Protocol for Patient Requesting Access to On-Line Services

Introduction

In order to support the 2014/15 and 2015/16 GP Contract, this procedure relates to patients requesting access to elements of their record via online services (Patient Access). As stipulated in the 2014/15 GP Contract, contractual obligations for Patient Online Access were to allow patient the ability to:

- Book/cancel appointments

- Order Repeat prescription

- View Summary Information (allergies, adverse reactions and medications)

The 2015/16 GP contract has been enhanced and now stipulates that practices are also to allow patients:

- Detailed Coded Records Access (DCRA)

Patients accessing their detailed coded records online will have access to limited information. As a result of this, the patient continues to have the right to submit a Subject Access Request under the Data Protection Act 1998. However, as this differs from access via online services the patient must submit this request in writing to the practice. The Practice still has the right to charge a fee for providing the information in a printed form.

- Full Clinical Record

Baddow Village Surgery will also allow patients to have access to their Full Clinical Record.

The full clinical record which is accessed online does not differ from the information that would be provided for a Subject Access Request under the Data Protection Act 1998. The Practice will not therefore provide patients who have online access to their Full Clinical Record with a printed copy of their electronic records. Where part of a patient's record is held in paper format a Subject Access to Records form (Appendix D) should be completed and submitted to the Practice along with the appropriate fee.

Registration for online services

This Practice accepts applications from patients as well as their proxy. Proxy access refers to access to online services by somebody acting on behalf of the patient with the patient's consent.

The appropriate application form must be completed prior to any online access being enabled.

Appendix A –'Application for online access to my medical record' should be used for patients wanting to access their own detailed coded information held within their medical record or/and their full medical record:

- The application form includes: Password confidentiality is the responsibility of the patient
- Advice on unexpected bad news and/or abnormal results
- Guidance on incorrect information / errors noting that the patient has responsibility to inform the practice with details of where incorrect information or an error has been found

The Practice reserves the right to review and remove access at any point in the future if it is thought that it is in the best interests of the patient or if the services are being misused.

ID Verification

ID verification is required to ensure access is granted to patients/proxy users that have a legitimate reason to access a record. This will prevent access being granted to the wrong person and support the Practice to adhere to information security guidelines. There are a number of options for identification verification including:

- **Documentation**

As is current practice, should there be a request for Online Access, two forms of documentation must be provided as evidence of identity, one of which must contain a photograph. Acceptable documents include passports, photo driving licences and bank statements. If none of the above are available household bills may be accepted at the discretion of the Practice Manager.

- **Self-Vouching**

Vouching for a patient's identity requires an authorised member of the Practice staff who knows the patient well enough to verify that they are who they say they are, and that no deception is taking place. Self-vouching will not be considered as usual practice and will be at the discretion of the Practice Manager.

Documentary evidence that confirms identification checks have taken place will include:
- the nature of those checks
- who performed them and when
- completed registration form (to avoid non-clinical information being stored in patient records, copies of bank statements, passports and other personal documentation will not be scanned into those records)

At the point of request for Patient Online Access patients are to be provided with the Patient Access Registration Form (Appendix A) and a Patient Information Leaflet (Appendix B).

Timescales

Practice Support Workers/Admin Team will be able to grant access to patients who present with the correct identification, for appointments and medication on request. If patients request access to their Detailed Coded Record and/or their Full Clinical Record they will be notified that it may take the practice up to one month to review their application and grant access if appropriate. This is a guide only and in some circumstances may take longer.

Considerations/Approval of Access

The Practice will not approve on-line access to Detailed Coded Record if it is deemed that it may cause physical and/or mental harm the patient.

Patient records will be checked by trained members of staff within the Practice the names of which will be communicated internally.

Named staff will be responsible for checking if patients are on certain registers for example, learning difficulties register, child protection register, mental health or have been identified as a possible victim/perpetrator of domestic abuse. Named staff will consult with the patients usual GP if required before access is granted/denied.

Named staff will consider the following:

- **Mental Health Problems**

  - Patients within the Practice with a mental illness have as much right as any patient to have access to their records, however,
  - If there is a likelihood that access to their record may cause an individual physical or mental harm then it may be necessary to redact some of the information within their record, or
  - In extreme circumstances, refuse access to the whole record, in this circumstance the named GP responsible for the care of the patient will have a conversation with the patient to explain the reasons for refusal of access.

