

ADR Form

For Office Use Only

Proof of legal authority received:

Details of Claim received:

ID received:

Request for Access to a Deceased Patient's Healthcare records

Under the Access to Health Records (NI) Order 1993 (AHR Order)

Please read notes before completing Form

Whilst the UK General Data Protection Regulation (GDPR) provides a living individual with the right to obtain a copy of their own personal information (this is called a 'subject access request'), this legislation and right of access does not apply to the records of a deceased person. Due to a duty of confidentiality that remains after a person's death, a Next of Kin does not have an automatic right to access the health records of a deceased relative or friend. Such access can only be provided in limited circumstances.

The law in relation to access to a deceased person's medical or health records is the **Access to Health Records (Northern Ireland) Order 1993**; however Article 5(1)(e) of the Order provides that an application for a deceased person's health records may only be made by either :

- **the legally appointed personal representative of the deceased (i.e. an executor or administrator of a Will to enable them to carry out their duties); or**
- **any individual who has a claim arising out of the death (for example, a claim against the estate of the deceased).**

In all cases, legal proof of entitlement is required before a request for a deceased person's healthcare records can be processed under the legislation.

The AHR Order does not recognise Next of Kin on its own, as a personal representative with the right to access a late relative's health records; and, in Northern Ireland, Power of Attorney does not apply to health care decisions and ceases to apply on the death of an individual so cannot be used as proof of entitlement.

It is also important to note that under Article 7(4) of the Order, there is no automatic right of full unrestricted access to a deceased person's healthcare records and only information relevant to the claim arising out of the death will be considered for disclosure

Applications under the AHR Order must therefore be accompanied by the documentation listed at Section C along with specific details of the records required and how these are relevant to your request.

There is no provision under the AHR Order for access to Social Care notes and records; and access to a deceased person's confidential healthcare records cannot be provided to anyone without the valid legal authority to do so. Where legal documents are not available as evidence of legal authority but the family of the deceased have a query or concern about their relative's care or treatment, they should contact the health professionals involved in the first instance. While there is no legal entitlement other than the limited circumstances covered under the Access to Health Records legislation (as specified above), health professionals have always had discretion to disclose relevant information directly to a deceased person's relatives or others when there is a clear justification.

For valid requests and following receipt of all required documentation, the AHR Order allows up to 40 days to respond to a request. Relevant records will be reviewed by a health professional(s) before their release.

Further information can be found here <https://www.health-ni.gov.uk/articles/access-health-records-northern-ireland-order-1993> or by contacting the Trust's Information Governance Department on informationgovernance@setrust.hscni.net or phone 028 91512210.

Please complete ALL SECTIONS of this application form

SECTION A – Details of the deceased person the records relates to:

Surname:		Any former name:	
First name(s)			
Date of Birth:		Date of Death:	
Hospital / Healthcare Number (if known):			
Address:			
Any Previous address:			

SECTION B – Details of the person requesting the records *

Surname:		Forename(s):	
Applicant's Address:			
Post Code:		Tel. Number:	
Email Address:		<p>Please note all email correspondence sent by the Trust will be sent via an encrypted email service, for which you will have to register and set up a password to access.</p>	
Relationship to the named Patient:			

SECTION C – Evidence of Authority to the requested records *

<p>Please indicate by ticking <u>at least one</u> of the following boxes:</p>	
I have been appointed personal representative of the deceased patient and enclose a copy of Grant of Probate documentation issued to me as Executor of the 'Will'	
I enclose a copy of the Will which shows my appointment as Executor appointed to manage the personal affairs of the deceased	
The patient died without making a Will and I enclose a copy of Grant of Letters of Administration issued to me as personal representative (Administrator) of the deceased under the rules of intestacy	
I enclose a formal letter from a Solicitor or Court office <u>confirming my appointment as the personal representative</u> of the deceased	

