

Thornbury Road Centre for Health

Information Leaflet – Third Party (Proxy) Access to Medical Record

What is Proxy Access?

Proxy access is when an individual other than the patient requests access to a patient's medical record on their behalf to assist in their care. Proxy access arises in both adults and children and is dealt with differently according to whether the patient has capacity or not.

When will Proxy Access be decline?

- The organisation suspects coercive behaviour
- There is a risk to the security of the patient's record by the person being considered for proxy access
- The patient has previously expressed the wish not to grant proxy access to specific individuals should they lose capacity, either permanently or temporarily
- The responsible clinician assesses that it is not in the best interests of the patient and/or that there are reasons as detailed in denial or limitation of information

Proxy access in adults (including those over 13 years) with capacity

Patients over the age of 13 (under UK DPA 2018) are assumed to have mental capacity to consent to proxy access. When a patient with capacity would like to give their consent, the patient should complete the "Application for Third-Party Access to Healthcare Information" form.

This form can be used for a named proxy to simply book an appointment or order medication, or for greater access such as to have access to obtaining test results or consultations.

It should be noted that **this form does not permit any third-party individual to make healthcare decisions on behalf of the named patient.** Furthermore, the patient is responsible for this agreement and any changes or updates that may be required at a later date.

Proxy access in adults (including those over 13 years) without capacity

Proxy access without the consent of the patient may be granted in the following circumstances:

- The patient has been assessed as lacking capacity to decide on granting proxy access and has registered the applicant as a lasting power of attorney for health and welfare with the Office of the Public Guardian
- The patient has been assessed as lacking capacity to decide on granting proxy access and the applicant is acting as a Court Appointed Deputy on behalf of the patient

- The patient has been assessed as lacking capacity to make a decision on granting proxy access and, in accordance with the Mental Capacity Act 2005 code of practice, the responsible clinician considers it in the patient's best interests to grant access to the applicant.

Capacity can only be assessed by a trained clinician.

When an adult patient has been assessed as lacking capacity and access is to be granted to a proxy acting in their best interests, it is the responsibility of the responsible clinician to ensure that the level of access enabled, or information provided is necessary for the performance of the applicant's duties.

Proxy access in children above the age of 11 and under 13 years of age

Access to medical records will need to be assessed on a case-by-case basis. Some children aged 11 to 13 have the capacity and understanding required for decision-making with regards to access to their medical records and should therefore be consulted and have their confidence respected.

The responsible clinician will invite the child for a confidential consultation to discuss the request for proxy access under the Data Protection Law. The responsible clinician should use their professional judgement in deciding whether to grant parental access and/or whether to withhold information.

Proxy access in children under the age of 11

All children under the age of 11 are assumed to lack capacity to consent to proxy access. Those with parental responsibility for the child can apply for proxy access to their children's medical records.

Questions, Concerns or help filling in your forms

If you have any questions or need help understanding our policy, please speak to Deepa Kapila in our reception team who will be able to help you.