

STELLAR HEALTHCARE SUBJECT ACCESS REQUEST POLICY

1. Accessing Your Health Records

To receive a copy of the personal information we hold about you, you must make a formal application called a **Subject Access Request**.

If a person mistakenly asks for a copy of their record under the Freedom of Information Act, we will contact them and clarify their request to confirm what they want a copy of.

2. Subject Access Requests

Under UK GDPR (UK General Data Protection Regulation), you have a right to apply for a copy of the personal health information we hold about you.

Your health record contains information about your mental and physical health recorded by a healthcare professional as part of your care.

Some types of personal data are exempt from the right of subject access and so cannot be obtained by making a subject access request. If we are unable to provide you with data, we will include an explanation why.

3. How to make a request

Subject access requests can be made in writing or verbally.

We will accept all requests, however we find if you complete the questions on our Subject Access Request Form, we are able to manage and respond to requests more quickly and effectively, as we should have all the information we need.

Please download and complete the form so it is clear to us the information you require.

It's a good idea to state the dates of the records you require when you apply.

Please send the completed form with the associated documentation required, via email to gandj.gpcorrespondence@nhs.net or by post to:

Stellar Healthcare
Gardens & Jacobs Neurological Centres
Subject Access Request Officer
High Wych Road
Sawbridgeworth
Essex
CM21 0HH

4. Fees

Generally, there is no charge to make a Subject Access Request.

However, under GDPR in some circumstances a reasonable fee can be charged for further copies of the same information or when a request is manifestly unfounded or excessive, particularly if it is repetitive.

This fee will be based on the administrative cost of providing the information.

5. Timescales

When we receive your request, we will send you an acknowledgement letter confirming receipt and outlining any further requirements (e.g. identify details) or clarifications.

You will receive a response no later than one calendar month after your application is received, your identity is checked, and any relevant fee is paid.

If your request is especially complex, we may extend the response time by a further two months. However, we will let you know within one month of your original request, providing the reasons we need more time.

6. Third-party information

Third-party information is information that has not come directly from the patient themselves or those treating them. An example is a concerned friend about the memory loss of a patient.

If a record contains information that relates to a third party who has not given their consent for disclosure, it may be reasonable not to disclose that information if we believe the duty of confidentiality we owe to the third party outweighs you as the individual's right of access.

In these circumstances we will redact the third-party information. and inform you of the reason for the redaction.

The names and roles of health and care professionals who have been involved in providing care to a patient would typically be disclosed under a SAR. If there is a reason to withhold them, we will explain why.

7. When we may refuse a request

We do not have to provide a copy of your health and care records if we believe your request is 'manifestly unfounded or excessive'.

Subject access requests that fall into this category are likely to be one of the following:

- Repetitive (for example, regular requests for copies of records especially where there has been little or no change to the record since the previous request)
- Aimed at disrupting our organisation
- Targeted against an individual

Decisions about whether a SAR falls into this category will be taken on a case-by-case basis and any decision will be justified with evidence.

Stellar Healthcare may charge a fee when there are excessive requests.

8. Other People's Health Records

You can apply for records on behalf of another individual in exercise of their rights by a subject access request.

As a general rule, parental responsibility will give you the right to apply for access to a child's health record.

If you want to see the health records of someone who has died, you must apply in writing under the Access to Health Records Act (1990).

The personal representative (executor or administrator of the estate) of the deceased, or any person who may have a claim arising out of the patient's death, may apply for access.

9. Sharing confidential information with a third party

The Data Protection Act 2018 and the ethical codes of conduct of all health care professionals require that medical data be treated with great respect for confidentiality.

Stellar Healthcare are therefore not permitted to share any medical details with a third party without your consent.

If a 3rd party, such as a solicitor, makes a request on your behalf, they must make clear they have your permissions.

If the request is made by someone else on behalf of the patient, we are required to check the identity of the requestor, and that they have suitable authority to act on behalf of the patient (such as consent from the patient or having lasting power of attorney). Examples of proof of identification can be driving licence, passport, birth or marriage certificate.

9.1. SARs from individuals with Powers of Attorney

A person with a lasting power of attorney (LPA) for health and welfare has been appointed by a court to manage the affairs of an individual when they no longer have capacity to do so themselves. A SAR can only be submitted by the data subject (the patient) or by a person authorised by them to make a SAR on their behalf.

Generally, we will comply with a SAR request submitted by a person who holds LPA as they effectively become the person they are acting on behalf of. As with all SAR requests, proof of identity checks will need to be carried out, and records redacted where legally allowed.

9.2. SAR's relating to children

Parents or legal guardians of children can submit a request for their child's record, and these will be treated as a valid request, and processed accordingly (along with parental identity checks).

If a child is deemed to have capacity to deal with their affairs, then a parent or legal guardian cannot submit a request on their behalf, unless the child consents.

Where a person is requesting information about a child, reasonable efforts will be made to verify that a person does, in fact, hold parental responsibility for that child or has proof of relationship or authority

10. Exemptions from disclosure

There may be times we withhold or redact information from a request This could be when:

- We believe that disclosure of the information is likely to cause serious physical or mental harm to the individual or another person
- The records contain information that is related to a third party (see section 6)

- The record contains medically harmful information – such as a terminal diagnosis the patient does not yet know.

11. Further information

Please contact:

Stellar Healthcare
Gardens& Jacobs Neurological Centres
Subject Access Request Officer
High Wych Road
Sawbridgeworth
Essex
CM21 0HH

A completed Subject Access Request form together with all of the necessary proof of identity documentation can be sent to: gandj.gpcorrespondence@nhs.net

For further information on the way Stellar Healthcare uses and shares your information, please see Privacy Notice for Patients.

If you are not happy how we have dealt with your request, please contact us. You can also contact the Information Commissioner's Office (ICO) on 0303 123 1113, by post at:

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

Or via their website <https://ico.org.uk/make-a-complaint/data-protection-complaints/data-protection-complaints/>