This leaflet has been produced complimentary to the ‘APPLICATION TO ACCESS HEALTH RECORDS’ Form (DPA1) and ‘ACCESSING HEALTH RECORDS – INFORMATION FOR PATIENTS’ leaflet published on the Trust’s Internet site. We hope it will answer questions that you may have about your rights of access to documents and email information as part of Data Protection Act applications.

The Trust endeavours to ensure that the information given here is accurate and impartial.

1. Making a request for personal data

If you make a request for personal data we are permitted to ask you for further information to enable us to locate the exact information that you are looking for. We may not be able to respond to your request until we have all of the information that we reasonably require to enable us to carry out a reasonable and proportionate search that is within our technical capabilities.

For instance, we are able to conduct searches on our email system but our search tools require a certain amount of information to enable us to conduct a sufficiently narrow and accurate search to locate information. Because of this we will always ask you to give us as much detail as possible about the email information you seek, normally the search criteria below will enable us to search.

Search Criteria:

- Likely dates and timescales of emails/documents
- Who the emails are from and/or to
- At least one unique search parameter to search with e.g. Hospital number or a unique name. Please be aware that a patient search conducted using a common forename and a common surname would bring back a great number of erroneous and invalid results of other data subjects and would therefore not be appropriate. The same would apply to an employee who had created and sent a large number of emails during their employment e.g. Dr Smith.
- The context in which information about the data subject has been processed e.g. as an employee, complainant, patient, contractor, etc. So we can identify the type of record and location of the data to be examined.
2. Personal data and email documents

We sometimes receive requests from applicants that request ‘all emails or all documents mentioning me’. We are able to search for emails and documents providing we have a reasonable search criteria (see above) and may therefore ask you for additional information to help us undertake a limited and proportionate search.

Please be aware that if your name appears in an email or document it does not mean that the entire email/document is classified as your personal data. For information to be construed as personal data and disclosable it has to be biographical in a significant sense with the data subject the focus of the information.

Many emails are created and exchanged as part of our day to day hospital business and emails that for example contain patient names may be used for all sorts of transitory clinical and administrative routine internal communication purposes e.g. lists of patients, audit, research, reminders, etc. This type of email will usually not fall within the definition of personal data.

3. Emails as part of health records or other formal records

Emails which contain personal data will only form part of an individual patient’s registered and structured health record if the author or recipient decides that an individual email is relevant to future care or for other documentary reason should be retained within a patient health record. If this is the case, the email will be physically or electronically filed into an individual’s health record. Similarly this applies to employment records and other functional classifications of records.

4. When may we refuse a request?

- If you cannot provide satisfactorily evidence to confirm your identity to us.
- If you do not give us enough information to enable us to undertake a reasonable and proportionate search of our email system or our records holdings. For instance, if the search parameter that you give us is so wide that it brings back thousands of emails/documents that must be searched through to find a lower number of documents that contain an applicant’s personal data, we would normally consider this request ‘manifestly unfounded’ or ‘excessive’ within the terms of the General Data Protection Regulations, and we may refuse to process your request, take additional time to process your request or we may charge a reasonable fee based on the work required to retrieve and make available the information you have requested.
- If you have recently made an identical or similar request and there has not been a reasonable interval – again we may refuse your request.

5. What the disclosure will NOT contain

- Attachments to emails – our system does not restore these.
- Deleted records – not emails that have just been moved to a ‘Deleted items folder’, but those which have been deleted as part of a Retention and Disposal program as part of our Email Policy.
- Searches of non-NUH email accounts (excepting nhs.net).
- We may choose not to supply a copy of a document that contains personal data of other subjects as the entitlement is to the data, not to specific documents.
- Emails that are not biographical in content to the data subject (See 2).
6. **What is legally exempt?**

- Third party data
- Data processed for the purposes of:
  - National security
  - Prevention or detection of crime/apprehension prosecution of offenders/assessment or collection of tax
  - Discharging regulatory functions
  - Special purposes defined within Section 32 of the DPA
  - Only research
  - Already in the public domain
  - Confidential references provided by NUH as an employer
  - Management forecasting or management planning where access would be likely to prejudice the conduct of that business or other activity
  - Data comprising the intentions of the data controller in relation to any negotiations with the individual making the request where such access would be likely to prejudice those negotiations
  - Data consisting of information over which legal professional privilege could be maintained in legal proceedings

7. **How can I make a complaint?**

If you are not happy with the overall service you have received and you would like to know more about how to make a complaint you may telephone the Patient Advice and Liaison Service (PALS) Free phone: 0800 183 0204 / 0800 052 1195 or write to us at the following address:

The Chief Executive  
Nottingham University Hospitals NHS Trust,  
Trust Headquarters  
City Hospital Campus  
Hucknall Road,  
Nottingham NG5 1PB

8. **The Information Commissioner’s Office**

If after exhausting our internal processes you believe that we have not complied with either the Data Protection Act or the Access to Health Records Act you may wish to seek advice from the Information Commissioner’s Office.

**Post:**  
Information Commissioner’s Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

**Fax:** 01625 524 510  
**Tel:** 01625 545 700  
**Email:** mail@ico.gsi.gov.uk
Feedback

We appreciate and encourage feedback. If you need advice or are concerned about any aspect of care or treatment please speak to a member of staff or contact the Patient Advice and Liaison Service (PALS):

**Freephone:** 0800 052 1195
**From a mobile or abroad:** 0115 924 9924 ext 65412 or 62301
**E-mail:** pals@nuh.nhs.uk
**Letter:** NUH NHS Trust, c/o PALS, Freepost NEA 14614, Nottingham NG7 1BR

[www.nuh.nhs.uk](http://www.nuh.nhs.uk)

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**Please note:**
Our offices are staffed for limited hours each day and are not within an area accessible to the public. If you wish to meet with a member of staff relating to your application you will need to telephone and book an appointment.

This document can be provided in different languages and formats. For more information please contact: Data Protection Administration Service, ICT Services, 0115 9249924 ext: 63975