



Police requests for medical records

The BMA has provided new guidance to GPs regarding requests from the Police to access patient medical records.

The letter initially describes the circumstances in which the Police can request voluntary disclosure of a patient's records, under Section 29 of the Data Protection Act. However, GPs should not disclose such information unless the patient has given consent, unless the disclosure is in the public interest, and examples of more serious crimes or other circumstances that might justify this are given. You are entitled to charge a fee for the disclosure of such records. However, no fee should be charged if:

The records are not released

The records are viewed at the practice

The LMC cannot recommend a specific fee, for competition reasons, and there is no statutory set fee. However, BMA advice is that practices set a fee proportionate to the time required to undertake the administrative work involved. Remember that in this case no medical opinion is required.

The BMA recommends that with each request, the Police are asked:

to provide the patient's written consent to release the records

to provide written confirmation that the practice fee will be paid, should the records be released

if no consent is obtained, to provide written confirmation from a senior Police Officer that the crime being investigated or other reason for requesting the patient records is of a nature that would justify release of the medical records in the public interest, noting the examples in the template letter

This approach is detailed in the template letter that practices can use when responding to these requests. The BMA has also developed a template response letter for use by practices should you wish to use this version instead. This is available on the BMA website.

If the Police decline to agree to pay a fee the practice will need to decide:

whether to release the records anyway (which may be in part decided by any confirmation by the Police that no consent is necessary)

offer the Police the option of viewing the records on the premises

whether to decline the request to release the records, even if consent has been provided

If the Police have a Court Order or Warrant for the disclosure of the records they should be released, regardless of whether a fee has been agreed or paid. If in doubt you should contact your Indemnity Organisation for advice.

If you have any queries regarding this matter please contact the LMC Office.