- **Access for children, parents and guardians**

  - Child access will automatically be disabled when a child reaches the age of 11
  - A competency assessment will be carried out. Regardless of outcome a parent/guardian/carer will re-apply using the Proxy Access Registration Process, where a competent child must authorise the request for Proxy Access. This will be at the discretion of a clinician.
  - A child deemed competent may have access to their online record or authorise a parent/carer to have Proxy Access
  - Where a child is deemed not to be competent, a parent will apply for access but will be registered as a Proxy User. **(**This will be reviewed by the Practice annually, or when the child attends a further appointment – whichever is the sooner)

Proxy Access

A competent patient can choose and consent to allow access to relatives and/or carers. The form included in Appendix 3 must be completed.

The patient will authorise a Proxy Application in the following circumstances:

A patient who has been deemed as competent has authorised and consented to online access.

- Circumstances when the practice will consider authorising proxy access WITHOUT the patient's consent will be when a child 11-16 has been assessed and is deemed as not being competent to make a decision on granting proxy access. Should there be such circumstances the Practice will:
- Ensure the patient has provided consent to the Proxy application
- Ensure the level of access granted to the Proxy is appropriate and does not exceed what has been agreed by the patient
- Contact families/carers of children approaching their 11th birthday to remind them that online access could potentially cease, and invite them to come to the surgery for a discussion regarding options available.

Coercion

'Coercion' is the act of governing the actions of another by force or by threat, in order to overwhelm and compel that individual to act against their will.

The Practice will include the implications of coercion during the patient application process for online services by way of issuing them with a patient leaflet detailing the implications.

The Practice will consider the risk of coercion on a case by case basis as requests for access are received, and if necessary will decline access.

The patient's named GP will discuss with the applicant the reasons for refusal of access.

If coercion is identified as a risk with regard to a patient previously registered for online services, then access will be immediately removed.

Levels of Access for Patients

There are different levels of Access available to patients. All requests for Online Access will be dealt with on a patient by patient basis and the suggested access will be granted within the agreed timescales. All patients must be deemed competent to be granted access to Detailed Coded Data and/or Full Clinical Record however; some elements may be marked as sensitive/confidential and will not be shared via Online services. Access levels can be as follows:

- Appointments, Repeat Prescriptions and Summary Information
- Appointments, Repeat Prescriptions and Detailed Coded Record Access
- Appointments, Repeat Prescriptions and Full Clinical Record

Patient Access to Appointments, Repeat Prescriptions, Summary Information and Detailed Coded Record does not override a patient's right to submit a Subject Access Request which will be processed following our Practice protocol in line with the Data Protection Act 1998.

The full clinical record which is accessed online does not differ from the information that would be provided for a Subject Access Request under the Data Protection Act 1998 and the Practice will therefore not provide patients who have online access to their Full Clinical Record with a printed copy of their electronically held records.

The Practice will not automatically grant access to detailed coded data and/or full clinical record to those patients currently with access to appointments, repeat prescription and Summary Information. Patients wanting access to their Detailed Coded Information or Full Clinical Record MUST complete and submit an additional Access Request form or make a request via SystmOnline. This will be considered within the practice and granted if deemed appropriate within one month. This is a guide only and in some circumstances may take longer.

At any point the practice can revoke Online Access to patients if the functionality is abused. This will be dealt with internally following practice protocols as stated as above.

Appointments

This practice will allow a patient to book GP appointments in advance on line.
There is a process in place for any patient abusing the online appointment booking services, as follows:
- Practice will issue an initial warning letter
- If the action continues the Practice will suspend access for two calendar months
- The Practice will then reinstate the functionality to the patient
- If the abuse continues the Practice will inform the patient that their ability to book/cancel online appointments will be removed on a permanent basis.

Repeat Prescriptions

Patients with repeat medications that have been reviewed by the GP can order these via on line services. Repeat medication requests can be made up to 14 in advance of the prescription becoming due. Patients should be made aware that they must leave 48 hours before trying to collect their prescription from the nominated chemist.

