

Access to Patient Information

As part of our care for patients at St Columba's Hospice we hold records in both electronic and paper format, to ensure we have documented their needs, concerns and preferences and to enable us to provide the best possible care for them, and for their families. This will include information about the patient's next of kin, and with whom they wish us to share information. This information is held securely and confidentially and will not be shared except with:

- Clinical staff involved in the care of the patient, including those involved in their care across the NHS Lothian area
- Clinical administration staff responsible for recording information and producing relevant correspondence connected with the patient's care.
- The Hospice regulators, Healthcare Improvement Scotland, have a legal right to inspect patient records as part of their inspection.
- Senior hospice clinical staff may require to inspect the records as part of investigating a concern or complaint.
- Appropriately authorised staff carrying out audit or research or preparing statistical data (which will contain nothing to identify the patient).
- Solicitors, who may request information as part of an investigation with permission of the patient or the patient's power of attorney or executor/next of kin in the event of the patient's death.
- Courts may request information via a Court Order as part of a legal investigation

The electronic records system used by the Hospice is called TrakCare, which is an NHS Lothian system. The Hospice has an up to date Data Sharing Agreement with NHS Lothian, and the Hospice and NHS Lothian are joint data controllers.

Requesting Patient Information

Patients may request access to their Hospice medical records under the General Data Protection Regulation 2018 and Data Protection Act 2018. In general, this request will be granted. However, information referring to a person other than the patient will be removed, unless that person has granted permission for the patient to see it.

If a patient wishes to see their medical records they should initially ask a member of hospice staff caring for them, explaining what they are requesting. The request will then be passed onto the Hospice Medical Director, Dr Duncan Brown, who is the Hospice Caldicott Guardian, which means he is responsible for the safe management and sharing of patient information. In his absence the request will be passed to one of the Medical Consultants or the Clinical Services Director. Dr Brown may ask for the request to be made in writing.

If a patient is not capable of requesting information, it may be appropriate for a patient's Welfare Power of Attorney or Welfare Guardian to request the information on their behalf, if they judge it is what the patient themselves would have wished.

After a patient's death, those who were close to the patient, or the executor of the patient's will, may request patient information; this will generally be in writing under the terms of the Access to Health Records Act (1990): the Caldicott Guardian will decide whether information should be released, based on the patient's wishes when they were alive. If the patient did not want information shared with particular people during life, this will generally apply after death.

Solicitors requesting information for legal investigations should make the request in writing to the Caldicott Guardian, enclosing a letter making clear the reasons for the request, and enclosing the appropriately completed Access to Health Records form or court order.

All written requests must be addressed to:

Dr Duncan Brown
Medical Director and Hospice Caldicott Guardian
St Columba's Hospice
15 Boswall Road
Edinburgh
EH5 3RW

If you wish to discuss this by phone, then contact Dr Brown via the Hospice switchboard 0131 551 1381.

For information, the NHS Lothian data statement can be found at
<https://www.nhsllothian.scot/YourRights/DataProtection/Pages/default.aspx>

Duncan Brown June 2020