Belgrave Medical Centre
13 Pimlico Road, London, SW1W 8NA

Review Sheet

Last Reviewed 07 Oct '23	Last Amended 07 Oct '23	Next Planned Review in 12 months, or sooner as required.

Business impact	**LOW IMPACT**	Minimal action required circulate information amongst relevant parties.
Reason for this review	Scheduled review	
Were changes made?	Yes	
Summary:	GP Practices in England are contractually required to give patients online access to their medical records and this policy will support staff with this requirement. It has been updated with minor wording changes throughout. References have also been checked and updated to ensure they remain current.	
Relevant legislation:	• Care Quality Commission (Registration) Regulations 2009 • Access to Health Records Act 1990 • Data Protection Act 2018 • UK GDPR	
Underpinning knowledge - What have we used to ensure that the policy is current:	• Author: ICO, (2021), *Guide to Data Protection - Children*. [Online] Available from: https://ico.org.uk/for-organisations/guide-to-data-protection/key-data-protection-themes/children/ [Accessed: 7/10/2023] • Author: NHS England, (2022), *GP online services*. [Online] Available from: https://www.england.nhs.uk/gp-online-services/ [Accessed: 7/10/2023] • Author: NHS, (2019), *Patient access to records online: Prospective record access*. [Online] Available from: https://www.england.nhs.uk/publication/patient-access-to-records-online-prospective-record-access/ [Accessed: 7/10/2023] • Author: Legislation.gov, (2005), *Mental Capacity Act 2005*. [Online] Available from: https://www.legislation.gov.uk/ukpga/2005/9/contents [Accessed: 7/10/2023] • Author: NHS Digital, (2023), *Access to patient records through the NHS App*. [Online] Available from: https://digital.nhs.uk/services/nhs-app/nhs-app-guidance-for-gp-practices/guidance-on-nhs-app-features/accelerating-patient-access-to-their-record#:~:text=We%20are%20giving%20patients%20with,a%20change%20to%20your%20workflow. [Accessed: 7/10/2023] • Author: NHS Digital, (2022), *Safeguarding patients who should not have access*. [Online] Available from: https://digital.nhs.uk/services/nhs-app/nhs-app-guidance-for-gp-practices/guidance-on-nhs-app-features/accelerating-patient-access-to-their-record/learning-from-early-adopter-sites#safeguarding-patients-who-should-not-have-access [Accessed: 7/10/2023]	
Suggested action:	• Encourage sharing the policy through the use of the QCS App	
Equality Impact Assessment:	QCS have undertaken an equality analysis during the review of this policy. This statement is a written record that demonstrates that we have shown due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations with respect to the characteristics protected by equality law.	

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1. Purpose

1.1 GP practices in England are contractually required to give Patients online access to their medical records.

Patients are now able to use the NHS App and other GP online services to read new entries in their health record.

1.2 To support Belgrave Medical Centre in meeting the following Key Lines of Enquiry/Quality Statements (New):

Key Question	Key Lines of Enquiry	Quality Statements (New)
CARING	HC3: How are people's privacy and dignity respected and promoted?	QSC1: Kindness, compassion and dignity QSC3: Independence, choice and control
EFFECTIVE	HE6: Is consent to care and treatment always sought in line with legislation and guidance?	QSE6: Consent to care and treatment
RESPONSIVE	HR2: Do services take account of the particular needs and choices of different people?	QSR2: Care provision, integration, and continuity QSR4: Listening to and involving people QSR6: Equity in experiences and outcomes
SAFE	HS1: How do systems, processes and practices keep people safe and safeguarded from abuse?	QSS2: Safe systems, pathways and transitions QSS3: Safeguarding
SAFE	HS2: How are risks to people assessed, and their safety monitored and managed so they are supported to stay safe?	QSS2: Safe systems, pathways and transitions QSS4: Involving people to manage risks QSS5: Safe environments
SAFE	HS3: Do staff have all the information they need to deliver safe care and treatment to people	QSS1: Learning culture QSS6: Safe and effective staffing QSS7: Infection prevention and control
		QSW5: Governance,

