Dear [ ]

**Request for Medical Records for [NAME OF PATIENT]**

We acknowledge receipt of your letter dated [DATE] requesting [your medical notes] OR [the medical notes of the aforementioned patient of this Practice].

We note that you are making a formal subject access request pursuant to rights imparted by the General Data Protection Regulations and the Data Protection Act 2018.

It is not clear from your request why you are asking for this information and we should be grateful if you would confirm.

In this respect you are reminded of Recital 63 of GDPR (our ***emphasis*** added):

“A data subject should have the right of access to personal data which have been collected concerning him or her, and to exercise that right easily and at reasonable intervals, ***in order to be aware of, and verify, the lawfulness of the processing***…

… ***Every data subject should therefore have the right to know and obtain communication in particular with regard to the purposes for which the personal data are processed****,* where possible the period for which the personal data are processed, the recipients of the personal data, the logic involved in any automatic personal data processing and, at least when based on profiling, the consequences of such processing.

… ***Where the controller processes a large quantity of information concerning the data subject, the controller should be able to request that, before the information is delivered, the data subject specify the information or processing activities to which the request relates.***”

It appears to us that the reason for your request may not be for the purposes of being “aware of, and verifying, the lawfulness of the processing” but a wish to receive the medical notes for another reason. Should the request be for the purpose of ensuring our data protection compliance, we should be grateful if you would confirm this fact in writing using the attached declaration form [IN THE CASE OF A SOLICITOR OTHER PROFESSIONAL ADVISOR – bearing in mind your professional duty not to mislead and explain why we are unable to answer any queries you have over the processing of the data by us simply providing a summary of:

* The nature of the data held;
* The purpose for which the data is processed;
* The recipients of any such data;
* The extent to which there is any automatic processing of the data in question.

We consider it to be entirely appropriate for you to explain why us giving summary information will not suffice given our right otherwise to charge for “excessive” requests.

We must reiterate that we are not attempting to be difficult in requesting such further information from you which is simply to enable us to prioritise and answer legitimate GDPR requests. We and the rest of the primary care sector have however been the subject of apparently unscrupulous requests for medical records from various sources since the introduction of GDPR. This has seen increasing amounts of Practice time and resources being diverted from the frontline care of our patients to the task of providing copies of medical notes without charge.

It follows that if the true reason of your request is not for the purposes of GDPR, we expect you to be honest about this and to meet our reasonable charges in processing that request. Our resources are stretched and our priority has to be the care of our patients, even though of course the privacy of our patients is also extremely important to us.

Yours [sincerely] [faithfully],

**DECLARATION OF GDPR COMPLIANCE**

(\*Delete as appropriate)

I warrant \*on behalf of myself/\*my client/\*my customer that I require a copy of the medical notes of:

……………………………………………………………(full name)

of…………………………………………………………………………………………………………………………………………(address)

solely for the purposes of being aware of, and verifying the lawfulness of, the processing of that personal data and that this request is made genuinely for GDPR/data protection purposes.

I acknowledge that I have been offered a summary of the following matters relevant to my request:

• The nature of the data held;

• The purpose for which the data is processed;

• The recipients of any such data;

• The extent to which there is any automatic processing of the data in question.

This is insufficient for my purposes because:

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In consideration for the Practice providing me with a copy of the medical records, I agree on my \*own behalf/\*on behalf of my organisation,……………………………………………………………………… (name of business) of…………………………..…………………………………………………………………………..(address of business) to cover the reasonable costs of the Practice in supplying that data and in its recovery of such payment should it become apparent to the Practice that the reason for this request for the medical records was for a reason other than being aware of, and verifying the lawfulness of, the processing of that personal data.

The information I give above is correct to the best of my knowledge and belief.

Signed……………………………………… Date……………………………………………