutory right of access to your personal records (manual or computer). There is no statutory requirement to complete an application form, it is however provided to all applicants as it is usual in ensuring all relevant information is identified and supplied. If the application form is completed and all relevant information including verification is provided, then the Tavistock and Portman NHS Foundation Trust must confirm if the personal data is held relating to that individual and then provide them with a copy of the requested data in a suitable format.

In certain circumstances your records or part of your records may be withheld under the terms of the legislation, but if that is the case this will be discussed with you.

- You may wish to authorise someone else to make an application on your behalf.
- If you have parental responsibilities you may make an application to see your child's notes (see guidance note 5).

### Proof of Identity

You must provide two types of identification. These may be:

- Birth Certificate
- Passport
- Driving Licence
- Medical Card
- Staff ID badge (for members of staff only)
- Student ID badge (for students only)

In addition, proof of address must be provided e.g. bank statement, utility bill or Tax certificate. Originals must be produced when collecting your information. If you wish to have information sent out to you, photocopies of identification information may be sent to Tavistock and Portman, but must be verified by a "person of standing" e.g. employer, doctor.

### Health records

If you wish to learn more about your health care, you can discuss this with health

service staff during your consultation or treatment and you can ask to see your health records at that time. However, in order to benefit from the full provisions of the Data Protection Legislation: (GDPR) and Data Protection Act 2018 (DPA) a formal application in writing is necessary.

### Fees Payable

In most cases the Trust will provide personal information for free but where the request is manifestly unfounded or excessive we may charge a "reasonable fee" for the administrative costs of complying with the request.

We can also charge a reasonable fee if an individual requests further copies of their data following a request, and this only be based on the administrative costs of providing further copies.

### Timescale

Tavistock and Portman NHS Foundation will deal with your request promptly, and in any event the records will be sent to you within 30 calendar days of receipt of your accurately completed form (if submitted) and your fee where applicable. If we encounter any difficulties in locating your data we will keep you informed of our progress.

### Complaints

If you wish to complain about any aspect of the manner in which your access request was handled, in the first instance you should submit your complaint in writing to the address below where it will be dealt with through the Complaints Procedure.

The Tavistock and Portman NHS Foundation Trust

Complaints Office

120 Belsize Lane

London, NW3 5BA

Tel: 0207 4357 111

[Complaints@tavi-port.nhs.uk](mailto:Complaints@tavi-port.nhs.uk)

If you are still not satisfied with the response you receive you may refer your complaint to the Information Commissioner

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Telephone: 0303 123 1113  
Email: [casework@ico.org.uk](mailto:casework@ico.org.uk)  
Website: [www.ico.org.uk](http://www.ico.org.uk)

## **Notes to assist in the completion of the form**

### **Applicant's Details (Note 1)**

Please ensure that this section is completed as fully and accurately as possible to enable us to trace all the data relating to you. This is particularly important if your name and/or address have changed since the period to which your application refers.

### **Description of the Information you require (Note 2)**

Under the Data Protection Legislation: GDPR, DPA 2018, you do not have to give a reason for applying for access to your personal information. However, if you wish to complete as much of this section as you can, it may help us to find your details with the minimum of delay. While you are entitled to receive all the data we hold about you, you may wish to only receive information relating to one or more specific time periods, or types of documents. If this is the case please specify in the "comments section" provided or discuss with the person handling the application.

### **Type of Records requested (Note 3)**

The Data Protection Legislation (GDPR) covers both manual (paper) and electronic records. Please mark which type of record you wish to access. If you wish to receive photocopies these will be sent out to you within 30 calendar days, as specified by the Legislation.

### **Declaration (Note 4)**

The person making the application must complete this section.

- a) If you are the applicant, please sign section 4
- b) If you are completing this application on behalf of the individual in most instances, Tavistock and Portman NHS Foundation Trust will require

authorisation before we can release the data to you. The individual whose information is being requested should be asked to complete the “Authorisation” section of the form. (Section 5)

- c) If the patient is a child i.e. under 13 years of age, someone with parental responsibilities may make the application; in most cases this means a parent or guardian. If the child is capable of understanding the nature of the application his/her consent should be obtained or alternatively the children may submit an application on their own behalf. Generally, children will be presumed to understand the nature of the application if aged between 13 and 16. All cases will be considered individually.

### **Authorisation (Note 5)**

The individual whose information is being accessed must complete this section, authorising Tavistock and Portman NHS Foundation Trust to release information to the named applicant.

Identification documents to receive personal information: An applicant should provide:

- One form of personal photo ID and one document confirming their address must be provided from different sources.

### **Acceptable Photo Personal Identity Documents**

- Current UK (Channel Islands, Isle of Man or Irish) passport or EU/other nationalities passports.
- Passports of non-EU nationals containing UK stamps, a visa or a UK residence permit showing the immigration status of the holder in the UK\*
- Current UK (or EU/other nationalities) Photo-card Driving Licence (providing that the person checking is confident that non-UK Photo-card Driving Licences are genuine)
- A national ID card and/or other valid documentation relating to immigration status and permission to work\*.

Where the applicant is not able to provide acceptable photographic ID, the following must be provided: –

- One form of non-photographic personal identification and one document confirming the address must be provided from different

sources.

- A passport sized photograph, endorsed on the back with a signature of a 'person of standing' who has known them for at least 3 years (e.g. magistrate, medical practitioner, officer of the armed forces, teacher, lawyer civil servant) or

Any document not listed above is not an acceptable form of identification e.g. organisational ID card.

### **Acceptable Non-Photo Personal Identity Documents**

- Full UK Birth Certificate – issued within 6 weeks of birth;
- Current Full Driving Licence (old version); (Provisional Driving Licences are not acceptable);
- Residence permit issued by Home Office to EU Nationals on inspection of own-country passport;
- Adoption certificate;
- Marriage/Civil Partnership certificate;
- Divorce or annulment papers;
- Police registration document;
- Certificate of employment in HM Forces;
- Current benefit book or card or original notification letter from the Department of Work and Pensions (DWP) confirming legal right to benefit;
- Most recent HM Revenues and Customs (previously Inland Revenue) tax notification;
- Current firearms certificate;
- Application Registration Card (ARC) issued to people seeking asylum in the UK (or previously issued standard acknowledgement letters, SAL1 or SAL2 forms);
- GV3 form issued to people who want to travel in the UK without valid travel documents;
- Home Office letter IS KOS EX or KOS EX2;
- Building industry sub-contractor's certificate issued by HM Revenues and Customs (previously Inland Revenue)

### **To confirm address, the following documents are acceptable:**

- Recent utility bill or a certificate from a supplier of utilities confirming the arrangement to pay for the services on pre-payment terms (note: mobile telephone bills should not be accepted as they can be sent to different addresses).
- Utility bills in joint names are permissible; \*
- Local authority tax bill (valid for current year); \*

- Current UK photocard driving licence (if not already presented as a personal ID document);
- Current Full UK driving licence (old version) (if not already presented as a personal ID document);
- Bank, building society or credit union statement or passbook containing current address;
- Most recent mortgage statement from a recognised lender; \*
- Current local council rent card or tenancy agreement;
- Current benefit book or card or original notification letter from Department of Work and Pensions (DWP) confirming the rights to benefit;
- Confirmation from an electoral register search that a person of that name lives at the claimed address; \*
- Court Order. \*

\*The date on these documents should be within the last 6 months (unless there is a good reason for it not to be e.g. clear evidence that the person was not living in the UK for 6 months or more) and they must contain the name and address of the applicant.