

## SARs:

Ensure the request is clear and if it is not, you should clarify before release. DS consent supplied MUST cover the request clearly. Any concern about release to solicitor or third party, review with DS (if appropriate to do so) or sent to DS to determine what/who they share data with. Please refer to the ICO guidance on SARs for further guidance and to ensure you have fulfilled the request or refusal in accordance with the regulations

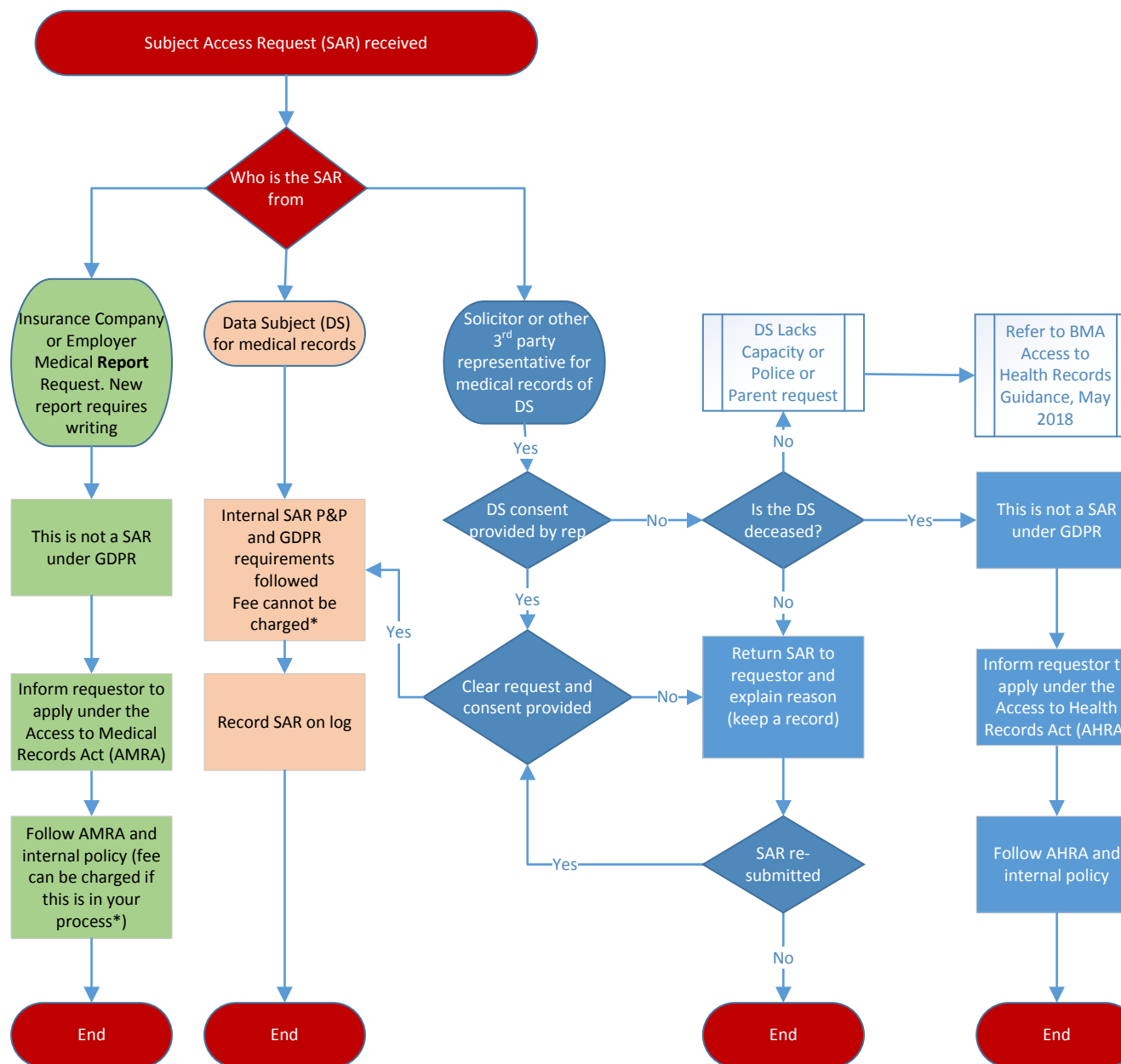
<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-of-access/>

## \*Fees:

**SARs:** The circumstances when a fee can be charged for SARs to health records deemed 'excessive' are likely to be rare (BMA, Access to Health Records, May 2018). GPC are seeking further clarification on this.

**Deceased patient records:** Legislative changes to the Data Protection Act 2018 has also amended the Access to Health Records Act 1990 which now states access to the records of deceased patients and any copies, must be provided free of charge.

**Medical Report Requests, rather than a SAR:** Falls under the Access to Medical Reports Act (AMRA) for insurance and employment purposes and should be handled in the usual way. The GDPR does not change the AMRA. <https://www.bma.org.uk/advice/employment/fees/medical-records>



This flowchart has been developed as guidance only for the purpose of assisting decision making with regards to access requests received by GP Practices. It has been developed using the GDPR and DPA legislation as well as the most up to date information available from the ICO, IGA, BMA. When more information becomes available, this flowchart will be updated accordingly.