

How long will it take to process my request?

Once the Trust has received all the required information (evidence that you are an appropriate applicant, and proof of identity), we would normally process your request within a month. If you are going to be charged a fee for access, this time period may be extended until you have paid.

Will there be a charge?

The Trust will not charge a fee for providing you with copy of the records. However, the Trust may charge a fee for any subsequent copies of the same information that you might request from us (we will base the fee on the administrative cost of providing the information).

What should I do if I'm not happy with how the Trust has handled my request?

If you have any concerns about how your request for access has been handled, contact the Trust's Patient Experience Team and in the first instance:

PET

- Freephone 0800 6335547 or 01228 608257
- email: PET@cumbria.nhs.uk write to:

The Coppice, Carleton Clinic,
Cumwhinton Drive, Carlisle, CAA 3SX

Requesting medical records after a death

Who can request medical records after a death?

Only certain people have the right to apply for access to the medical records of someone who has died. The Access to Health Records Act 1990 (AHRA) allows disclosure of the medical records to:

- The Personal Representative of the person who has died.

If the deceased person has a will, the Personal Representative is the Executor of the will. If there is no will, the Personal Representative is the Administrator. [Reference: Law Reform (miscellaneous Provisions Act) 1934]

- Anyone who has a claim arising from the person's death.

Who does this mean? In essence, it means the deceased person's estate (the Executor of the Administrator), or the 'dependents' of the deceased patient. There are strict criteria as to who is considered a 'dependent'; very generally this includes spouses, civil partners, children, parents and people living in the same household for at least 2 years before death (or immediately before death for husband / wife / civil partner) [Reference: Fatal Accidents Act 1976]

Providing Evidence / proof of identity

The Trust will require proof that you are an individual able to request access (i.e. a person with a claim arising out of the patient's death, or the patient's personal representative).

Examples of acceptable evidence for this are given below:

| Type of Applicant | Type of Evidence |
|----------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Patient's personal representative e.g. executor or administrator of estate | Documentation identifying them as the executor of the will or the administrator of the deceased patient's estate. The evidence could be: <ul style="list-style-type: none"> • Solicitor's letter confirming that you are executor or administrator • Copy of the will / probate documents • Letter from the executor to give authority to another individual to have access to the records |
| Person with a claim arising out of the patient's death | The evidence could be: <ul style="list-style-type: none"> • Solicitor's letter with a broad outline of your concerns about the healthcare received by the patient. • Insurance claim / letter • Evidence of a genetic problem – doctor's or solicitor's letter to support |

In addition you will be required to provide proof of your own identity, such as a passport, utility bill, driving licence and / or birth certificate.

What happens if I'm not in one of the categories of people entitled to request the records?

If you're not in either category, then access will be decided on a case-by-case basis by the Trust. You will need to demonstrate

that you have a valid reason for requesting the records, that you have a legitimate relationship to the deceased person, and that access to the records is in the public interest. The Trust will take into account factors such as any known wishes of the deceased person, the likelihood of causing distress to living individuals and any impact on the reputation of the deceased if the records are released.

Are there limits to what I can access?

Remember that staff have an ethical obligation to respect a patient's confidentiality; an obligation which extends beyond death. In addition, the Access to Health Records Act covers only 'manual' records made from 1st November 1991, so records before that date cannot usually be accessed.

Who should I contact to apply for access?

You can find an application form on the Trust's website at this link: <https://www.cumbriapartnership.nhs.uk/the-trust/access-to-records>

If you would like to have a form sent out to you, write to or email the Information Rights Team at either of these addresses:

Access to Records
 Maglona House
 Kingstown
 Broadway Kingstown
 Carlisle
 CA3 0HA

Email: accesstorecords@cumbria.nhs.uk