Hiding sensitive consultations

All domestic abuse consultations will be highlighted as confidential and will therefore be removed from online viewing. This must be made clear to patients that anything they say in relation to this during a consultation will not be viewable online.

Any consultations of a sensitive nature may be highlighted as confidential. Access to online records will be on a patient by patient basis.

Third Party Information

This Practice will not share any information held within a clinical record that is deemed as Third Party Information without explicit consent from the third party.

Any patients wanting access to these details must make the Practice aware by submitting a Subject Access Request.

Contents of a medical record

During the patient online registration process patients will be issued with a patient online leaflet in which they are notified that their medical record may contain information that is historical and therefore forgotten, not relevant to themselves (including scanned letters), bad news or may show abnormal test results. If patients do identify any such information it is their responsibility to notify the Practice immediately so we can take the appropriate action.

Promoting Patient Online

This practice will promote the Patient Online service to all patients using a number of methods to raise awareness to our patients. Methods of promotion to be used are as follows:

- Display of Patient Online posters within patient waiting areas
- Right-hand side of prescription
- Practice Website
- Practice Newsletter
- Patient Information Screen
- Verbally with the patient

Relevant reference documents to support policy:

Information Governance guide
www.nhs.uk/patientonline
http://elearning.rcgp.org.uk/patientonline
http://www.england.nhs.uk/ourwork/pe/patient-online/

Baddow Village Surgery

Patient Online: Registration form

Access to GP online services

Surname	
First name	
Date of birth	
Address	
Postcode	
Telephone number	Mobile number

I wish to have access to the following online services (tick all that apply):

1. Booking appointments	☐
2. Requesting repeat prescriptions	☐
3. Accessing my summary care record	☐

Application for online access to my medical record

I wish to access my medical record online and understand and agree with each statement (please tick)

4. I have read and understood the information leaflet provided by the practice	☐
5. I will be responsible for the security of the information that I see or download	☐
6. If I choose to share my information with anyone else, this is at my own risk	☐
7. I will contact the practice as soon as possible if I suspect that my account has been accessed by someone without my agreement	☐
8. If I see information in my record that it not about me, or is inaccurate I will contact the practice as soon as possible	☐
Signature		Date	

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Identity verified through (tick all that apply)	Vouching ☐ Vouching with information in record ☐ Photo ID ☐	Name of verifier	Date
Name of person who authorised (if applicable)		Date	
NHS number		Practice computer ID number	
Date account created			
Date password given			
Level of record access enabled		Prospective ☐ Retrospective ☐ All ☐ Limited parts ☐ Contractual minimum ☐	

Appendix B

What you need to know about your GP online records

Wouldn't it be great if you could look at your GP records online? Well, you can! You can also book and cancel appointments at your GP surgery and order repeat prescriptions online. You can already see some of the information in your GP online records, including your medications and allergies. Now you are able to see even more. This includes illnesses, immunisations and test results and, if you have access to your full clinical record you will also be able to view hospital letters and consultations. Each GP surgery will make this information available at different times, as their computer systems become ready. Just like online banking, you can look at your GP records on a computer, a tablet or a smartphone, using a website or an app. If you would like to start using online services, see the Getting Started with GP Online Services guide for more information. Information on how to get started is also available online at www.nhs.uk/patientonline or from your surgery or on their website.

What's in it for you?

You can look at your records whenever you choose to, without needing to print them. Online records are up to date and more secure than a printed paper record which could get lost or seen by others.

People who have long term conditions, for example diabetes, hypertension or coronary heart disease, have found that looking at their test results online helps them make positive changes to improve their health. They can see if their condition is improving or getting worse by looking at past test results. Adam, a patient at University Health Centre said 'Record access is useful for those, like me, who need to have more regular contact with their GP'.

You can look at your medical records before your appointment to see if there is anything you need to discuss with your doctor or nurse. This could be your test results, illnesses you have had in the past or any new information added to your records. This would help you discuss any concerns you may have and help you benefit more from your appointment.

Sometimes when you see your doctor, you are given a lot of information which you may not be able to remember it later. You may also want further information once you have had time to think about what was said. You can look at your online records after your appointment to make sure you understood what your doctor or nurse said.

