**Access to health records leaflet**

**Proxy Access Information**

Table of Contents

What is Proxy Access 2

Formal or Informal Access 2

What Information can a Proxy Access? 2

Reasons for Proxy Access 2 - 3

The benefits of Proxy Access 3

## Things to consider before giving another person access 3

## Data Privacy and Security 3

How to apply for Proxy Access 4

## Choosing levels of access 4

## Proxy Rights and Responsibilities 5

### Proxy access without the consent of the patient 5

Lasting Power of Attorney 5

Adults who cannot understand and agree to proxy access 5 - 6

How to find out who has proxy access 6

Removing access 6

Parents or guardians 6

Access to a patient’s records after their death 6

Contact Us 6

**What is Proxy Access?**

Proxy access allows someone else, such as a parent/guardian, family member, next of kin, a close friend, carer or person appointed by the court to access your health records on your behalf. This can be particularly useful for patients who need assistance managing their healthcare.

You will need to provide consent for others to access your health records unless there is another legal basis i.e. overriding public interest, risk of serious harm to yourself or others or a Court Order.

You do not need to know how to use these services or have a computer yourself to give another person access.

**Formal or Informal Access**

In order to fulfil our responsibilities under Data Protection Legislation. Any formal request for access to health records must be made in writing.

Patients may choose to share login information informally. This is not recommended as there are risks to the security and confidentiality of your personal information.

Arranging access with your GP surgery is much more secure than sharing your own NHS login because:

* it provides more choice over what you share, protecting the medical information you want to keep private
* the person you choose will have to log in when they access your services online, so what they do on your behalf is recorded and secure

### What Information can a Proxy Access?

With proxy access, you can:

* order repeat prescriptions
* booking appointments
* contact the surgery or speaking to surgery staff
* viewing test results or vaccinations
* accessing all or part of the GP health record, to help with health-related tasks and managing health issues

**Reasons for Proxy Access**

Reasons for wanting or needing help could include:

* having a physical or mental health condition
* technical barriers, for example not having a computer or a smartphone
* language barriers, for example if it's not easy to access services in English
* practical reasons, for example working shifts or unsocial hours
* age, for example a child may need a parent to manage their GP services
* You have a long-term condition or just need help managing your health
* You have learning difficulties and want someone else to help you understand your health

**The benefits of Proxy Access**

* You have peace of mind that someone is supporting you managing your health
* It can give you the convenience of online services even if you cannot use them yourself.
* It can relieve the pressure of dealing with long term conditions or keeping track of your medical care at times when you are feeling too unwell to manage it yourself.
* You know that someone else understands your medical information and can provide information when you are unable to.
* The person you choose can help you make sure information your surgery has about you is correct.

## **Things to consider before giving another person access**

* Is there any information in your records you would not like anyone to see or know about?
* Can you trust the person to keep your information safe and not share it with others or use it without your permission?
* Is anyone forcing you into sharing your online services with them or do you think someone could force you to share it with them? If so, we would advise that you do not give them access. If you have any concerns that someone has access to your online records without your permission, speak to your surgery and they can change your password or stop your online services
* How long would you like your chosen person to have access for? This can be for a short time, for example when you are suffering from a certain illness and you need support with managing your health during that time. It can also be ongoing so they can help you for a long period of time. You can discuss this with the Practice.

### Data Privacy and Security

Every GP surgery is responsible for protecting the medical information they hold about their patients, and protecting patients from any abuse, control or coercion.

GP surgeries have the right to refuse proxy access for any reason, if they think it would not be in someone's best interests, even if they have requested it themselves.

GP surgeries are responsible for deciding:

* who should have access to information in GP medical records
* what types of access are appropriate
* which online services are available to their patient

**How to apply for Proxy Access**

1. **Complete a proxy access consent form** available from our reception or to download from our website. You can ask for proxy access for more than 1 person.
2. Both patient and proxy will need to **provide two forms of identification (ID)**, one should contain photographic ID such as a valid passport, driving licence or older persons bus pass. Full list of acceptable identification available on the practice website. If you do not have forms of ID there are other ways to prove your identity. Please ask at reception.

