

# The Dawes Family Practice

## PATIENTS' ONLINE ACCESS TO MEDICAL RECORDS

### Introduction

Since April 2014, practices have been obliged to give patients the opportunity to view online information equating to their Summary Care Record (SCR) as part of the 2014-2015 GP contract. From March 31, 2016, it is a contractual obligation to give patients online access to coded information held in their medical records, including medication, allergies, illnesses, immunisations and test results. Patients will need to register online with the practice in order to gain access to this information.

Checks should be carried out to ascertain the patient's identity, see **Appendix A**. The following checks should be undertaken:

- Checking photo ID and proof of address, for example, a passport or driving licence and a bank statement or council tax statement
- If the patient has no ID but is well known to the surgery, a member of staff may be able to confirm their identity.
- If the patient has no ID and is not well known to the surgery, the ability to answer questions about the information in their GP record may confirm that the record is theirs.

GP software will be configured to offer all coded data by default, but GPs will be provided with the tools to withhold coded information where there is reference to a third party.

The practice has the option to offer comprehensive online patient records. There are circumstances where a GP may believe it is not in the best interests of the patient to share all information in the record, for example if it contains information about a third party, or could cause harm to their physical or mental health. GPs should be prepared to provide justification surrounding their reasoning in cases where they decline to share any information.

The practice is only expected to meet the above requirements for patient online access to their record when they have been provided with the GPsOC-approved and funded IT systems. Where systems are not yet available, the practice will publish a statement of intent to provide this facility.

Where consent is identified as the lawful basis for processing personal data when offering an online service directly to a child, only children aged 16 or over are able provide their own

consent. (This is the age proposed in the Data Protection Bill and is subject to Parliamentary approval).

## **Proxy Access**

Proxy Access refers to giving a third party access to online services on behalf of a patient. Family members or carers can access a patient's medical records online only in circumstances where the patient has consented to this, **or** if the patient lacks capacity AND the applicant can provide evidence that they have been granted the power to manage the patient's affairs. Patients will be advised about the risks associated with doing this as part of their access application. Proxy access is the recommended alternative to sharing login details.

A person with parental responsibility who wishes to access some or all of the records of a competent child aged between 11 and 16 should only be allowed to do so if the child or young person consents, and it does not go against the child's best interests. If the records contain information given by the child or young person in confidence you should not normally disclose the information without their consent. For further information about Parental Responsibility, please see Access to Medical Records (Data Protection) Policy <sup>[\*]</sup>.

A person with parental responsibility for a child aged under 12 normally has automatic rights to access a child's records - although not all parents have parental responsibility. Proxy access for people with parental responsibility to a child's record is a practice-level decision.

## **Coercion**

The availability of online services carries the risks of users being subject to coercion, as patients could be vulnerable to being forced into sharing confidential information from their record against their will. In cases where this is believed to be a possibility, online access to medical records can be denied. This should be discussed privately with the patient before a final decision over whether to deny access is taken.

As part of their request to access their medical records online or allow proxy access to a third party, the person submitting the request should provide a statement confirming that they have not been coerced into doing so.

## **Resources**

[NHS England – Patient Online](#)

[Patient Online - Support & Resources Guide](#)

## APPENDIX A – VERIFYING PATIENTS’ IDENTIFICATION

The practice’s Access Management Lead, Margaret Swann, Practice manager, is responsible for appointing people to roles and identity verification issues.

A patient must be registered with the practice for [*state minimum length of time*] before they are allowed to apply for access to any or all online services.

| IDENTIFICATION ISSUE   | NAME & POSITION                      |
|--|--------------------------------------|
| The following staff may vouch for patients’ identities:  | All staff                            |
| The following listed staff may verify patients’ identities dependent on the presentation of documents:   | All Staff                            |
| The following listed staff may register patients for online access on the practice system, thereby enabling the booking of appointments, the ordering of repeat prescriptions and access to medical records: | All staff                            |
| The following listed staff may take the lead on issues of proxy access and any issues related to third parties wishing to gain the authority to represent patients:  | Practice GP’S P M and Deputy Manager |
| The following listed staff may provide an initial point of contact for any queries re: identity verification:  | Practice GP’s & PM & Deputy Manager  |