

DATA PROTECTION OFFICE NEWS

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Data Protection training

In 2024, I will continue to deliver Data Protection training sessions for GP practice teams. If you think your team would benefit from a short F2F session, I am happy to come out to your practice to support you with this.

A reminder about managing request for deceased patient data

Since August 2022, practices are no longer required to print off electronic records and return them to PCSE and the responsibility for managing requests for access to deceased patient data now lies with the practice. The deceased don't come into the scope of the Data Protection legislation; however, you do of course continue to hold a Duty of Confidentiality to the deceased patient.

We need to refer to The Access to Health Records Act (AHRA) 1990, which provides certain individuals with a right of access to the health records of a deceased individual. These individuals are defined under Section 3(1)(f) of that Act as, *'the patient's personal representative and any person who may have a claim arising out of the patient's death'*.

[Access to Health Records Act 1990 \(legislation.gov.uk\)](https://legislation.gov.uk)

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As with any data sharing, you should only share the minimum amount of data, and please be mindful that the following information must be withheld:

- * 3rd Party information, except those who were involved in the deceased's healthcare
- * Information that may cause serious physical or mental harm to someone else
- * Information that the patient may not have wanted to share with others

If no entries, additions or amendments have been made to the record in the 40 calendar days prior to the date of application, you have [21 calendar days](#) from the date of receiving the request to either grant or refuse the request to access the deceased person's record.

If entries, additions or amendments have been made to the record in the [40 calendar days](#) prior to the date of application, you have 40 calendar days from the date of receiving the request to either grant or refuse the request to access the deceased person's record.

If you wish to discuss any of the above, or any other Data Protection concerns, please do not hesitate to contact me on 07951 530 417 or Jane.hilldpo@nhs.net