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WELL-LED	HW6: Is appropriate and accurate information being effectively processed, challenged and acted on?	management and sustainability QSW6: Partnerships and communities
WELL-LED	HW8: Are there robust systems and processes for learning, continuous improvement and innovation?	QSW6: Partnerships and communities QSW7: Learning, improvement and innovation

1.3 To meet the legal requirements of the regulated activities that {Belgrave Medical Centre} is registered to provide:

- Care Quality Commission (Registration) Regulations 2009
- Access to Health Records Act 1990
- Data Protection Act 2018
- UK GDPR

2. Scope

2.1 The following roles may be affected by this policy:

- All staff

2.2 The following Patients may be affected by this policy:

- Patients

2.3 The following stakeholders may be affected by this policy:

- Family
- Advocates
- Representatives

3. Objectives

3.1 GP Practices in England are contractually required to give Patients online access to their medical records.
The rights of Patients to access their medical records is governed by data protection law. This has the potential to raise issues about confidentiality and record accuracy. It is therefore important that Belgrave Medical Centre understands its obligations and responsibilities.
3.2 Primary care contracts in England state that practices must provide registered Patients online access to data in their health records. Under the existing GP contract, Belgrave Medical Centre has an obligation to provide individuals with access to their future, or prospective, health information, unless exceptional circumstances apply (such as safeguarding concerns).
3.3 Patients with online accounts such as through the NHS App will be able to read new entries, including free text, in their health record. Existing online users will have access to their future, or prospective, health information. New online users will also receive this level of access by default. Belgrave Medical Centre will customise or remove access for Patients if this is deemed inappropriate.

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4. Policy

4.1 Patients with capacity have a right to access their own health records. Patients may also authorise a third party, such as a solicitor, to do so on their behalf.

4.2 Belgrave Medical Centre will consider safeguarding concerns related to Patients using online services such as:

- Coercion
- Proxy access
- Child proxy access
- Safeguarding advice

4.3 Patients aged 16 or over registered with Belgrave Medical Centre can register for an online account to view their future, or prospective, medical record.

Patients with online accounts set up before their 16th birthday will receive access to records entered after their 16th birthday when they turn 16.

Patients who are aged 13 or over are also generally expected to have the competence to give or withhold their consent to the release of information from their health records. If a young person is gillick competent, they may already have access to their records.

When assessing a child's competence, the responsible GP/governance lead will explain the issues in a way that is suitable for their age. Where, in the view of the appropriate health professional, a child lacks the competency to understand the nature of online access to their health record, Belgrave Medical Centre is entitled to screen some information for these Patients.

4.4 Belgrave Medical Centre may provide access to Patients under 13 by proxy to a family member using the same identity checking process as for adults.

4.5 If someone wishes to see their records, data protection legislation asserts that access can only be limited or denied, subject to appropriate safeguards, if:

- It would be likely to cause serious harm to the physical or mental health of the data subject or another individual – except for information about which the Patient is already aware
- It gives information about a third party, other than healthcare professionals involved in the treatment, unless that other person consents, or it is reasonable in all the circumstances to disclose without the third party's consent

Belgrave Medical Centre might sometimes consider limiting access so that sensitive information is not disclosed. If this is considered, there must first be an assessment by the healthcare professional responsible for the Patient's care with a record made of this.

Once Belgrave Medical Centre has decided to offer online access to Patients, it should only be refused with good reason.

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5. Procedure

5.1 Access to Online Health Record

GP practices who have more Patients registered for online services receive fewer phone calls and face-to-face interactions with Patients, which releases time for reception and administration staff to be deployed to other tasks.

Patients with internet access can use the online services available to them including the NHS App. This can free up telephone lines for Patients who still wish to contact Belgrave Medical Centre using the phone, and transfer valuable resources from the traditional contact channels (phones and face to face) to other essential tasks within Belgrave Medical Centre.

