Dear XXX

We refer to your request of <insert date> for access to the records of <insert patient’s name> made on behalf of <insert name of applicant>. We are writing to advise you of the right of access and the information required to enable the Trust to process your request.

Access to the records of deceased individuals is regulated by the Access to Health Records Act 1990. This gives certain individuals the statutory right to apply for information contained within a deceased patient’s record. These individuals are defined under Section 3(1)(f) of the Act as ‘the patient’s personal representative and any person who may have a claim arising out of the patient’s death’.

Applicants must apply in writing with sufficient information for the relevant records or parts of records to be identified together with confirmation of the right of access.

If you acting for the patient’s personal representative (such as an Executor or Administrator of the deceased person’s estate), you should provide the Trust with documentation that clearly demonstrates their rights to act in this capacity, such as a Grant of Probate or Letters of Administration. You must also provide written confirmation that the applicant has consented to you acting on their behalf.

If you are acting for an individual who has a claim arising out of a patient’s death, you must provide the Trust with evidence to support the claim and consent for you to act on behalf of the individual. You must also state whether a claim against the Trust is intended.

If your applicant does not have a legal right of access then the Trust is normally unable to disclose a deceased person’s information. However it accepts that in some circumstances it may be appropriate to disclose information without a legal right of access. You should write to the Trust explicitly stating what information the applicant requires and why you are requesting it. All such requests are considered on a case by case basis. The Trust is unable to confirm at this stage if it will be able to disclose the information you require.

Records relating to deceased people are treated with the same level of confidentiality as those relating to living people. This means the duty of confidentiality, in most circumstances, continues after an individual’s death. When the Trust receives a request for access to the records of a deceased person, especially where there is no legal right of access, it will determine on a case by case basis whether disclosure is appropriate and lawful.

To enable the Trust to process your request, please provide us with:

* Evidence of personal representation by the applicant, or;
* Details of the claim that has arisen and provide specific information on the part of the record you require as only information relating directly to the claim can be disclosed.
* Details of the specific records you require access to, including the service under which the patient was being treated and the time frame of the records required.
* Evidence of your authority to act for the applicant.
* Confirmation you have completed due diligence in respect of the applicants identity.

Please see attached form for completion and return.

The Trust will aim to respond to your request within 21 days of receiving the above requested information.

Yours sincerely

Name

Job title

Team Name

(insert email signature)