



TRIBUNALS  
JUDICIARY

**JUDGE JOHN AITKEN**  
**CHAMBER PRESIDENT, SOCIAL**  
**ENTITLEMENT.**

To:  
All Judicial Office Holders

28<sup>th</sup> March 2019

Dear Colleague,

Following the advent of General Data Protection Regulations (GDPR), HMCTS can no longer pay for medical notes. This has afforded the opportunity to consider the position with regard to such evidence generally. Notes must be disclosed to the patient free of charge, but may contain very sensitive material, either not relevant to the appeal, or material which even if relevant the appellant would not wish the panel to see.

Where the Tribunal feels that GP notes are essential to the fair determination of an appeal and that the only way to rectify that is to allow a further opportunity for them to be produced, that should be done, rather than directing their production.

An example adjournment notice:

*"The hearing of your appeal will now take place on the first available date. The Tribunal considers that it may be helpful in deciding your appeal if they had copies of your GP notes including letters from Consultants, Hospitals and other health care professionals who are treating you. You are now entitled to make a request for these from your GP free of charge under the General Data Protection Regulations (GDPR). You do not have to do so. If you are willing to provide copies of your GP notes the tribunal would like to see the notes **only for the period from [x to y]**. You can show this Directions notice to your GP to explain what the Tribunal has decided.*

*If you decide to provide your medical notes you must ask your GP practice for them urgently and send them to HMCTS within [28] days. If you have problems obtaining the records or need longer, please contact HMCTS to explain what the problem is before the end of [28] days."*

A Guidance Note outlining the position has been issued and is attached.

Yours sincerely

Judge John Aitken  
Chamber President  
Social Entitlement Chamber