

YOUR RIGHT TO AN ACCURATE HEALTH RECORD

We as your healthcare providers are committed to ensuring the integrity and accuracy of our patient data. You, as the patient, have the right to query the inaccuracy of the data held about you within your health record and request for it to be corrected, removed, or amended.

This is known as the **'right to rectification'**.



How To Query Your Data

To exercise your right to query, you need to inform the surgery that you are querying the accuracy of your data and it corrected. Our surgery has a form for you to complete that will begin the process to review, research and, if necessary, amend your health record.

On the form you should:

- State clearly what you believe is inaccurate or incomplete
- explain how you wish the surgery to correct it, and
- where available, provide evidence of the inaccuracies.

While a request can be verbal, we recommend you submit your request in writing because this will allow you to explain your query, give evidence and state your desired solution. It will also provide clear audit trail for everyone should you decide to challenge the outcome of the query.

When You Think Your Data Is Inaccurate

It can be complex to decide whether data is inaccurate if it refers to a mistake that has been put right. The surgery may state that the fact the mistake was made is an accurate thing to record, so it should record the mistake alongside the correct data.

Example

A doctor finds that a patient has a particular illness and notes it in their health record. Sometime later, this diagnosis is found to be wrong. It is likely that the health record should include both the initial diagnosis and the final findings because this gives an accurate record of the patient's medical treatment. As long as the health record contains the up-to-date findings, and this is made clear in the record, it would be difficult to argue that the record is inaccurate and should be corrected.

What If the Data Is an Opinion?

It is also complex if the data in question records an opinion. Opinions are, by nature, subjective. As long as the record is clear that the data is an opinion and, where appropriate, whose opinion it is, it can be difficult to maintain it is inaccurate and needs to be corrected.

What The Surgery Will Do

When the surgery is asked to correct/amend data, we take reasonable steps to investigate whether the data is accurate and will demonstrate we have done so. To do this it should consider your arguments and any evidence you provide.

The surgery will then contact you and either:

- confirm it has corrected, deleted, or amended, or
- inform you we cannot change the data and explain why we believe the data is inaccurate.

Both your query and our response will be placed in your health record and any further correspondence concerning the query aswell.



If the data is found to be inaccurate and this information was disclosed to other providers, we will contact them and report the data has been corrected or amended – unless it is to do so. We will inform you which recipients have received the corrected data.

Can We Refuse to Comply With a Request For Rectification?

A surgery can refuse to comply with a request for rectification if it believes that the request is what the law calls “manifestly unfounded or excessive”. In reaching this decision, we cannot take into account whether the request is repetitive. This is not the same as requesting the outcome be reviewed after the initial request has been processed.

In either case, we will notify you to explain our decision.

How Long Will The Processing of My Query Take?

A surgery has one month to respond to your request. In certain circumstances we may need extra time to consider your request and can take up to an extra two months. If this is the case, we will let you know within one calendar month that we need more time and why.

Will there be a fee?

We will only charge a fee if we think the request is “manifestly unfounded or excessive”. If so, our fee will be for administrative costs associated with the request.

If You Are Dissatisfied with The Outcome

If you are unhappy with how we have handled your request, you should contact us to discuss why you disagree and believe that the outcome should be reviewed and modified.

Having done so, if you remain dissatisfied you can make a complaint to your local ICB board, if you are still dissatisfied you can make your complaint to:



NHS England, by;

- Phone 0300 311 22 33
(Relay UK for people who are hearing or speech impaired: dial 18001 followed by 0300 311 22 33 More information is available on the [Relay UK website](#))
- British Sign Language (BSL) users can [contact us via BSL video interpreter](#) Monday to Friday from 9am to 4.30pm.
- Email england.contactus@nhs.net
- Writing to NHS England, PO Box 16738, Redditch, B97 9PT

Or

Information Commissioner's Office (ICO)
Wycliffe House
Water Lane
Wilmslow
SK9 5AF

Helpline: 0303 123 1113

<https://ico.org.uk/make-a-complaint/>

Further Guidance

<https://transform.england.nhs.uk/information-governance/guidance/amending-patient-and-service-user-records/>



Darwen Healthlink, James Street West, Darwen, BB3 1PY Tel: 01254 964820