5.2 Patient Online Access to GP Records

Belgrave Medical Centre will give online account access to Patients future, or prospective, full general practice health record including free text, letters and documents. Patients will see new information once it is entered, or filed, onto their record in the clinical system. Patients will not see their historic or past, health record information unless they have already been given access to it.

Patients will see new general practice records entered. This will be made visible to them through the NHS App or existing GP online services apps that already securely provide them with access to this health information.

Patients will be able to see their future free text and documents, in addition to their existing detailed coded records. Full records access can include coded information, free text, consultations and documents. Patients with full record access will not see any change.

The NHS information governance portal provides information on the key things that Patients, GPs and IG professionals must know including:

- Guidance for Patients
- Guidance for healthcare workers
- Information Patients will be able to see on their records
- Recording information with access in mind
- Information that is exempt from disclosure
- Redacting information from view - see section 5.14
- Amending information at a Patient's request
- Safeguarding vulnerable people
- Access for young people
- Transparency
- Training - see section 5.7

As data controller, Belgrave Medical Centre must ensure that its existing Data Protection Impact Assessment (DPIA) covers making information available via the NHS App or other existing approved applications. If this is the case, Belgrave Medical Centre should not need to conduct a separate DPIA or change the existing one. This is because there is no change in the category of personal data being processed, the organisations involved or how that data is being processed. Please refer to the Data Protection Impact Assessment (DPIA) Policy and Procedure.

5.3 Patients Transferring to Another GP Practice

If a Patient moves practice, the data previously disclosed will no longer be visible. Once registered with the new practice, the Patient will be able to access all future/prospective information entered onto the new GP system. The new GP practice is able to manually provide access to historic information if this is appropriate.

5.4 Access to Past or Historic Records

If a Patient already has historic access to their health record, they will be able to see their future free text, consultations and documents in addition to any historic access they already have.

GP practices are contractually required to offer online access to Patient records. UK GDPR gives individuals the right to access their record. A Patient can still submit a Subject Access Request (SAR), and they are entitled to request a copy of their full record if they wish to have one. However, by proactively providing access to records via the NHS App, Belgrave Medical Centre may satisfy many Patients' wishes to see information without them needing to submit a formal request.

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Please refer to the Subject Access Requests Policy and Procedure for Patients who wish to request access to their historic information.

5.5 Identity Verification

Belgrave Medical Centre must verify the identity of the Patient before giving them access to their clinical record.

If someone requests access to online records on the Patient's behalf, they must be asked for evidence of their authority to act for the Patient. This might be the Patient's written consent or the necessary legal authority (such as a certificate of lasting power of attorney (LPA) - health and welfare) if the Patient does not have capacity to consent.

5.6 Explaining Patients' Records

Patients must be able to understand their records to get the most out of them. Taking the time to help them may reduce Patient contact in the long run as they gain a greater understanding of their conditions. Belgrave Medical Centre will:

l Encourage them to contact Belgrave Medical Centre if they need clarification

l Spell out acronyms

l Explain diagnoses and treatments in more detail

5.7 Staff Training

It is important to train the Belgrave Medical Centre team in Patient online access to records.

Those involved in creating the record need to be aware that it can be viewed by Patients. Staff must think carefully about the purpose of the records and the impact they may have on the Patient reading them. For example, training can:

l Highlight potential issues surrounding third-party data

l Cover the need to ensure data accuracy

l Minimise the use of abbreviations

Staff must be able to explain to Patients the importance of keeping their information secure.

Patients need to understand that they may see information they do not understand or find upsetting and that they can discuss their records with a healthcare professional if this happens.

