

## Processing Access Requests Procedure

1. Receive access request and update the Subject Access Request Log held on Subject Access Request Team shared drive. Enter date received, patient name and details of information requested.
2. All requests **must** be made in writing or completed on subject access form.
3. Check completion of the form to ensure there is enough information to identify the patient and exactly what information they are requesting. If there is not enough information supplied on the initial request, send a copy of the form for completion to applicant.
4. Send patient template acknowledgement letter.
5. Check TRAK to identify patient and locate casenotes.
6. Retrieve casenotes from library, consultant, or clinic.
7. Photocopy requested information.
8. Review the copied notes to make sure no third-party material is held i.e., information regarding a member of staff of another patient.
9. Using template letter (access ok doc), write to consultant to ascertain whether the consultant has any objections to the information being sent to the applicant.
10. Consultants are available to meet patients if there are any concerns
11. If there is no objection (this can be assumed if there is no response within 14 days) send photocopies of the requested information to the applicant
12. Complete request on SAR Log by adding CRN, disposal, note of any redactions and completion date to the initial entry.

## Access – Court Order

1. Receive access request and update the Subject Access Request Log held on Subject Access Request Team shared drive. Enter date received, patient name and details of information requested.
2. Check all information has been received i.e. name of plaintiff and the name and address of their solicitor, name of defendant and the name and address of their solicitor, the certificate for completion.
3. Check TRAK to identify patient and locate casenotes.
4. Retrieve casenotes from library, consultant or clinic
5. Photocopy requested information.

6. Request x-rays if required.
7. Complete certificate as required.
8. Print inventory from word.
9. Send x-ray disk and photocopied casenotes (unless original notes are requested).

### **Requests from procurator Fiscal's Office and Central Legal Office**

1. No need for Data Protection Act form.
2. No consultant consent needed/sought.
3. Originals can be requested and should be sent.
4. Follow steps 1 – 4 of the Subject Access Request Team general guidance: [Procurator Fiscal Guidance](#) (available on the NHS Lothian intranet)

### **Police requests for case notes**

Police Scotland have **no** automatic rights to gain access to health records apart from incidents relating to child protection; requests relating to child protection are dealt with exclusively by the Child Protection team at Royal Hospital for Sick Children. If the Police want case-notes they must produce one of the three following things:

### **A Request Letter from the Procurator Fiscal's Office**

There an officer from Police Scotland presents NHS Lothian with a letter of authority from the Procurator Fiscal's Office, this entitles them receive either the original records or a photocopy. The Police must give reasonable notice so that the notes can be copied.

### **A Sheriff Warrant**

An Order signed by a Sheriff agreeing that Police Scotland may obtain the original record or a photocopy.

Again, Police Scotland must give reasonable notice so that the notes can be photocopied.

If a Police Officer from Police Scotland comes to the Hospital with either a Fiscal Letter or Sheriff Warrant and it is not possible to photocopy the casenote, the officer must leave their full contact details (i.e., Station, Badge Number, contact phone number etc) so that we can contact them to request that the notes be returned for copying.

A **DPA 2018 Schedule 2 part 1(2)** request from must be completed by Police Scotland. This allows the officer bearing the request to get a copy of the records. Standard Data Protection procedures apply, and the officer may not uplift the records the same day.

They must submit the request and we will either deliver the records to them or arrange for them to come and collect them when they are ready.