

Subject Access Request Form – Guidance Notes

The Data Protection Act 2018 gives people the right to know what personal information an organisation has about them. To use this right, you can make what is known as a 'subject access request'.

Only the following people may apply for access to personal information.

- The person who the information is about.
- Someone acting on behalf of the person who the information is about.

You have a right to know whether or not we have any information about you, and a right to have a copy of that information. You have a right to know the following.

- What kind of information we keep about you
- The reason we are keeping it and how we use it
- Who gave us your information
- Who we might share your information with and who might see your information.
- How long your information will be stored for, or the criteria used to determine that period.
- If your information is used in automated decision making or profiling, and, if so, about the logic involved and likely consequences for you.
- What safeguards are in place to protect any information we transfer to third countries or international organisations.

You also have the right to have any codes or jargon in the information explained.

You won't be able to see any information that:

- could cause serious harm to your physical or mental health, or anyone else's; or
- could identify another person unless that person gives permission; or
- could have a damaging effect on the way crime is detected or prevented; or
- could have a damaging effect on the catching or prosecution of offenders; or
- is being used only for research, historical or statistical purposes.

We publish a Data Protection Notice which gives information about how we use personal data and your rights.

Data protection law gives individuals a number of rights, including to

- request rectification of inaccurate or incomplete personal data
- in some circumstances - request erasure of their personal data
- in some circumstances - request restriction of processing of their personal data
- in some circumstances - object to processing of their personal data
- lodge a complaint with the Information Commissioner's Office

For further information about how we process personal information and information rights, please see the following publications on our website. (If you have any difficulties accessing these, let us know and we can send them to you.)

- [Scottish Ambulance Service Patient Information and Confidentiality Leaflet](#)
- [Scottish Ambulance Service Data Protection Notice](#)

The Scottish Ambulance Service employs a Data Protection Officer to check that we handle personal information in a way that meets data protection law. If you are unhappy with the way in which we use your personal information please tell our Data Protection Officer using the contact details below:

Data Protection Officer
National Headquarters
1 South Gyle Crescent
Edinburgh
EH12 9EB

You also have the right to complain about how we use your personal information to the Information Commissioner's Office (ICO). Details about this are on their website at www.ico.org.uk.

Information Commissioner's Office
Wycliffe House, Water Lane
Wilmslow, Cheshire, SK9 5AF
Tel: 0303 123 1113 (local rate) or 01625 545 745 if you prefer to use a national rate number

Fee

Data will be provided **free of charge**.

Timescale

The Service deals with requests as quickly as possible. We will send you a copy of your information within 28 calendar days of the date you provide us with the details needed to process your request, including confirmation of your identity. If, for any reason, this timescale cannot be met we will advise you of this and keep you informed of our progress. The Service may notify you that it is extending this timescale to three months, if the request is complex or numerous.

Points to consider

Making false or misleading statements to access personal information which you are not entitled to is a criminal offence.

Accessing health records and information is an important matter. Releasing information may in certain circumstances cause distress. You may want to speak to an appropriate health professional before filling in the form.

We ask for proof of ID or a countersignature (see section 7) because we have confidential information and we must get proof of your identity and your right to receive any relevant information.

Personal information

Personal information is information we hold about people in medical records, patient administration and information systems, clinical systems, and other databases or files. We may hold personal information on paper or on computer.

Notes to help you fill in the form

Section 1: Personal details

This is the person to whom the data relates. Please ensure that this section is completed as fully and accurately as possible to enable us to trace all the required information.

Section 2: Information you want to access

The usual rules to do with keeping records are that:

- The Scottish Ambulance Service can conduct a search for a patient record held in the electronic from currently dating back to 2010.
- Voice recordings are kept for the standard minimum retention period of 7 years
- Occupational Health records (NHS Employee specific) are kept for 6 years after date left the service

Requests for Patient Records

Due to the nature of an Emergency Service, the information held in a patient record is dependent on the information that was given and or known at the time of the incident. It is for this reason that we ask for you to provide as much information as possible to assist us in locating a record requested.

Information to provide:

- Date and time
- Location of Incident
- Nature of Injuries
- Receiving Hospital name, if attended.
- Treated on scene (Y/N), providing this information, is very helpful to help assist in the locating of our records held.

Requests for 999 call recordings

999 call recordings may or may not have resulted in an attending ambulance being sent.

It is for this reason; we ask for the phone number(s) to be provided along with the information listed above to help locate records held.

Under the Data Protection Act 2018 we are under the obligation to identify our records held, to the patient or individual requesting the information.

The Access to Health Records Act (AHRA) 1990, provides certain individuals with a right of access to the health records of a deceased patient. If this applies to the request being made, please tell us and the correct documentation can be provided for completion.

Section 3 Declaration: Who is Applying for Access to the Information

The person making the application must complete this section.

- If you are the patient (see section 1 above) – sign then proceed to Section 7
- If you are acting on behalf of others (see section 5 below) the organisation will require the patients authorisation before data can be released. The 'Permission' section of the form must be signed by the patient (section 6) The exception is if you have proof of authority – e.g. Power of Attorney/Welfare Guardianship documents. If this is the case, a certified copy will need to be provided.
- If the patient is a child i.e. under 16 years of age the application may be made by someone with parental responsibilities, in most cases this means a parent or guardian. If the child is capable of understanding the nature of the application his/her consent should be obtained or alternatively the child may submit an application on his/her own behalf. Generally children will be presumed to understand the nature of the application if aged between 12 and 16. However, all cases will be considered individually.

Section 4: Details of the Person Acting on Behalf of the Applicant

The applicant is the person who is applying on behalf of the patient to get access to the records.

Section 5: Permission

If applicable, the patient must complete this section authorising the organisation to release information to the named applicant.

Section 6: Identification/Countersignature

Everyone must complete this section UNLESS you are providing:

- A certified copy of a Power of Attorney document
- A certified copy of a Guardianship Order

Because of the confidential nature of the information held by the organisation, it is essential for us to obtain proof of your identity and your right to receive any relevant information.

For this purpose, it is essential that you provide either proof of your identity or get the application countersigned.

1 – Provide Two Forms of Identification

Examples of these can be found in section 7

2 – Countersignature

Anyone who knows the applicant personally can sign this section as long as it's not a family member or relative.

Handy Check List

Before returning the form please make sure the following information has been provided:

Has the form been signed by the patient and or applicant?

Has the form been countersigned or copy ID provided?

Have you provided a phone number or email address to enable our office to contact you to discuss your application (if required)?

Please do not hesitate to contact us with the details below if you are still unsure or have any further questions in relation to the application. The Scottish Ambulance service can also provide the documents upon request in other formats, for example in larger font or in another language.

Scottish Ambulance Service | National Head Quarters | Gyle Square, 1 South Gyle Crescent, Edinburgh, EH12 9EB (0131 314 0000 Corporate Affairs Team | + scotamb.dataprotection@nhs.net | i <http://www.scottishambulance.com>