

Requests for Clinical Information & Subject Access Requests (SARs)

Someone has contacted your site and asked for information from the clinical record. This is a complex area, governed by the General Data Protection Regulations (2018.)

Some requests *are* Subject Access Requests, some are not. A revised Care UK policy will be ready soon but in the meantime, here is a brief 2-page note to provide guidance. If in doubt, ask by emailing CaldicottGuardian@careuk.com or Healthcarelegal@careuk.com

1. What counts as a request? Do they have to put it in writing?

No, a verbal request or text or email is enough as long as they make it clear they are asking for their data.

2. Do I have to ask for proof of identity? Yes. Or consent if it is not the individual themselves.

3. Do I charge a fee? No.¹

4. Who made the request? Is it the Individual or their Representative? **YES**

A. The individual or their representative (e.g. solicitor, relative)

and they are a patient or service user (past or present) and the question is about them.

This is a Subject Access Request.

- a. Log the request with itservicedesk@careuk.com by email or phone.
- b. Acknowledge receipt by contacting the requestor. Ask if there is a particular period of time or particular episode of care they want. They can ask for all the information.
- c. Await reply. (If no reply within 2 weeks, close the request and update itservicedesk.)
- d. Retrieve the electronic notes available. Print.
- e. Pass to a clinical team member to redact third party information.²
- f. Stamp all paper pages with “subject access request” ink stamp.
- g. Provide to the person who made the request within one calendar month of date of receipt by special recorded delivery or by appointment.
- h. Update status with itservicedesk@careuk.com

B. The individual or their representative (e.g. solicitor, relative)

and they are a staff member (past or present) and the question is about them.

This is a Subject Access Request.

- a. Log the request with itservicedesk@careuk.com
- b. Acknowledge receipt by contacting the requestor.
- c. Pass to human resources via DPA for secondary care OR DPA for primary care or DPA if unsure (or central functions, such as pensions, finance, payroll, legal, HR.)

¹ There are a few exceptions which are very rare – such as when you receive repeated requests from an individual. Ask for help.

² A Health Care Professional may withhold access to information if, in their opinion, the release of the information might cause serious harm to the physical or mental health or condition of the Data Subject or to any other person, or if the information identifies third parties who do not consent to the disclosure and it would be unreasonable to disclose it nonetheless.

5. Who made the request? Is it the individual or their representative? **NO**

This is not a Subject Access Request.

- A. The requestor is from the police, commissioners, prison, parole board, probation services, local authority, safeguarding team, Home Office, Prison and Probation Ombudsman (PPO.)
These do not have an automatic right to information.
 - a. Acknowledge receipt
 - b. Ask if they can provide you with evidence of the individual's consent to releasing information.
 - c. Check what you know about the individual (eg confirm they are/were your patient)
 - d. Check what information you hold on the individual (eg medical records from years the individual was your patient, medical records from years when the individual was a patient elsewhere at a different GP or prison)
 - e. Ask for guidance from HealthcareLegal@careuk.com
- B. The requestor has a Court Order. *This must be processed without delay.*
 - a. Acknowledge receipt.
 - b. Ask for guidance from HealthcareLegal@careuk.com
- C. The requestor is a Coroner. *Documents requested must be provided in full.*
 - a. Acknowledge receipt.
 - b. Identify what records we have and can provide. Do not redact.
 - c. Ask for guidance from HealthcareLegal@careuk.com
- D. The requestor is another clinical service provider (eg hospital, dentist)
 - a. Pass to your local medical or clinical lead to determine what to share for the patient's care.
- E. The requestor is from someone else - who has never used our services or been a staff member and is not in the above categories
 - a. Send their request to the press office email press.office@careuk.com

6. The individual is deceased.

This is not a Subject Access Request.

- A. Acknowledge receipt. Await reply.
- B. Ask for evidence that they are (1) relative or (2) have an interest in the deceased's estate.
- C. Pass this to your lead clinician to redact.
- D. If you are uncertain, contact Healthcarelegal@careuk.com