



# BROCKWOOD MEDICAL PRACTICE

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## SUBJECT ACCESS REQUESTS

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### PRACTICE PROCEDURE

A Subject Access Request (SAR) is a right of access. An individual is entitled only to their own personal data and not data relating to other people (unless they are acting on behalf of that person).

### REQUEST FOR A SUBJECT ACCESS REQUEST

- A valid Subject Access Request can be in writing, sent by fax or by email
- The request must have clear identity details – name, address & DOB stating the exact data required, for example, a specific period or all personal data (data can be in electronic or manual format or both)
- It must be signed by the requester and the requester MUST be verified
- Individuals requesting Subject Access must have two valid forms of ID
- A Direct Care Privacy Notice should be given to the data subject/requester
- The Practice is not required to provide the report on a USB stick or CD.
- The Practice can provide information by way of an encrypted message in an email, although it is necessary to make an effort to ensure the data subject recipient email (or that of a third party on their behalf) is genuine (sending a test/initial email or confirming by phone). The recipient will need to create an account and the email will be sent encrypted as **[secure]**.

**If a verbal request is made for Subject Access explain the above procedure to the individual on how to make a valid request.**

If a disabled individual finds it impossible or unreasonably difficult to make a Subject Access Request in writing, reasonable adjustments must be made to accommodate requests. This could include treating a verbal request for information as though it were a valid Subject Access Request.

If the request does not mention the Act specifically or even say that it is a Subject Access Request, it is nevertheless valid and treated as such, if it is clear that the individual is asking for their own personal data.

A request is valid regardless of who the individual has sent a Subject Access Request to in the practice. It is therefore important to recognise this and treat appropriately.

Once the verified request has been submitted, this will be handled by Annette Kinsey or Sue Willis in her absence.

### **ACKNOWLEDGEMENT OF SUBJECT ACCESS REQUESTS**

The data subject should be advised that their request will be dealt with within a **maximum period of 28 days (one month)**.

- Add read code **XaP6f (patient requests copy of medical record)** when a request is received.
- Add read code **XaJ6E (patient record requested by solicitor)** when a request is received.

### **TIMEFRAME**

- Process Subject Access Requests with within 28 days (one month) maximum or sooner if possible.

### **CHARGES**

Charges for personal data cannot be made to the data subject unless the request is excessive – please refer to the Data Protection Officer (DPO). In this case, only a reasonable administration charge can be made. The data subject should be advised if there is a charge.

**Note** – In some cases the data requester could be a solicitor acting on behalf of the data subject. In this case written consent must be obtained. It may be necessary to verify this with the patient so they know exactly what the solicitor is requesting, for example, on a particular disease, within a certain date range or a full record.

### **REQUESTS TO HAVE DATA ALTERED / CORRECTED/ERASED**

Data subjects have the right to ask for personal data to be corrected/altered/erased. Refer such requests to the Practice Manager/DPO for action.

**Note** – It is important to check Subject Access Request/consent given to third parties e.g. insurance companies to confirm exactly what data is requested. Excessive data must not be provided. It is illegal for a patient to be coerced by an insurance company to request this information on their behalf.

### **ACCESS TO MEDICAL RECORDS (AMR) - REQUESTS FROM SOLICITORS/INSURERS/EMPLOYERS**

Solicitors and insurance companies are able to make Subject Access Requests on behalf of the data subject and this cannot be charged. However, this should be clarified as to whether the request should be made under the Access to Medical Records Act (AMRA) which deals with reports for employment and insurance purposes. If a data subject has been asked to provide a Subject Access Request this could be considered as 'enforced subject access', this is illegal and the third party company could be liable for a fine.

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If a solicitor is requesting full medical history, the patient should be contacted to ask if they have consented to this. If they have not, the patient should refer back to their solicitor and ask them to re-request the specified information required. The 28 day 'clock' stops and then restarts with the correct request. This should be documented on the spreadsheet.

### **Associated documents and flow maps for SAR**



SAR Data Flow  
Map.docx



SAR Police Data Flow  
Map.docx



SAR Patient  
Request.doc



SAR Tracker.doc