Dear

FREEDOM OF INFORMATION – MEDICAL RECORDS

I write in response to your request for information in relation to accessing medical records

Question:
• I would like to request my full medical records to be sent to me abroad. I have recently moved from ~~~~~~.

Answer:
I must advise you that the information you have requested comes under Section 38 of the Freedom of Information Act (Scotland) 2002 – Personal Information. The Act says:

  o Where the person making the request has asked for information about themselves – or someone they are the legal guardian for (Section 38(1)(a)). There is an absolute exemption where the information constitutes personal data of which the person is subject. This is known as a subject access request and falls under the remit of the Data Protection Act 1998(DPA). The rules under the DPA will determine whether the person has a right to the information. The application cannot be considered under the FOI(S)A 2002. The effect of the exemption is not to deny individuals a right to access information about themselves but to ensure the right is exercised under the DPA.

The only way that NHS Lothian can respond to your request is in terms of a subject access request under the terms of the Data Protection Act, I have forwarded your request to Mr Darren Poole, Legal Services Manager – NHS Lothian and he will take this forward for you.

I hope that Mr Poole can help with your request.

If you are unhappy with our response to your request, you do have the right to request us to review it. Your request should be made within 40 working days of receipt of this letter, and we will reply within 20 working days of receipt. If our decision is unchanged following a review and you remain dissatisfied with this, you then have the right to make a formal complaint to the Scottish Information Commissioner within 6 months of receipt of our review response. You can do this by using the
Scottish Information Commissioner’s Office online appeals service at www.itspublicknowledge.info/Appeal. If you remain dissatisfied with the Commissioner’s response you then have the option to appeal to the Court of Session on a point of law.

If you require a review of our decision to be carried out, please write to the FOI Reviewer at the address at the head of this letter. The review will be undertaken by a Reviewer who was not involved in the original decision-making process.

FOI responses (subject to redaction of personal information) may appear on NHS Lothian’s Freedom of Information website at: http://www.nhslothian.scot.nhs.uk/YourRights/FOI/Pages/default.aspx

Yours sincerely

PROFESSOR ALEX MCMAHON
Executive Director, Nursing, Midwifery and AHPs
Cc: Chief Executive