I enclose a formal letter from a Solicitor pursuing a claim arising out of the patient's death	
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In addition to the above I also enclose proof of my identity, including my address details *NB. In cases where there is more than one Executor of the Will , please provide written consent and a copy ID from all Executor's	
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SECTION D – Details of the record(s) you wish to access

Name of hospital, ward, clinic or service:	
Type of Service Received:	
Date(s) of treatment or service provided relevant to your request (i.e. from / to)	
Doctor / Health Professional / staff seen (if known):	
Additional Information on why the above records are relevant to my request:	

SECTION F – DECLARATION

I declare that the information and documentation given by me is correct and valid to the best of my knowledge and that I am entitled to apply for access to the records referred to

I understand that I do not have an automatic right to access the health records of the deceased and that my application will not be processed without valid legal authority and ID (such as a copy of passport, driving licence, Translink Senior Citizen Smart Pass, electoral card, birth certificate or medical card).

I understand that the Trust is no longer responsible for the security and confidentiality of any patient records which are photocopied and supplied to me. I confirm I will take all necessary steps to keep secure any information contained in those records and will dispose of the records by confidential means when they are no longer required

Applicant's signature: _____ **Date:** _____

**Return the completed and signed Form along with all supporting documents and ID to:
the relevant department detailed on the next page.**

List of Departments Dealing with Requests for Access to Records

HOSPITAL / COMMUNITY								
DIRECTORATE	SERVICE AREA	Ulster Hospital	Bangor Hospital	Ards Hospital	Lagan Valley Hospital	Downe Hospital	Downshire Hospital	
HOSPITAL SERVICES <i>Acute Hospital Records</i>	Health Records	Medical Records Dept, Ulster Hospital Dundonald Belfast BT16 1RH Tele: (028) 95 988094 Access.RecordsAcute@setrust.hscni.net						Not applicable
	Maternity							
	Radiology	Radiology Department, Ulster Hospital Dundonald Belfast BT16 1RH Tele: (028) 9055 0477	Radiology Department Lagan Valley Hospital Hillsborough Road Lisburn BT28 1JP Tele: (028 92 665141)	Radiology Department Downe Hospital Struell Wells Road Downpatrick BT30 6RL				
Emergency Department/Minor Injuries Departments/	ED Office Ulster Hospital Dundonald Belfast BT16 1RH Tele: (028) 90561423	ED Office Lagan Valley Hospital Hillsborough Road Lisburn BT28 1JP Tele: 028 92 665141	ED Office Downe Hospital Struell Wells Road Downpatrick BT30 6RL Tele: (028) 4483 8246					

<p>ADULT SERVICES</p> <p><i>Mental Health Records</i></p>	<p><i>Outpatient/ Addiction Services Mental Health Services for Older People</i></p>	<p>Business Assurance Support Manager Downshire Hospital, Ardglass Road, Downpatrick. BT30 6RA</p> <p>Tel: 02844 513926 SARS.MHMedicalRecords@setrust.hscni.net</p>
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HOSPITAL / COMMUNITY		LOCATION					
DIRECTORATE	SERVICE AREA	Ulster Hospital	Bangor Hospital	Ards Hospital	Lagan Valley Hospital	Downe Hospital	Downshire Hospital
<p>PRIMARY CARE & ELDERLY SERVICES</p>	<p><i>GP Out of Hours</i></p>	<p>Not Applicable</p>	<p>Not Applicable</p>	<p>GP Out of Hours Ards Hospital Tele: (028) 91 822344</p>	<p>Out of Hours Manager Lagan Valley Hospital Hillsborough Road Lisburn BT28 1JP Tele: (028) 9251 0273 or 510272</p>		<p>Not Applicable</p>
<p><i>Primary /Community Care Records</i></p>	<p><i>Physiotherapy</i></p> <p><i>Podiatry</i></p> <p><i>Dental</i></p> <p><i>Psychology</i></p> <p><i>Social Services</i></p>	<p>Information Governance Dept Lough House Ards Hospital Newtownards, BT23 4AS Tele: (028) 9151 2210 Informationgovernance@setrust.hscni.net</p>					