Parents or guardians may need to provide documents that help to prove you have parental responsibility, for example a birth certificate.

1. The GP surgery will then decide what access, if any, is appropriate, and make the changes in their clinical systems to set it up.

The GP may arrange to talk to you before granting access to make sure having access is of benefit to you. If you are concerned about providing access to someone else, please speak to the practice.

1. Once approved, staff will give your chosen person their own username and password to login to your health record using online services.

## **Choosing levels of access**

## You do not have to give your proxy access to view all your medical information online to get the help you need. It's your choice.

Your GP surgery can set up different types of access, and limits on that access, depending on what you want or need help with.

They can:

* give online access to GP services – you can choose which ones you want your proxy to use for you
* set a date the proxy has access from – so you do not have to share your whole medical history
* stop your proxy seeing specific things in your record that you do not want to share, from the past or once proxy has been set up – tell your GP if there are things you do not want your proxy to see
* agree with you that a proxy can contact or speak to GP surgery staff for you – this is sometimes called "consent to speak" or "consent to discuss"

### Proxy Rights and Responsibilities

**Access**: You have the right to access the health records of the person you care for, provided you have their consent or legal authority.

**Correction**: You can request corrections to any inaccurate information in the health records.

**Objection**: You have the right to object to the processing of the health records in certain circumstances.

### Proxy access without the consent of the patient

Where a patient is unable to give consent, proxy access may be agreed when:

* the proxy has a lasting power of attorney for health and welfare granted by the Office of the Public Guardian
* the applicant is acting as a Court Appointed Deputy on behalf of the patient
* the GP considers it in the patient’s best interests to grant access to the applicant in accordance with the [Mental Capacity Act 2005](https://www.nhs.uk/conditions/social-care-and-support-guide/making-decisions-for-someone-else/mental-capacity-act/) code of practice
* the patient is a child under the specified age guidance or deemed incompetent

**Lasting Power of Attorney**

Lasting power of attorney (LPA) is a legal document that appoints a person (or persons) to make decisions on someone’s behalf if they are unable to do so themselves. There are two types of LPA: one for health and welfare, and another for property and financial affairs.

If you have been given lasting power of attorney for health and welfare, please provide this to the practice.

Being named as an attorney for health and welfare is not a guarantee that the GP will grant proxy access so it is a good idea to request access while the person has capacity to consent.

### Adults who cannot understand and agree to proxy access

Proxy access for another adult is usually given based on them requesting it themselves or understanding and agreeing to it. Adults aged 16 and over are assumed to be able to understand and consent to their own treatment. This is called having [capacity](https://www.nhs.uk/conditions/consent-to-treatment/capacity/).

To give their consent, they must have the capacity to do so under the Mental Capacity Act. This means they must be able to:

* understand the information relevant to the decision
* retain that information for long enough to make a decision
* use or weigh up that information as part of the decision-making process
* communicate their decision to others

If the person you want to help cannot understand or agree to you acting for them, for example because of a condition such as dementia, this is called lacking capacity.

The GP surgery may still be able to provide access if appropriate and necessary. The GP can review the request and decide whether to grant access and the level of access based on the best interests of the patient.

## **How to find out who has proxy access**

If you are not sure who has proxy access to your GP services and health record, ask your GP surgery.

## **Removing access**

Proxy access may be refused or withdrawn by a practice when there are concerns about safeguarding or coercion or a change in the capacity to consent

You can remove proxy access at any time, by telling your GP surgery.

## **Parents or guardians**

You can get online access to the GP services of a child aged under 16 if you are their parent or guardian with legal parental responsibility. Access to children’s records is subject to specific rules. You can view the Access Guidelines on our practice website.

**Access to a patient’s records after their death**

The duty of confidentiality remains after a service user has died. Under the Access to Health Records Act 1990, the personal representative of the deceased and people who may have a claim arising from the patient’s death are normally permitted access to the records. The practice will usually require evidence that you are the personal representative i.e. executor of a Will, Letters of Administration, or that you have a claim arising out of the service user’s death. The Trust are required to consider

**Contact Us**

If you have any questions or need assistance regarding proxy access, please contact our reception team or visit our website for more information.