

# Subject Access to Data Policy



Category	Policy
Summary	This policy outlines BAPAM's policy and procedures regarding requests for access to records from anyone we hold personal information about, including patients, practitioners, staff and third parties.
Valid from	15 April 2018
Version	3.0
Date of next review	March 2019
Approval date/ via	BAPAM Medical Committee
Distribution	BAPAM clinicians e-mail & online forum Staff e-mail and meetings Public website
Related documents	<i>Information Governance Policy</i> <i>Data Protection Policy</i> and documents <i>Patient Contract</i>
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Further information/contacts	

## **BAPAM Subject Access To Records Policy**

### **1. Background**

BAPAM keeps data on patients, clinicians, trainers BAPAM regards all personal records including patients' medical records as a crucial component of the service it provides. It is committed to ensuring all records are accurate and are written in a way that gives full dignity and respect to individuals. BAPAM is also committed to storage and handling of records which maintains confidentiality. This policy outlines BAPAM's policy and procedures regarding requests for access to patient records, why the data is being processed; the description of the personal data and who has access to the data.

It is solely concerned with **requests from patients and third parties**.

Access to and sharing of patient information amongst BAPAM staff, clinicians and other health professionals directly involved in a patient's care through BAPAM are covered in separate policies. (*Confidentiality, Data Protection, Patient Contract*).

### **2. Process & Procedures**

#### ***i) Storage & Handling***

All record storage and handling at BAPAM is in accordance with Data Protection and GDPR legislation.

**Patient records:** All hard copy medical records – correspondence, front-sheet forms, notes, imaging - are locked away in the storage room in the London clinic at the end of the working day. Any records held by clinicians working outside London are also held securely in an appropriate location and transferred and destroyed according to our policies. Records are kept for between six and ten years after the last entry.

All computerised records are stored on an in-house electronic database. Data can only be accessed by London-based staff using computers that are password protected. (*A policy for issues around longterm storage and removal of electronic records is under development*).

#### ***ii) Patient access***

BAPAM undertakes to comply fully in granting patients access to their records as required by the Data Protection Act.

Note that BAPAM patients routinely receive a copy of the BAPAM clinicians' letter to their GP or other professionals involved in their care following their assessment. Providing copies of such letters to the patient are therefore not subject to Access requests (unless the clinician indicates reasons for restrictions) although they form part of the full patient record.

Information about this Policy appears on the BAPAM website and is referred to in the *Patient Contract*. Note that, in most instances, 'Access' refers to receiving copies of all or part of their record held at BAPAM (other than routine letters as described above): we do not offer patients opportunities to view their records where stored due to confidentiality and administrative issues.

Patients requesting access to their medical records are asked to read the attached guidance and complete the Request Form and return it to BAPAM staff. It is crucial that the form is signed and up to date details are provided.

Patients cannot directly amend their medical records but are entitled to file a statement outlining any inaccuracies and suggested amendments.

BAPAM staff will check initially with the clinician involved that it is appropriate for records to be released to the patient or third party. If so, a copy of the relevant record will be supplied to the patient free of charge, along with a covering letter inviting them to contact BAPAM if there are any issues arising from their records, including language or medical terminology they do not understand.

Records will be made available as photocopies or printouts in a sealed envelope, or as electronic files where available (at present, notes from the clinical consultation are mainly handwritten records).

Records will be sent by secure post or encrypted e-mail. It may also be possible to send records by fax (in accordance with safe haven procedures outlined in our Data Protection protocol).

Records can also be collected from the BAPAM London office (on proof of identity of the collector).

As far as practicable, copies of medical records are sent out no more than ten working days after a patient's request.

A clinician may decide that it is inappropriate to release all or part of a patient's record for reasons such as potential for distress or protecting the confidentiality of another patient. In such cases, staff will contact the patient who has made the access request, outlining the reasons.

Patients are welcome to return for a free consultation to discuss any issues arising from their access request and any information received.

All requests and actions taken must be recorded on the patient's notes.

Patients may be asked for a donation towards administrative costs.

### ***iii) Third party requests***

Copies of medical records can also be supplied where a written request is received from another party e.g. a solicitor or a clinician independent of BAPAM involved in the patient's care, as long as the request is accompanied by the attached form and signed and dated by the patient.

It is common for third parties to use their own formal request procedures, but patients should still complete the BAPAM request form as instructed to ensure that BAPAM has up to date records and evidence of consent for releasing the information. Records will not be released until this information has been received.

