Dear

**Request for a copy of a patient record**

We understand that your department has requested a copy of the GP record for {name of patient} for the purposes of investigating or preventing a crime, or apprehending or prosecuting an offender.

There is clear guidance regarding the obligations that GPs have with respect to copying and/or release of a GP patient record. These circumstances are:

* The police may request voluntary disclosure of a patient’s health records under section 29 of the Data Protection Act 1998 but there is no obligation on health professionals to release the patient record.
* In all cases health professionals are bound a duty of confidentiality with their patients. They may only disclose information where the patient has given consent, or there is an overriding public interest. They may also be required to defend their decision to disclose before the General Medical Council (GMC) which is a statutory tribunal.
* Disclosures in the public interest based on common law are made where disclosure is essential to prevent a serious threat to public health, national security, the life of the individual or a third party, or to prevent or detect serious crime. This includes crimes such as murder, manslaughter, rape, treason, kidnapping and abuse of children or other vulnerable people. Serious harm to the security of the state or to public order and serious fraud will also fall into this category.

Therefore, in order to proceed with your request, you will need to provide the practice with **each** of the following:

1. Written patient consent to release their records **OR** written confirmation (as below) as to the nature of the serious crime of the type listed above allegedly committed by the patient. This needs to be accompanied by an explanation as to why the patient’s records, or other information requested, are considered necessary for the specific purpose you are pursuing. We will require one of these in order to fulfil our responsibilities as a Caldicott Guardian.
2. Confirmation in writing that the fee of £xx will be paid within 28 days of the police receiving the record. The fee covers the administrative costs associated with processing such requests, including the removal of third party data where necessary or appropriate, in circumstances where such costs are not recoverable from any other source.
3. Written confirmation from a senior police officer – ranked Superintendent or above – that he or she considers that the crime being investigated is a serious crime in line with the examples provided above.

Once the practice is in receipt of each of these, and a decision has been made that it is appropriate to release the records requested, a copy will be provided to you as soon as possible. If, upon receipt of the further information requested at requirement 1, the practice is not able to satisfy itself that it is appropriate to release the records, we will write to you to advise you of this decision. No fee will be chargeable in these circumstances.

Alternatively, should it be appropriate for the police to view the record (based on the answer to requirement 1), then there is the option for them to view the record in the practice in the presence of a practice staff member. Again, in this situation a fee will not be charged.

GPs will, in all cases where there is no patient consent, consider whether the benefits to an individual or to society of disclosing the records outweigh both the public and the patient’s interest in keeping the information confidential. This is in order to determine whether they will be able to defend any decision to disclose medical records before the GMC before agreeing to disclose the records.

Yours sincerely

Practice signature