One of the most useful things patients have found is that you can make sure your medical information is accurate. For example, you will be able to let your doctor know if you have an allergy to a medicine and it is not recorded.

Before you go on holiday, you can check if your vaccinations are up to date without having to go to your surgery.

Understanding your records

Your records are written to help medical people look after you and so in some cases, you may not understand everything you see. If you find anything difficult to understand, as well as talking to your doctor or nurse, you can go to the NHS Choices website by using this link www.nhs.uk. NHS Choices is the NHS website for patients so you can look for information on illnesses, improving health and to find NHS services in your local area.

Other websites frequently used to search for information on illnesses and test results are Patient – www.patient.info and Lab Test Online UK – www.labtestsonline.org.uk. Although these are not owned or checked by the NHS, other patients have found them useful.

A few things to think about

There are a few things you need to think about before registering for online records. On very rare occasions your GP may not think it in your best interest for you to look at your GP records online. If this happens, your GP will discuss their reasons with you. It is up to your GP to decide if you should be allowed access to your online records. You may see your test results before your doctor has spoken to you about them. This may be when you cannot contact your surgery, or when your surgery is closed. This means you will need to wait until an appointment is available to talk to your doctor.

Information in your medical records might need correcting. If you find something you think is not correct, you should contact your surgery. The staff will be able to answer your questions and set things right when needed. Please bear in mind that you cannot change the record yourself.

There may be information in your medical records that you did not know was there or that you had forgotten about, such as an illness or an upsetting incident. If you see anything you did not know about that worries you, please speak to your surgery and they will discuss this with you.

If you see someone else's information in your record, please log out immediately and let your surgery know as soon as possible.

If you have questions about any of the above points, please talk to your surgery and they will be able to advise you further.

Consent to proxy access to GP online services

Note: If the patient does not have capacity to consent to grant proxy access and proxy access is considered by the practice to be in the patient's best interest section 1 of this form may be omitted.

Section 1

I,……………………………………………….. (name of patient), give permission to my GP practice to give the following people

……………………………………………………….……………….. proxy access to the online services as indicated below in section 2.

I reserve the right to reverse any decision I make in granting proxy access at any time.
I understand the risks of allowing someone else to have access to my health records.
I have read and understand the information leaflet provided by the practice

Signature of patient	Date

Section 2

9. Online appointments booking	☐
10. Online prescription management	☐
11. Detailed Coded Record Access for …………………………………….. (name of patient)	☐

Section 3

I/we…………………………………………………………………….. (names of representatives) wish to have online access to the services ticked in the box above in section 2 for ……………………………………………… (name of patient).
I/we understand my/our responsibility for safeguarding sensitive medical information and I/we understand and agree with each of the following statements:

1. I/we have read and understood the information leaflet provided by the practice and agree that I will treat the patient information as confidential	☐
2. I/we will be responsible for the security of the information that I/we see or download	☐
3. I/we will contact the practice as soon as possible if I/we suspect that the account has been accessed by someone without my/our agreement	☐
4. If I/we see information in the record that is not about the patient, or is inaccurate, I/we will contact the practice as soon as possible. I will treat any information which is not about the patient as being strictly confidential	☐

Signature/s of representative/s	Date/s

Baddow Village Surgery

The patient

(This is the person whose records are being accessed)

Surname	Date of birth
First name	
Address Postcode	
Email address	
Telephone number	Mobile number

The representatives

(These are the people seeking proxy access to the patient's online records, appointments or repeat prescription.)

Surname	Surname
First name	First name
Date of birth	Date of birth
Address Postcode	Address (tick if both same address ☐) Postcode
Email	Email
Telephone	Telephone
Mobile	Mobile

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The patient's NHS number	The patient's practice computer ID number		
Identity verified by (initials)	Date	Method of verification Vouching ☐ Vouching with information in record ☐ Photo ID and proof of residence ☐	
Proxy access authorised by		Date	
Date account created			
Date passphrase sent			
Level of record access enabled Contractual minimum √ Other………………….	Notes / comments on proxy access		

Baddow Village Surgery

APPLICATION FORM FOR ACCESS TO HEALTH RECORDS

in accordance with the General Data Protection Regulation (GDPR)

DATA SUBJECT ACCESS REQUEST

This form must be completed in blue or black ink and signed in order for us to process your request.

