

1994 No. 158

ACCESS TO HEALTH RECORDS

The Access to Health Records (Steps to Secure Compliance and Complaints Procedures) Regulations (Northern Ireland) 1994

Made 25th April 1994

Coming into operation 30th May 1994

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 10(2) and (3) of the Access to Health Records (Northern Ireland) Order 1993(a) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Access to Health Records (Steps to Secure Compliance and Complaints Procedures) Regulations (Northern Ireland) 1994 and shall come into operation on 30th May 1994.

(2) In these regulations—

“the Order” means the Access to Health Records (Northern Ireland) Order 1993;

“applicant” means a person who has made an application under Article 5 or 8 of the Order;

“court” means the High Court or a county court;

“date of the complaint” means the day after that on which the applicant sends by post or delivers by hand the complaint to the holder in respect of which the complaint is made.

Steps to be taken before the court entertains an application

2. The steps to be taken before the court entertains an application under Article 10(1) of the Order are—

(a) that the applicant has applied to the holder under whichever of Article 5 or 8 of the Order applies; and

(b) that he has thereafter, in accordance with regulation 4, made a complaint under regulation 3 that the holder has failed to comply with a requirement of the Order, and has either received the report specified in regulation 5 or has received no response within 3 months from the date of the complaint.

(a) S.I. 1993/1250 (N.I. 4)

Complaints

3. An applicant who wishes to complain that any requirement of the Order has not been complied with shall give a written notice of complaint to the holder to whom the application was made.

Complaints: contents and time limits

4.—(1) Any complaint made under regulation 3 shall include the following information:—

- (a) the name and address of the applicant;
- (b) the name and address of the person to whom the health record relates (if different from the applicant) and the authority of the applicant to make application for access;
- (c) the date on which the application for access was made to the holder;
- (d) the grounds on which the complaint is made, specifying the requirements of the Order with which the applicant alleges that the holder has failed to comply.

(2) In a case where the complaint made is that the holder of the health record has failed—

- (a) to make a correction to information contained in a health record; or
- (b) to note on the record the matters in respect of which the applicant considered the record to be inaccurate; or
- (c) to supply the applicant with a copy of the correction or note under Article 8(2) of the Order within a period of one month of the date of the application to have the record corrected,

the time limit within which a complaint shall be made to the holder shall be 3 months from the date of the application to have the record corrected.

(3) In all other cases the complaint shall be made to the holder within 3 months of the making of the application for access.

Action following receipt of complaint

5. Not later than 3 months from the date of the complaint the holder of the health record shall report to the applicant in the form prescribed in the Schedule.

Sealed with the Official Seal of the Department of Health and Social Services on 25th April 1994.

(L.S.)

D. A. Baker

Assistant Secretary

**Report under regulation 5 of the Access to Health Records (Steps to
Secure Compliance and Complaints Procedures)
Regulations (Northern Ireland) 1994**

Name and address of applicant

Name and address of holder of health record

Name and address of health professional who advised
the holder under Article 9 of the Access to Health
Records (Northern Ireland) Order 1993 (if applicable)

Date of application for access to or amendment of
health record

Date of complaint regarding non-compliance with the
Access to Health Records (Northern Ireland)
Order 1993

Here state the response to the complaint and either any action taken as a result of the
complaint to comply with a requirement of the Order or, where no such action has
been taken, the reasons for taking no action.

Date

Signature of person who prepared report

Note: If you consider that the holder of your health record has not complied with any
requirement of the Access to Health Records (Northern Ireland) Order 1993 you may
apply to the court within one year from the date of this report to order the holder to
comply with that requirement.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations prescribe the steps which a person who has made application to a record holder for access to his health records, or those of another person on whose behalf he is acting, must take before that person can apply to the court under Article 10(1) of the Access to Health Records (Northern Ireland) Order 1993 making a complaint that the holder has failed to comply with any requirement of the Order.

The regulations also prescribe the action to be taken by holders of health records following receipt of a complaint and the information to be given to the applicant on the completion of the investigation in the form of the report prescribed in the Schedule.

The regulations also specify the time limits for making a complaint and a time limit for investigation and reporting.