Belgrave Medical Centre will ensure that staff are supported to understand the changes to online access from November and training should include:

l Ensuring all staff understand that Patients will see future entries made in the GP record

l Knowing how and when to redact information as it is being entered in the GP record (refer to section 5.14 on redacting information from view)

l Identifying situations in which access to information is likely to cause serious harm to the physical or mental health of the individual or another person and knowing how to restrict access to information in those situations

5.8 Technical System Guides

Clinical system suppliers, e.g. TPP and EMIS have developed technical guides for staff to configure their GP system supplier for online services and how to enable these services at an individual Patient level. These are available from the supplier websites.

5.9 Patient Information

Belgrave Medical Centre must provide the Patient with a Patient Information Leaflet and a registration form. The Patient must read the information leaflet prior to completing a registration form. This is to ensure that they understand their responsibilities when using online services.

It is useful to add details of this policy, and how to register with all associated documentation, to the Belgrave Medical Centre website. Patients can complete any forms that are required in advance and take these to Belgrave Medical Centre along with their ID documentation.

5.10 Online Access ID

Patients must return the completed registration form to reception with their relevant ID. If the Patient does not have the required ID, vouching can be used as an alternative option or the Patient can choose to complete the registration at a later date when they can provide the relevant documents. ID documents used must be either a passport or driving licence and a document that contains the home address, such as a utility bill.

5.11 Online Access Registration

Once all the appropriate checks have been completed, the Patient can be registered on the clinical system

for online access and given their username and unique password. This is usually in printed form from the GP system supplier once the registration has been entered.

5.12 NHS App

Patients can also self-associate with Belgrave Medical Centre using the NHS App. Patients can use the NHS App to:

- Check their symptoms
- Find out what to do when they need help urgently
- Book and manage appointments at their GP surgery
- Order repeat prescriptions
- View their GP medical record securely
- Choose how the NHS uses their data

Patients can register with the NHS app where their ID will be checked centrally. The app will then securely connect to information from their GP surgery.

In such cases, it is important that any sensitive or third party information is not disclosed. The computer system supplier can provide information on how to do this on the system.

While enabling Patients to view their medical records through the NHS App will be beneficial to the majority of Patients, there may be challenges for a minority. This is especially true in relation to safeguarding vulnerable adults, as the record may contain information that is confidential and sensitive, which the Patient must not see, or could be harmful if the Patient is unable to keep their record secure, such as in cases of coercion - see section 5.16. The importance of safeguarding Patients from harm is paramount. It may be appropriate to redact specific information entered into the GP medical record or prevent the Patient from having access.

5.13 Data Redaction

All GP systems have a method of preventing data being visible to Patients with online record access. This is generally known as data redaction. All staff at Belgrave Medical Centre need to know when it is necessary to redact information from Patient view and how to do this.

As new entries are immediately visible to Patients, staff must consider whether specific entries should be redacted whilst entering them into the clinical system. Importantly, when dealing with information which is likely to cause an individual distress, such as a positive test result, staff must ensure that the appropriate healthcare professional has spoken to the Patient before adding it to their record. Patients will not be able to see the test result until it is uploaded.

Both EMIS and TPP have an established function for redacting entries from view, both during entry and after upload. Guidance on this functionality is available at their system supplier's support section. Any decision to redact information and the rationale for that decision must be recorded in the Patient's record. Some systems may allow the automatic upload of items from other care settings into the GP record, such as discharge summaries, test results and letters. Belgrave Medical Centre must check whether this applies to its system. If this is the case, Belgrave Medical Centre must review the options accordingly and check the information prior to disclosure to Patients. Options may include:

- Preventing items from being automatically uploaded into the GP record so that they go into the workflow for manual review before being entered onto the GP record and becoming visible to Patients
- Allowing all items to be automatically uploaded into the GP record but hiding them from Patient view by default so that they can be reviewed before subsequently changing the status of the item to be visible to the Patient
- Making some items automatically visible to Patients, such as vaccination events, whereas others will not be automatically visible prior to review

It is good practice to inform Patients if there will be an impact on them, for example, to let them know if their test result may not be initially visible through the NHS App in advance of a follow-up consultation to discuss the results. Belgrave Medical Centre must consider these options both from a perspective of preventing serious harm to Patients, and also to ensure the confidentiality of third parties is not inadvertently breached.