Section 1: Patient details

Surname		Maiden name	
Forename		Title (i.e. Mr, Mrs, Ms, Dr)	
Date of birth		Address:	
Telephone number		Postcode:	
NHS number (if known)		Hospital number (if known)	

Section 2: Record requested

The more specific you can be, the easier it is for us to quickly provide you with the records requested. Record in respect of treatment for: (e.g. leg injury following a car accident)

Please provide me with a copy of all records held	
Please provide me with a copy of records between the dates specified below:	
Please provide me with a copy of records relating to the incident specified below:	
Please provide me with a copy of records relating to the condition specified below:	

Section 3: Details and declaration of applicant

Please enter details of applicant if different from Section 1

Surname		Title (Mr, Mrs, Ms, Dr)	
Forename(s)		Address	
Telephone number		Postcode	

Declaration

I declare that the information given by me is correct to the best of my knowledge and that I am entitled to apply for access to the health records referred to above under the terms of the GDPR.

Please tick:

☐ I am the patient

☐ I have been asked to act by the patient and attach the patient's written authorisation

☐ I have full parental responsibility for the patient and the patient is under the age of 18 and:
   (a) has consented to my making this request, or
   (b) is incapable of understanding the request (delete as appropriate)

☐ I have been appointed by the court to manage the patient's affairs and attach a certified copy of the court order appointing me to do so

☐ I am acting *in loco parentis* and the patient is incapable of understanding the request

☐ I am the deceased person's Personal Representative and attach confirmation of my appointment (Grant of Probate/Letters of Administration)

☐ I have written, and witnessed, consent from the deceased person's Personal Representative and attach Proof of Appointment

☐ I have a claim arising from the person's death (Please state details below)

Signature of applicant: .... Date: ………………………..

You are advised that the making of false or misleading statements in order to obtain personal information to which you are not entitled is a criminal offence which could lead to prosecution.

Section 4: Proof of identity

Please indicate how proof of ID has been confirmed. Please select 'A' or 'B':

	Method in which identity is confirmed	Option taken	Documents attached
A	Attached copies of documents as noted in section 4A below	Yes/No	If Yes, please indicate here which documents have been attached
B	Countersignature (section 4B). This should only be completed in exceptional circumstances (e.g. in cases where the above cannot be provided)	Yes/No	Please indicate reason why this section was completed

4A – Evidence

Evidence of the patient's and/or the patient's representative identity will be required. Please attach copies of the required documentation to this application form. Examples of required documentation are:

	Type of applicant	Type of documentation
A	An individual applying for his/her own records	One copy of identity required, e.g. copy of birth certificate, passport, driving licence, plus one copy of a utility bill or medical card, etc.
B	Someone applying on behalf of an individual (Representative)	One item showing proof of the patient's identity and one item showing proof of the representative's identity (see examples in '**A**' above)
C	Person with parental responsibility applying on behalf of a child	Copy of birth certificate of child & copy of correspondence addressed to person with parental responsibility relating to the patient
D	Power of Attorney/Agent applying on behalf of an individual	Copy of a court order authorising Power of Attorney/Agent plus proof of the patient's identity (see examples in '**A**' above)

4B – Countersignature

This section is to be completed by someone (other than a member of your family) who can vouch for your identity. This section may be completed if 4A cannot be fulfilled.

I (insert full name)...

certify that the applicant (insert name)..

Has been known to me personally as .... for ....years

(Insert in what capacity, e.g. employee, client, patient, relative etc.) and that I have witnessed the signing of the above declaration. I am happy to be contacted if further information is required to support the identity of the applicant as required.

Signed ....Date ....

Name .... Profession. ....

Address ....

....

Daytime telephone number ....

Additional notes

Before returning this form, please ensure that you have:

a) signed and dated this form

b) enclosed proof of your identity or alternatively confirmed your identity by a countersignature

c) enclosed documentation to support your request (if applying for another person's records)

Incomplete applications will be returned; therefore please ensure you have the correct documentation before returning the form.

Office Use only:

Date Received: _____

Checked by Admin1 _____

Checked by Admin2 _____

GP signature to authorise release of records: _____

Date patient notified ready for collection _____