

<b>OAKLEY HEALTH GROUP</b>	
<b>SECURE ONLINE ACCESS TO MEDICAL RECORDS POLICY</b>	
<b>REVIEW DATE:</b>	<b>23.06.18</b>
<b>REVIEWED BY:</b>	<b>Dr Neil Bhatia</b>
<b>NEXT REVIEW:</b>	<b>01.04.19</b>

## **Introduction**

1. From April 2014, GP practices were required to promote and offer the facility for patients to view online or print the information equivalent to that held in a "core" Summary Care Record (i.e. medications, allergies and adverse reactions).
2. Following the 2015-2016 GP contract negotiations, GP practices were also required to offer online access to the detailed information from the medical record i.e. information held in coded form.
3. Eligible patients wishing to access their records online are enabled on a patient-by-patient basis by the practice.  
Patients must actively request such a service, that is, must *opt-in*.
4. The practice will endeavour to promote awareness of patients' right to apply for this service. Dr Neil Bhatia has produced a factsheet for patients to assist this (which will be downloadable from the practice web site).

## **Process**

5. Patients may or may not choose to request secure online access to their medical record.
6. Patients choosing to do so will have their logon details generated in the usual way, and appropriate services enabled as requested *with the exception of the online records access module*.
7. The request form will be then given *to that patient's registered GP*.
8. By default, it is assumed that all patients will be given *full/detailed access* to their online medical record.
9. The GP may consider that full access is indeed appropriate.

10. The GP may consider that online access to the medical record is not appropriate whatsoever.
11. The GP may consider that access to the "core" summary care record level of data is only appropriate.
12. The GP may consider that access to a "partial clinical record" is appropriate, by restricting areas within the record (as EMIS Web software allows).
13. The GP will indicate the level of access to be granted, and any reasons why such access should not be the default full/detailed.
14. The form will then be passed to the appropriate practice staff to switch on the online records access module and enable the determined level of access.

### **Patients aged 16+**

15. By default, competency to consent is assumed and therefore individuals are granted their own access.
16. Individuals may be competent to consent but nevertheless wish & choose to allow proxy access by a parent/carer.  
It is for their GP to determine suitability for such an arrangement.
17. Individuals may not be competent to consent. A parent/carer might request proxy access, or the patient's GP might suggest it. It is for their GP to determine if it is in the patient's best interests to grant proxy access (and may refuse to allow access in this way).

### **Patients aged < 11yrs old**

18. All children of this age have proxy access enabled.  
Only those with parental responsibility should be the proxy.
19. ID and, if appropriate, proof of parental responsibility will be required before providing logon/registration details.
20. When the child reaches the age of 11, their GP must determine what happens next to their online access as per the Age 11-15 yrs process. Access shouldn't suddenly be "switched off", but their GP alerted and a decision made ASAP.

## **Patients aged 11 – 15 yrs old**

21. There is no reason not to grant individual or proxy access, but a careful assessment must be taken by the GP and admin team.
22. Individuals aged 11-15 *may* be competent to consent. That will be for their GP to determine. If so, they may choose to:
  - Have their own access, or
  - Choose to allow proxy access by a parent/carer
23. Individuals aged 11-15 *may not be competent* to consent. Again, that will be for their GP to determine. If so:
  - A parent/carer might request proxy access, or
  - Their GP might suggest it
24. It will be for their GP to determine if it is in the patient's best interests to grant proxy access (and may refuse to allow access in this way).

## **Annual Review for *all* patients with proxy access aged 11+**

25. Anyone aged 11+ with proxy access enabled will need for this to be reviewed on a regular (annual) basis.
26. At some point in time, it may (and is likely to) be appropriate to disable proxy access and grant that individual their own access.
27. Again, it will be for their GP to determine this.

## **Parental Responsibility**

28. A person with parental responsibility is either:
  - the birth mother, or
  - the birth father (if married to the mother at the time of child's birth or subsequently)

Unmarried fathers will only have automatic parental responsibility if:

- their child was born after 15 April 2002 (Northern Ireland), 1 December 2003 (England and Wales) or 4 May 2006 (Scotland)

AND

- the father's name is on the birth certificate

Parental responsibility can also be held by adoptive parents, those appointed as a legal guardian or those given a residence order.

Additionally, when a child is subject to a care order, parental responsibility will be held by the local authority.

Parental responsibility may be acquired or awarded, and it may also be removed by a court order. Parental Responsibility Agreements are another way for fathers, step-parents and registered civil partners to acquire parental responsibility.

Divorce or marital separation does not affect parental responsibility. When more than one person has parental responsibility, each may independently exercise rights of access.

### **Capacity to Consent**

29. Children aged over 16yrs are presumed to be competent.
30. Children under 16 (in England) must demonstrate that they have sufficient understanding of what is proposed in order to be entitled to consent to online records access.

### **Assistance for patients**

31. Patients who wish for more information can contact Dr Neil Bhatia (Caldicott Guardian) by email or telephone.
32. Dr Neil Bhatia is the practice's nominated "secure online access to medical records expert".

### **Ongoing maintenance of the policy**

33. Dr Neil Bhatia will be responsible for ensuring that the policy is maintained accordingly.

### **Freedom of information**

34. This policy will be available if requested under the FOI Act.
35. This policy will be downloadable from our website.