5.14 Proxy Access

Proxy access may be given with the informed consent of the Patient. Belgrave Medical Centre may refuse or withdraw formal proxy access, if they believe it is in the Patient's best interests to do so. Formal proxy access may be restricted to less access than the Patient has, e.g. appointments and repeat prescriptions

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only.

Belgrave Medical Centre may authorise proxy access without the Patient's consent when:

- The Patient does not have capacity to make a decision on giving proxy access
- The applicant has a lasting power of attorney (health and welfare)
- The applicant is acting as a Court Appointed Deputy on behalf of the Patient
- The GP considers it to be in the Patient's best interest

The person authorising access must have the responsibility to ensure that the level of access enabled is appropriate for the performance of the applicant's duties.

Belgrave Medical Centre will establish if proxy access is justified (consent or best interests) and the level of access the proxy will have. The identity of the Patient requesting proxy access and the individual who will be the proxy must both be verified, and the Patient must complete the proxy access consent form. Belgrave Medical Centre must check the record for data to be redacted and the following must be recorded in the Patient's notes:

- The identity of the member of staff authorising access
- The level of access given to the proxy

5.15 Child Proxy Access

For most families, parental proxy access on behalf of young children is appropriate and helpful. Whilst NHS England states 'Between their 11th and 16th birthday most children will become competent to make the decision about whether anyone should have proxy access for them', the Information Commissioner's Office (ICO) states 'If you are relying on consent as your lawful basis for processing, when offering an online service directly to a child, in the UK only children aged 13 or over are able to provide their own consent'. People aged 16 or above are assumed to be competent to make an independent and informed decision.

The clinical system at Belgrave Medical Centre must automatically switch off proxy access at the child's 13th birthday and a monthly report must be run to identify any Patients who still have proxy access enabled at their 16th birthday. Belgrave Medical Centre will contact Patients whose proxy access has been disabled and inform them of their options for online access. Case-by-case decisions about child proxy access can be made when required.

Belgrave Medical Centre will:

- Verify the identity of the person asking for proxy access, and establish that they have parental responsibility for the child
- Check the child's medical record and/or Practice Team knowledge of any risk of abuse
- Refuse access if there is doubt about the safety of the decision
- Continue to have a high level of suspicion of abuse where child proxy access has been enabled
- Consider redacting any data that may suggest a suspicion of abuse

5.16 Coercion

The risks for coercion of Patients with online access must always be borne in mind. When a new Patient has access, check their medical record for information that may indicate previous or ongoing abuse and may lead to harm if seen by a malicious third party.

If there are any indications of coercion or abuse, consider data redaction or restricted access to allow safe access.

If access is restricted or data redacted:

- Record it in the Patient's medical record
- Explain it to the Patient
- Offer the Patient an appointment with the responsible GP/Governance Lead to discuss the decision to explain why it is in the Patient's best interests not to have access
- Discuss giving the other person formal proxy access

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6. Definitions

6.1 Proxy Access
- Proxy - a person authorised to act on behalf of another or the authority to represent someone else
- Formal proxy access – the proxy has their own second set of login details
- Informal proxy access – the Patient shares their login details with another person

6.2 Coercion
- Coercion is the act of governing the actions of another by force or by threat, in order to overwhelm and compel that individual to act against their will

6.3 Prospective Record Entries
- Patients with an existing online account will automatically be given access to future (prospective) entries to their Patient record

Key Facts - Professionals

Professionals providing this service should be aware of the following:
- Records must be written with the understanding that Patients will have access to them - this may mean writing in plain English
- Where information is entered that may be harmful to the Patient, then this must be redacted following the clinical system supplier's guidance
- When checking records prior to retrospective access, staff must, where possible, ensure that the Patient will understand any terminology or medical entries
- Staff must understand the process for proxy access and child proxy access
- Staff who process online access requests must understand about coercion

