

Version	Date Published	Review Status
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# Heath Hayes and Chase Medical Practice

## DISCLOSURE AFTER DEATH OF A PATIENT

(Including how to deal with Requests to Access Deceased Patients' Record)

### Introduction

For deceased persons, applications are made under the **1990 Access to Health Records Act**. These sections provide the right of access to the health records of deceased individuals for their personal representative and others having a claim under the estate of the deceased.

These sections provide the right of access to the health records of deceased individuals for their personal representative and others having a claim under the estate of the deceased.

Where the patient has died, the patient's personal representative or any person who may have a claim arising out of the patient's death may make an application.

Access shall not be given (even to the personal representative) to any part of the record which, in the GP's opinion, would disclose information which is not relevant to any claim which may arise out of the patient's death.

The effect of this is that those requesting a deceased person's records will be asked to confirm the nature of the claim which they say they may have arising out of the person's death.

If the person requesting the records was not the deceased's spouse or parent (where the deceased was unmarried) and if they were not a dependant of the deceased, it is unlikely that they will have a claim arising out of the death.

Where a deceased patient has indicated that they would not wish disclosure of their records then this should be the case after death, unless there is an overriding public interest in disclosing.

### Patient access and copies of requested records

After a person has died, their GP health records will be passed to *Primary Care Support England (England) / Practitioner Services (Scotland) / NHS Wales Shared Services Partnership (Wales)*, so they can be stored. To access their GP records, patients should apply to the records manager in the relevant local area. This can be done online at the following address;

<https://pcse.england.nhs.uk/services/gp-records/accessing-medical-records/>

Completing this form will ensure all the relevant details are captured and avoid confusion or misunderstanding.

GP records are generally retained for 10 years after the patient's death before they are destroyed. For hospital records, the record holder is the records manager at the hospital the person attended.

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Fees may apply for accessing these records. This is not affected by the Data Protection Act or GDPR regulations, which apply only to the data of living individuals.

To receive a copy of a medical record, appropriate identification documents must be provided. If an application is made as a patient's legal representative (e.g. a solicitor), there needs to be written authorisation from the applicant to act on their behalf and receive their medical record.

Patients must send their completed application form and copies of relevant identification documentation via email to [pcse.accessrequests@nhs.net](mailto:pcse.accessrequests@nhs.net).

If you are unable to submit your request via email please forward your completed application to the following postal address:

FAO Access Team  
 Primary Care Support England  
 3 Caxton Road  
 Fulwood  
 Preston  
 PR2 9ZZ

Any further patient queries can be made online via email: [pcse.accessrequests@nhs.net](mailto:pcse.accessrequests@nhs.net)

Telephone : 0333 014 2884.

## Applications from the Police

Duty of confidentiality extends to deceased patients, but where the police are working on behalf of the coroner's office, they are entitled to obtain copies of medical information that is relevant and necessary to their investigations.

Otherwise, the consent of the executor of the estate or the personal representative would be needed before such information could be released, unless you believe the situation justifies a breach of confidentiality (i.e. it is in the public interest).

Bear in mind that the BMA document *Access to Health Records Guidance for health professionals in the United Kingdom* states that information in the records should not be disclosed if:

- it identifies a third party without that person's consent unless that person is a health professional who has cared for the patient; or
- in the opinion of the relevant health professional, it is likely to cause serious harm to a third party's physical or mental health; or
- the patient gave it in the past on the understanding that it would be kept confidential. No information at all can be revealed if the patient requested non-disclosure.

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