

Our ref: **NIC-138141-VHHR9**

23rd February 2012

Dear Mr Otram

Re: Information Request – Freedom of Information Act (FOIA) 2000

I can confirm that the Health and Social Care Information Centre (HSCIC) has considered your query received by us on the 26th January 2012

“ACCESS TO HEALTH RECORDS - 1.

Please will you confirm that it is NHS policy to treat patients as entitled to access to VIEW health records created with regard to them within in the previous 40 days:

- (i) in person or by duly authorised representative,*
 - (ii) free of charge, and*
 - (iii) within 21 days of written request,*
- subject only to the same restrictions which would apply to a subject access request for hard-copy health records.*

If you cannot so confirm, please supply, by email, copies of any ministerial instruction, minute, memorandum or other authority or record on the basis of which the NHS considers it is entitled to depart from the terms of undertakings given in the House of Lords in this regard, in October 2000.

The DoH document, 'Guidance for Access to Health Records' (February 2010) fails to achieve clarity on these issues.

I look forward to hearing from you within the statutory period for compliance”

Thank you for your request for information.

This office does not hold medical records. The HSCIC acts as a transfer point for a limited number of medical records for dependants of serving members of the Armed Forces.

For further clarity on the Department of Health (DH) guidance document, you may find it useful to contact them directly, as it is not our role to comment upon NHS policy. The following link directs you to where you can make enquiries regarding DH and its policies:

<http://www.dh.gov.uk/health/contact-dh/>

I hope you understand the reasons why we are unable to supply the information requested. However, if you are not satisfied, you may request a review from a suitably qualified member of staff not involved in the initial query, via the [@xxx](#) e mail address or by post at the above postal address.

Yours sincerely,

Kathryn Anderson
Higher Information Governance Officer

Further information about your right to complain under the Freedom of Information Act is available from the Information Commissioner's Office, Wilmslow, Cheshire, and on The Information Commissioner's website www.ico.gov.uk.

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