Key Facts - People affected by the service

People affected by this service should be aware of the following:
- Once you have reached the age of 13, all proxy access will be removed and you will be contacted to check how you would like your information accessed moving forward
- Before full access is given to you, a responsible member of staff will ensure that your medical records have been checked by a clinician and an entry made in them to confirm this

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Further Reading

As well as the information in the 'underpinning knowledge' section of the review sheet we recommend that you add to your understanding in this policy area by considering the following materials:

MDU - Online Access to Records:
https://www.themdu.com/guidance-and-advice/guides/online-access-to-records
BMA - Access to Health Records:
https://www.bma.org.uk/media/1868/bma-access-to-health-records-nov-19.pdf
NHS England - Practice Guidance - Offering Patients Prospective Record Access (interactive guide):
https://www.england.nhs.uk/wp-content/uploads/2019/12/Prospective-records-access-practice-guide-v1.2.pdf
NHS England - Patient Online - Registering Patients for Online Services:
https://www.england.nhs.uk/wp-content/uploads/2017/01/po-why-should-l-register-patients.pdf
NHS England - Giving Another Person Access to your GP Online Services - Patient Guide:
https://www.england.nhs.uk/wp-content/uploads/2016/11/pat-guid-give-another-person-access-bw.pdf
NHS England - Safeguarding Related to Online Services - Coercion and Proxy Access:
https://www.england.nhs.uk/wp-content/uploads/2015/11/pol-safeguarding-proxy-webinar-slides-0216.pdf
RCGP- Patient Online Toolkit:
https://www.rcgp.org.uk/patientonline
NHS Digital - Patient Online Management Information (POMI):
https://digital.nhs.uk/data-and-information/publications/statistical/mi-patient-online-pomi/current
NHS Digital - Resources to Support Staff with Providing Record Access to Patients:
https://digital.nhs.uk/services/nhs-app/nhs-app-guidance-for-gp-practices/guidance-on-nhs-app-features/accelerating-patient-access-to-their-record/resources-to-support-staff-with-providing-online-services

Outstanding Practice

To be ' outstanding ' in this policy area you could provide evidence that:

- The wide understanding of the policy is enabled by proactive use of the QCS App
- All eligible Patients have access to their records
- Records are written with the understanding that Patients will see and understand them

Forms

The following forms are included as part of this policy:

Title of form	When would the form be used?	Created by
Online Services Application Form - GAB33	When granting access to online records	QCS

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Online Services Application Form Belgrave Medical Centre

I wish to

1. Book an appointment with a doctor online

2. Order repeat prescriptions online

3. Update my contact details online

4. Access my Medical Record

In accordance with data protection principles, to enable access to our online services we require you to complete this form. Proof of identity is required including one proof of address and one photo ID.

We will not keep copies of these on your record.

Name: ……………………………………………………………… DOB:…………………………...…..…………………

Address: ………

……

Home Tel No: ……………………...……………………… Mobile Tel No: ……………………..……………………………

Email address: ………..

I hereby authorise Belgrave Medical Centre to release registration details to allow me to use online services. I understand that it is my responsibility to ensure that the details are kept safe and secure and not shared with anyone else.

I further agree to use the system in a responsible manner in accordance with all instructions given to me by Belgrave Medical Centre and to immediately report any errors I encounter whilst using the system.

I am the patient:

I am representing the patient (capacity): ……………………………………….…(e.g. mother)

(When representing a patient over 12 years old, a letter of authority signed by the patient is required)

Signed: …………………………………………………………

Print Name: ………………………………………………………

Address if different from above ……………………………………………………………………

…….

Date: …………………………………………………………

For surgery use only

Identity confirmed Yes/No   Identity provided e.g. Passport/Driving Licence

Access granted Yes/No

Form passed to GP for access. Granted GP signature: _____

Patient informed and access granted:_____