



Access to Health Records Act 1990

1990 CHAPTER 23

Preliminary

1 “Health record” and related expressions. E+W

(1) In this Act “health record” means a record which—

- (a) consists of information relating to the physical or mental health of an individual who can be identified from that information, or from that and other information in the possession of the holder of the record; and
- (b) has been made by or on behalf of a health professional in connection with the care of that individual;

^{F1}

(2) In this Act “holder”, in relation to a health record, means—

- [^{F2}(a) in the case of a record made by a health professional performing primary medical services under a general medical services contract made with [^{F3}[^{F4}NHS England] or a] Local Health Board, the person or body who entered into the contract with [^{F5}NHS England] the ^{F6}... Board (or, in a case where more than one person so entered into the contract, any such person);
- (aa) in the case of a record made by a health professional performing such services in accordance with arrangements under [^{F7}section 92 or 107 of the National Health Service Act 2006, or section 50 or 64 of the National Health Service (Wales) Act 2006,] with [^{F8}[^{F9}NHS England] or a] Local Health Board, the person or body which made the arrangements with [^{F10}NHS England] the ^{F11}... Board (or, in a case where more than one person so made the arrangements, any such person);]
- (b) in the case of a record made by a health professional for purposes connected with the provision of health services by a health service body [^{F12}(and not falling within paragraph (aa) above)] , the health service body by which or on whose behalf the record is held;
- (c) in any other case, the health professional by whom or on whose behalf the record is held.

Changes to legislation: Access to Health Records Act 1990, Cross Heading: Preliminary is up to date with all changes known to be in force on or before 20 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (3) In this Act “patient”, in relation to a health record, means the individual in connection with whose care the record has been made.

Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only.

Textual Amendments

- F1** Words in s. 1(1) repealed (1.3.2000) by 1998 c. 29, s. 74(2), **Sch. 16 Pt. I**; S.I. 2000/183, art. 2(1)
- F2** S. 1(2)(a)(aa) substituted for s. 1(2)(a) (E.W.) (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), ss. 184, 199(1)(4), **Sch. 11 para. 57(2)**; S.I. 2004/288, **art. 5(1)(2)(v)** (as amended by S.I. 2004/866, art. 2); S.I. 2004/480, **art. 4(2)(z)** (as amended by S.I. 2004/1019, art. 2 and S.I. 2006/345, art. 8)
- F3** Words in s. 1(2)(a) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 63(a)(i)**; S.I. 2013/160, art. 2(2) (with arts. 7-10, Sch. para. 15)
- F4** Words in s. 1(2)(a) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 1 para. 3(a)(i)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F5** Words in s. 1(2)(a) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 1 para. 3(a)(ii)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F6** Words in s. 1(2)(a) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 63(a)(ii)**; S.I. 2013/160, art. 2(2) (with arts. 7-10, Sch. para. 15)
- F7** Words in s. 1(2)(aa) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 2, 8, **Sch. 1 para. 135** (with Sch. 3 Pt. 1)
- F8** Words in s. 1(2)(aa) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 63(b)(i)**; S.I. 2013/160, art. 2(2) (with arts. 7-10, Sch. para. 15)
- F9** Words in s. 1(2)(aa) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 1 para. 3(b)(i)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F10** Words in s. 1(2)(aa) inserted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 1 para. 3(b)(ii)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F11** Words in s. 1(2)(aa) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 63(b)(ii)**; S.I. 2013/160, art. 2(2) (with arts. 7-10, Sch. para. 15)
- F12** Words in s. 1(2)(b) inserted (E.W.) (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), ss. 184, 199(1)(4), **Sch. 11 para. 57(3)**; S.I. 2004/288, **art. 5(1)(2)(v)** (as amended by S.I. 2004/866, art. 2); S.I. 2004/480, **art. 4(2)(z)** (as amended by S.I. 2004/1019, art. 2 and S.I. 2006/345, art. 8)

Modifications etc. (not altering text)

- C1** S. 1(2)(a) modified (E.) (1.4.2004) by The General Medical Services and Personal Medical Services Transitional and Consequential Provisions Order 2004 (S.I. 2004/865), **art. 109(2)(c)** and (W.) (1.4.2004) by The General Medical Services Transitional and Consequential Provisions (Wales) (No. 2) Order 2004 (S.I. 2004/1016), **art. 85(2)(c)**

1 “Health record” and related expressions. **S**

- (1) In this Act “health record” means a record which—

- (a) consists of information relating to the physical or mental health of an individual who can be identified from that information, or from that and other information in the possession of the holder of the record; and
- (b) has been made by or on behalf of a health professional in connection with the care of that individual;

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F1 . . .

- (2) In this Act “holder”, in relation to a health record, means—
- [^{F14}(a) in the case of a record made by a health professional performing primary medical services under a general medical services contract made with a Health Board, the person who entered into the contract with the Board;
- (aa) in the case of a record made by a health professional performing such services in accordance with arrangements under section 17C of the National Health Service (Scotland) Act 1978 with a Health Board, the person who made the arrangements with the Board;]
- (b) in the case of a record made by a health professional for purposes connected with the provision of health services by a health service body [^{F15}(and not falling within paragraph (aa) above)] , the health service body by which or on whose behalf the record is held;
- (c) in any other case, the health professional by whom or on whose behalf the record is held.
- (3) In this Act “patient”, in relation to a health record, means the individual in connection with whose care the record has been made.

Extent Information

- E2 This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

Textual Amendments

- F1 Words in s. 1(1) repealed (1.3.2000) by 1998 c. 29, s. 74(2), Sch. 16 Pt. I; S.I 2000/183, art. 2(1)
- F14 S. 1(2)(a)(aa) substituted (S.) (1.4.2004) for s.1(2)(a) by The Primary Medical Services (Scotland) Act 2004 (Modification of Enactments) Order 2004 (S.S.I. 2004/167), art. 2, Sch. para. 3(2)
- F15 Words in s. 1(2)(b) inserted (S.) (1.4.2004) by The Primary Medical Services (Scotland) Act 2004 (Modification of Enactments) Order 2004 (S.S.I. 2004/167), art. 2, Sch. para. 3(3)

Modifications etc. (not altering text)

- C2 S. 1(2)(a) modified (S.) (1.4.2004) by The General Medical Services and Section 17C Agreements (Transitional and other Ancillary Provisions) (Scotland) Order 2004 (S.S.I. 2004/163), art. 96(2)(b)

[^{F13}2 **Health professionals.**

In this Act, “health professional” has the same meaning as in the Data Protection Act 2018 (see section 204 of that Act).]

Textual Amendments

- F13 S. 2 substituted (25.5.2018) by Data Protection Act 2018 (c. 12), s. 212(1), Sch. 19 para. 37 (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1(2)(aza) inserted by [2022 c. 31 Sch. 3 para. 44\(b\)](#)
- s. 3(1)(g) inserted by [2009 c. 25 Sch. 21 para. 29\(2\)](#)