If you are:

* a current/previous client
* a family member or friend
* Power of Attorney/Deputy for a current/previous client,

and wish to understand how to access a copy of a client’s care records, please follow the below steps.

You will need to make your request to the Data Protection Officer by email: dean.webber@Tinkershatch.co.uk or via post to: Tinkers Hatch, New Pond Hill, Cross in Hand, Heathfield, TN21 0LX – FAO DPO.

To help us identify the client and facilitate your request, please state the following (you may find it helpful to copy and paste the above bullet points into your email or copy them into your letter to the Data Protection Officer):

1. **your name**;
2. the name of the **client**;
3. whether the client is **deceased**;
4. your **relationship to the client**;
5. exactly **which records**for which **timeframe** you are seeking; and
6. You will also need to **supply the evidence referred to in the table below (“Evidence of entitlement”)** depending on your particular circumstances.

**Important notes**

1. If the client is alive, a request for their records is known as a “Subject Access Request” (SAR), as set out in the UK General Data Protection Regulation 2018 (GDPR) and Data Protection Act 2018. If the client has passed away, the request will be handled in accordance with the Access to Health Records Act 1990. Both requests have differing timeframes for release of documentation.
2. Unfortunately, not everybody is automatically entitled to a client’s records, however Tinkers Hatch will make an assessment of a requester’s lawful entitlement to the records and comply with the request if satisfied that the requester is lawfully entitled to copies of the records. Unfortunately, even if you are someone’s Next of Kin (either currently or when the client was alive), this does not automatically entitle you to copies of s resid client’s records.
3. If a client is living, the Data Protection Team will need to understand the client’s capacity status (i.e. if they have capacity to make a request or understand that a request is being made on their behalf), and see documentation which confirms that the requesting party has lawful entitlement to make the request and receive the records. It is also likely that they will ask for forms of identification so they can verify a requester’s identity, which may involve engagement with a client (either through staff in our homes or directly), and with third party requesters.
4. If a client dies whilst your request is being process, we will need to see evidence of entitlement that applies to deceased residents (see below table), to assure ourselves that you remain lawfully entitled to the documentation in question. This means that we might not be able to fulfil your original request.
5. If a client is living, and we (as applicable):
	* have reason to doubt that the client’s /ex- client’s consent is freely given; and/or
	* have reason to believe that the client/ex- client lacks the capacity to make a direct request or authorise the disclosure of their records to a third party requester; and/or
	* cannot verify the identity of the client/ex- client upon request,

then we reserve the right not to release the records and may seek further guidance from the Information Commissioner’s Office (ICO).

1. Similarly, if a client is decease, and we (as applicable):
	* have reason to doubt the authenticity of the request or the supporting documentation for the request,

then we reserve the right not to release the records and may seek further guidance from the Information Commissioner’s Office (ICO).

**Table: Evidence of entitlement for details of what evidence you will need to supply.**

Please see below for which documentation you will need to supply in order to obtain a client’s records: