



Your health, your choices

## What are the fees for accessing medical records (health records)?

It depends on whether:

- the records have been updated in the previous 40 days
- you want a copy of the records and, if so, how the records are stored

### Fees to access health records

Accessing health records is free of charge if:

- the records have been updated in the previous 40 days, and
- you don't require a copy

If the records have not been updated in the last 40 days and you don't require a copy, the maximum charge is £10. This charge applies whether the records are stored:

- on computer
- partly on computer and partly in another form, for example, paper records such as letters or hand-written clinical notes, or images such as X-ray film
- totally in another form

If you decide that you do want a copy, the maximum £10 charge for viewing will be included in the fee for obtaining a copy (see below). You will not be charged twice for one access request.

### Fees to get a copy of health records

If you want a copy of the health records, the fee will depend on how the records are stored:

- on computer: maximum £10
- partly on computer and partly in another form: maximum £50
- totally in another form: maximum £50

The maximum charges include postage and packaging.

### Health records of someone who has died

The fees to access the health records of someone who has died are slightly different. For more information, see [Can I access the health records of someone who has died?](#) below.

Read the answers to more questions about [NHS services and treatments](#).

#### Further information:

- [How do I access my medical records \(health records\)?](#)
- [Can I access someone else's health records?](#)
- [Can I access the health records of someone who has died?](#)
- [How long are health records kept for?](#)
- [Do I have to tell my employer about my medical history?](#)
- [Find local services](#)
- [About the NHS: health records](#)
- [Directgov: power of attorney](#)

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(There is also a detailed question and answer document available on [the Department of Health website](#) search under 'Access to health records').

### **12. How much can I charge to provide access and copies of records?**

Records held entirely on computer = £10

Records held partly on computer and partly manually = up to £50

Records held manually = up to £50

To allow patients to view their records (where no copy is required) the maximum costs are:

£10, unless records are held manually and have been added to in last 40 days, when there is no charge.

Doctors must look at their actual costs, and be able to justify any charges made.

### **13. Are police authorities exempt from paying a fee for access to health records requests?**

Where a proposed disclosure is for the purposes of the prevention or detection of crime, or apprehension or prosecution of an offender, and when failure to disclose would be likely to prejudice these objectives in a particular case, then the provisions of the Data Protection Act 1998 do not apply. The police representatives contacting the data controller (GP or PCT) have the responsibility of demonstrating the necessary statutory exemption from the fee regime. Therefore the police representative must state that the police authority require the information for the purposes of investigating a crime and have statutory exemption from the fee provisions under the Crime and Disorder Act.

Detailed advice regarding confidentiality and disclosure of information to the police can be found in guidance from the BMA Ethics department, called [Confidentiality and disclosure of health information](#).

### **14. Is it reasonable to invite a solicitor to come to the surgery to make copies of voluminous records using the practice's photocopier to make copies, and for what fee?**

Some practices are inviting solicitors to come into the surgery to make the copies. This action is allowed where it is considered convenient for both parties and no ethical or legal difficulties arise, provided that the other conditions in the Act are met. In particular, doctors allowing solicitors to make copies of records must ensure that the records they are copying do not reveal any information that is exempt from the access provisions of the legislation.

### **15. What are the suggested rates for completing a report as a professional witness at the request of a solicitor?**

If it is a report for the prosecution, the fee is set by the Crown Prosecution Service (CPS) and published in the fees guidance on medico-legal fees ([Fee guidance schedule 10](#)). If not - if the report is for the defence solicitor, for example - these are among the fees that the OFT has said that the BMA should no longer publish as it is work that could be undertaken by any doctor. Doctors should therefore determine their own fee, taking into account the costs involved in doing the work and the value they place on their professional time. The BMA advises doctors to agree any fees in writing before undertaking any work.

### **16. What are the suggested rates for completing an expert witness report at the request of a solicitor?**

An OFT ruling prevents the BMA from suggesting fees for this work. Generally doctors can set their own fee, however it is wise to check that the organisation responsible for paying the fee does not have its own schedule of fees ie CPS - see [fee guidance schedule 10](#).

[Fee guidance schedule 10](#)

### **17. I am no longer required to attend court but had made arrangements for locum cover and done the preparatory work. Am I entitled to a fee?**

Yes, if you have agreed in advance that in the event of cancellation there will be no problem in receiving fees for your work or for your locum costs.

### **18. A firm of solicitors is not paying my fees - what can I do?**

Each firm of solicitors should have its own internal complaints procedure. If that does not resolve the matter, then you