

Patients' Rights

A brief guide to access to medical records,
confidentiality and second opinions

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advice



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PATIENTS' RIGHTS

1. Right of access to medical records.

The Data Protection (Bailiwick of Guernsey) Law, 2017 gives patients the right to see their own medical records and requires that the information they contain is accurate and secure. These are known as Subject Access Requests.

Contact the Practice Manager of the relevant medical practice or, in the case of the Committee for Health and Social Care, the Health Records Manager at the Princess Elizabeth Hospital.

The organisation has a period of one month from the date it receives your completed application to provide you with the requested information. An extension of a further two months can be sought depending on the complexity and number of requests, but you will be informed if an extension is required and the reasons why.

The information is free if sent by email or collected by the patient (or someone on their behalf). If the information needs to be posted within the Bailiwick or to the UK, a charge is made to cover postage and employee time costs. Charges will be dependent on the number of pages.

Discovery access involving litigation is charged in excess of £50 for up to 100 pages.

Note: Prices quoted must be clarified with the practice.

Children are allowed to access their own records independently of their parents or to withhold their consent for disclosure if they are assessed as being capable of understanding.

Access can be legitimately denied if disclosure would be likely to cause serious physical or mental harm or if a court directs that information, which has been supplied in the course of court proceedings relating to families or children, should be withheld.

If access is unlawfully denied, an appeal can be made to the Office of the Data Protection Authority for Guernsey who has powers of enforcement, or to the Royal Court which has the power to order disclosure.

2. Confidentiality.

All healthcare workers including doctors owe a duty of confidence to their patients. Unless there is an overriding public interest to the contrary, identifiable personal information should not be disclosed to third parties without prior consent.

There is implied consent to the normal sharing of information between professionals within a healthcare team and it is also permissible for anonymised data to be used for the purposes of audit, statistics and service provision.

As with all complaints, if a breach of confidentiality is suspected the matter should initially be taken up with the relevant Practice Manager or with the Secretary of the Guernsey Division of the British Medical Association.

Ultimately a breach of confidentiality can give rise to a cause of action in law or can be referred to the General Medical Council for investigation.

3. Second opinions.

Patients have a right to seek a second opinion if they are unhappy with some aspect of their diagnosis or medical treatment.

This right can be exercised at any time by asking for or arranging a referral. Where an opinion is sought off-island from a consultant in private practice, the costs will be met by the patient.

Under the contract between the States of Guernsey and the Guernsey Medical Specialists Group, which covers specialist care on the island, patients are entitled to two different specialist opinions if required and when a suitable second opinion is not available locally it may be obtained free of charge in the UK.

CONTACT DETAILS:

Citizens Advice Guernsey	242266
Office of the Data Protection Authority	742074
Practice Manager: Healthcare Group Cobo	256404
Healthcare Group High Street	711237
Healthcare Group Rohais	723322
Healthcare Group St Martin	237757
Island Health L'Aumone	256517
Island Health Grande Maison Road	245915
Island Health Le Truchot	724747
Queen's Road Medical Practice	724184
Medical Specialist Group	238565
Health Records Manager, Princess Elizabeth Hospital	220000

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