Completed forms should be kept with patient records, and patients should receive a copy.

Special arrangements apply in respect of patients under 18 requesting access to their own medical records and parents who request access to the records of their under-18 year old children (see *BAPAM Safeguarding policy*.) Such requests must be authorised by the CEO or Medical Director.

We may charge third parties for copies of patient records.

### ***3. Register***

An Access to Medical Records Register will be maintained recording all patient and third party requests for access to records, the date the records were released and whether copies were made. This register will be maintained by the CEO and summary details will be included in reports to the BAPAM Medical Committee and Board.

### ***4. Related policies*** Confidentiality; Data Protection; Patient Contract; Safeguarding

### **5. Breach of Policy**

All BAPAM personnel (staff, clinicians, trainers) will receive a copy of this policy and will be required to comply as a condition of working at BAPAM. Breaches of the policy may constitute professional misconduct and lead to disciplinary action and a termination of contract.

*Version 1.0 = 2008*

*Version 2.0 = 31 Oct 2013; 2.1 = 28 Apr 2015 (Update D Charnock)*

*Version 3.0 = March 2016*

*Review date = March 2019*

## British Association for Performing Arts Medicine (BAPAM) Access to Medical Records - Guidance for Patients

BAPAM patients and parties acting on their behalf (e.g. solicitors, clinicians) are entitled to request copies of their BAPAM medical record to be aware of and to verify the lawfulness of how BAPAM processes in accordance with the Data Protection Act and GDPR.

To make a request, please complete an *Access to Medical Records Request Form* available from the BAPAM website or clinics staff. It is vital that you **sign the request form** to indicate you have read this information and consent to your information being released and handled in the way we outline, as well as **up to date details of where the information should be sent.**

Third parties such as solicitors often submit requests according to their own formal procedures. We would still need you to submit the BAPAM form as instructed, including your signature and date, for our own recording system.

As far as practicable, we aim to provide copies within 10 working days from receipt of your request. Information can be sent to you or your representative by post or e-mail (if it is available in electronic format) or collected from the BAPAM office in London.

Hard copies are provided in sealed envelopes. We use secure systems for copies sent by post or e-mail, and BAPAM staff will provide details. If you opt to collect the information, you will need to provide **proof of your identity**, or the identity of the person collecting on your behalf along with a letter outlining your consent for them to do so.

Occasionally, we may need to withhold some of the information held in your records or decline your request. In such cases, BAPAM staff or the clinician concerned will contact you to explain the reasons.

You are welcome to raise any queries or concerns about your request with BAPAM staff, and can return for a free consultation with a clinician to discuss any of the information held in your records.

Our full *Access to Medical Records Policy* is available on our website or from clinics staff.

*Claire Cordeaux, BAPAM Director*



## BAPAM: Access to Medical Records Request Form

**Part 1 – Patient details.** Please complete in full, including your signature which indicates that you have consented for your information to be released to those named on the form. Requests cannot proceed without this information.

**Part 2 – Third party details.** Please complete if you want copies of your records sent to a third party (e.g. a solicitor; a clinician outside BAPAM).

Please send your completed form to: [claire.cordeaux@bapam.org.uk](mailto:claire.cordeaux@bapam.org.uk), BAPAM, 7-9, Bream's Buildings, London EC4A 1DT.

*If you would like to submit your request by e-mail, please contact the BAPAM team first on [clinic@bapam.org.uk](mailto:clinic@bapam.org.uk) and they will set up the necessary procedure: BAPAM only uses an encryption system for sharing patient information online.*

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### Part 1. Patient Details

**Patient Name:**

**Current telephone number or e-mail** (*in case of queries relating to your request*):

**Preferred method for receiving records and details of where the information should be sent:**

- Post** Full postal Address:
- E-mail** Address:
- Collect** Collector's name (*if not the patient*):

**Signature:**

**Date:**

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### Part 2. Third Party Details

**Organisation & Contact Name:**

**Contact telephone number or e-mail** (*in case of queries*):

**Role/relation to patient and reason for request:**

*The following should be completed if a separate, formal request is not being issued by the third party:*

**Preferred method for receiving records and details of where the information should be sent:**

- Post** Full postal Address:
- E-mail** Address:
- Collect** Collector's name (*if not the patient*):

**Signature:**

**Date:**

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#### **Office Use Only**

Date sent to patient :

Date sent to third party (if applicable):

Recorded on requests database:

Recorded on patient file: