

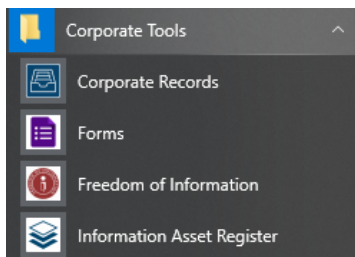
## **SOLICITOR STANDARD OPERATING PROCEDURE (SOL)**

### 1. Introduction

This SOP is for use by the Legal team responsible for completing any SAR legal requests that come into the department. In the event of needing advice regarding a request for records or any request that is nearing the breach date please escalate to [REDACTED] immediately.

**Please note: Under the GDPR, employers must respond to a DSAR 'without undue delay and in any event within one calendar month however as a trust we act to 25 days to avoid breaches'. The system has been updated to show the 25 day timeframe.**

All requests are added to the DSAR system which can be located via the following link or via the Start Menu under Corporate Tools:



### 2. Recognise a valid solicitors request

2a. Ensure solicitor has provided sufficient information regarding patient to request copies of medical history.

2b. Solicitors need to have consent from patient (this is usually at the back of request)

2c. Check we have a disclaimer from solicitors ('no action being taken against our Trust').

*Please note: if there is no disclaimer then you may proceed with request. If there is a disclaimer, this request must be put through to Patient Experience Team Leader to deal with. At times we may contact Solicitor and ask for a disclaimer to be provided, if we find out it is a claim against the Trust we then forward the request.*

### 3. - How to locate patient details on PAS

3a. Be able to clearly identify patient on Patient Administration System (PAS).

Author: [REDACTED]

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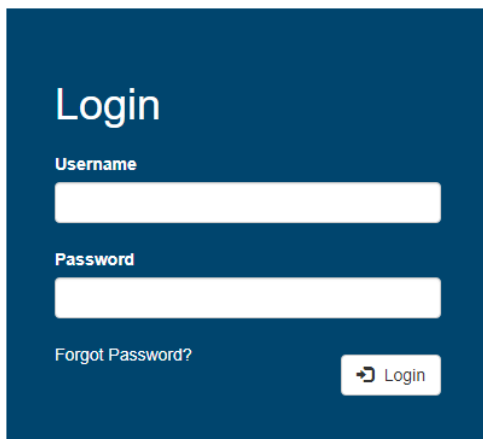
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3b. Establish which consultant(s) the patient has previously been under the care of.  
 3c. Request casenotes from Medical Records Library via email, if case notes are with secretaries, Legal Officer must collect from them.

3d. On receipt of casenotes from Library/Secretary, track on PAS to allocated tracking code – [REDACTED]

#### **4. - How to electronically record a request onto the DSAR system.**

4a. Log into the DSAR system using surname-initial format and enter your password. If password needs to be reset please press the 'Forgot Password' icon to get an email sent to your Outlook Inbox.



4b. You will then see the dashboard for the system where you will be able to view all active/historical/on hold Subject Access Requests. If you would like to add a new request to the system, please select the 'Add Request' button in the top right corner of the dashboard.

**Add Request**

4c. Depending on who is making the request, whether that be a patient or solicitor please select the relevant option from the drop down list under 'who is making the request'. And you need to tick click yes or no for has a disclaimer been received.

Request



4d. Fill in all Data Subject details (this is the information of the patient who is requesting the information) name, DOB, address, NHS number and hospital number

Data Subject Details	
First Name [REDACTED]	Surname [REDACTED]
Date of birth [REDACTED]	
Address Line 1 The Walton Centre	Address Line 2 [REDACTED]
Address Line 3 [REDACTED]	Postcode [REDACTED]
Telephone [REDACTED]	Email [REDACTED]
NHS Number [REDACTED]	Hospital Number [REDACTED]

4e. Select the date that the request has been received and what the authority to deal is (it is usually consent form).

Date Received

12/07/2019 [REDACTED]

**Please ensure all requests are logged on the system the day they are received irrespective of whether they have been able to be completed and notes requested etc. The day the request is received is day 1.**

4f. Fill in the fields regarding if application form and ID has been received and whether or not there is a claim to be taken against the Trust.

4g. In the comments box, use this to enter what information is required, whether this is all copies of notes, specific dates or radiology information only and which consultant the patient is under the care of.

**Request Details**

<p><b>Date Received</b> 12/07/2019</p> <p><b>Is an application form required?</b>  <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Have two forms of identification been received?</b>  <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Is the request for a claim against the trust?</b>  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Records Required</b>  <input checked="" type="checkbox"/> All <input type="checkbox"/> Radiology <input type="checkbox"/> Other</p> <p><b>Comments</b>  request for all copies of notes - patient is under the care of [REDACTED]</p> <p><b>Skip Signoff</b>  <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p><b>Authority to deal</b>  Please Select...</p> <p><b>Has an application form been received?</b>  <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Is the request for a complaint against the trust?</b>  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
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4h. In the Request Folder box, please enter the pathway for the patient's folder which has been created in the Shared Drive so that there is a quick and easy way to locate this at the later stages of the request.

**Request Files**

**Request Folder**

4i. Press 'Submit Request' and you will be redirected to the dashboard where the request will then show.

**Submit Request**

## **5. - How to create a request folder on department hard drive.**

5a. In [REDACTED] create a New Folder with patient's name, date and SAR number – (eg. Smith John 21 DSAR123)

5b. Go into [REDACTED]

5c. Copy and Paste Control Sheet into patient's folder

THE WALTON CENTRE FOR NEUROLOGY AND NEUROSURGERY NHS TRUST PATIENT ACCESS TO HEALTH RECORDS CONTROL SHEET			
Name: DSAR:			
DOB: Hosp.No.:NHS.No.:			
Contact No:			
Email:			
ACTION REQUIRED:	DATE:	INITIALS:	COMMENTS:
Application form sent			Records requested:
Completed Application received back			<ul style="list-style-type: none"> <li>All</li> <li>Scans only</li> </ul>
Request scanned in			(Delete as appropriate), if other, please state below:
ID:			
Request added to DSAR Database			
Case notes	Req:		
	Rec:		

5d. If Necessary, also copy and paste CD Request Form to be sent to Radiology. If the patient has been seen at WCFT, the CD request form will need to be completed and sent to Radiology. Take a screenshot of CRIS of all of the patient scans here at WCFT. They will be identified by RET20.

1 21  
View

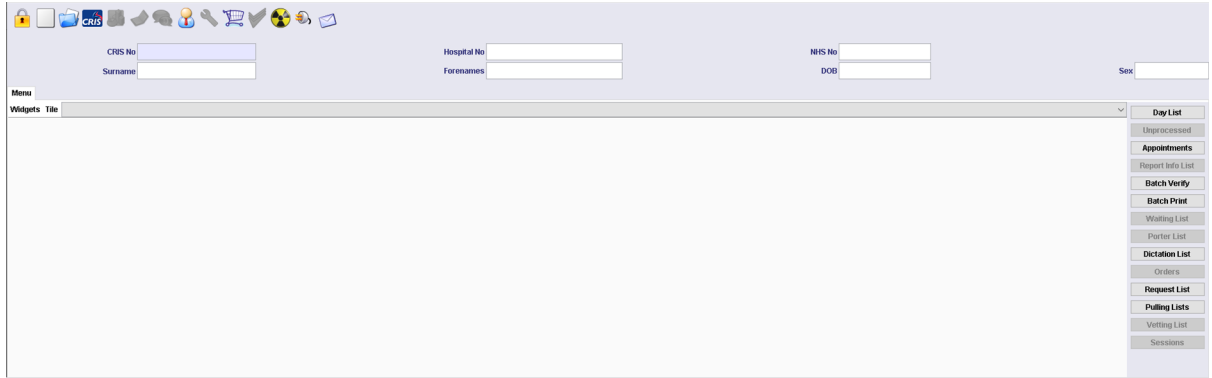
SOL Requests 2021 > Smith John 21

Name	Date modified	Type	Size
CD request New 2020	23/11/2020 13:41	Microsoft Word 97...	32 KB
NEW Control sheet	11/02/2021 16:29	Microsoft Word 97...	40 KB

## **6- How to request scans from radiology department.**

6a. Access CRIS enter patient's W number, highlight all scans that need to be requested that are relevant to WCFT and screen shot, click into "Examinations Required" and right click, highlighted area should then be visible, enter SOL Number and Date at the top of the form, go to file, save as and enter patients full name date of request and SARnumber.





6b. CD Request Form needs to be sent to PACS ROTA email inbox for actioning.

Date of request	LSAK	Date request received
<b>REQUEST FOR IMAGES ON CD</b>		
<b>Reason for CD</b> (eg will try to send images electronically wherever possible unless there is a specific reason for the CD)		
<b>PATIENT REQUEST</b>		
<b>Person requesting</b>	<b>Department and Contact number</b>	
 <b>Examinations required</b>		
<b>PACS office use – initials &amp; date created</b>		<b>Date collected</b> Signed

6c. Collect the CD from Radiology in a day or so (sometimes earlier or later, just make a note of the date sent on Control Sheet.)

### **7- The process of copying medical records.**

7a. Notes are then retrieved from the relevant location and all relevant information is photocopied. **At this point the information is also scanned in and the first check of every page to ensure the demographics are for the correct patient is completed. This is then updated on the control sheet.**

### **8 - Consultant Consent**

8a. Email across the requested notes to the patients consultant for consent to release. If the patient has more than one consultant they will also need to be included into the email. You can also include the relevant secretary for further support in obtaining consent. **do not send notes via internal post.**

8b. When an email response has been received back into the department from the consultant, then this email should be saved into the relevant request folder as proof of consent. [REDACTED]

Consultant consent	Req:		
Consent Form scanned in	Rec:		

### **9– Final check process**

**9a. Prior to release, another member of the Legal must check over the notes that you have previously photocopied and scanned in to ensure no other patient's documentation has been misplaced in the photocopies and that demographics are all correct for the patient being released to.**

9b. 2<sup>nd</sup> Check section of control sheet now needs to be updated with member of staff's initials and date this was checked. Any comments can be added if incorrect notes are found etc.

Second check of correct demographics on every page		
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Under GDPR there is no fee for release of casenotes, as soon as consultant has signed off on release of notes, the notes may now be released.

## 9 - Response to solicitor

10a. Go back into the patient's folder and add 'Response to Solicitor on release of information template' from into patient's folder [REDACTED]

- 10b. In the Response to Solicitor, amend the following parts of the letter:
- Add in the Solicitor's address (stated on their original letter)
  - Their reference number (stated in original letter)
  - Our reference number (SOL\_\_\_/Initials/W Number)
  - Patient's details
  - Date of letter being sent

  
The Walton Centre  
NHS Foundation Trust

Legal Department  
Medical Records  
The Walton Centre NHS Trust  
Lower Lane  
Fazakerley,  
L9 7LJ

ADDRESS

Date:

Our Ref:

Your Ref:

Re: DOB:

Dear Sirs,

Please find enclosed copies of the medical records for the above patient you have requested.

If I can be of any further assistance please do not hesitate to contact me.

Yours sincerely

Legal Officer  
[REDACTED]

The Walton Centre NHS Foundation Trust cannot be held accountable for any data loss, inappropriate access, and theft or security arrangements for the information being released to you as part of a Subject Access Request once the information has been sent to you.

On receipt of this information and in line with Data Protection laws you will be responsible for the protection of the information. The content of the information must not be disclosed with another party unless you have the express permission or consent of the Trust or the patient in which the information relates to.

**\*\* Staff need to ensure the following statement is presented at the end of their email signature \*\*** If you have received these records or any documentation included as part of your request in error, please notify the legal department immediately. If you are not the intended recipient, any reliance on, use, disclosure, dissemination, distribution or copying of these documents is strictly prohibited.

## 11 – Sending a request by post

11a. Please note: Copied notes should be placed in a Keep safe plastic wallet and sealed; these notes will then be kept safe until release.

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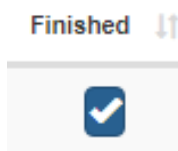
11b. If records should be sent by Royal Mail recorded and Post book should be filled in with all details of destination and date.

11c. Small Royal Mail sticker needs to be put in the Post book for future reference of any queries that we might receive.

11d. Post bag should have the patient address on the front with the final Royal Mail Sticker (large) attaching in the top right hand corner. Whilst an undelivered sticker should also be attached to top left side.

## 12 – Finishing off the request

12a. To finish the request on DSAR, click the 'Finished' button.



12b. Enter the date of release, method of disclosure and what information has been released. If post is selected, a further box will appear, this box is to be used to enter the Royal Mail Tracking Sticker number for future reference.

**Date of release** **Method of disclosure**

16/07/2019 Post

**Information Released**

all copies of case notes and radiology scan/report

**Tracking Number**

[REDACTED]

12c. Open patient's control sheet in patient's folder and insert date of release and Royal Mail Tracking number save and close. Once folder is completed and all necessary steps have been followed, move the patient's folder to the archives files in [REDACTED].

**IEP**

If notes are required to be sent outside the UK and there are scans available we can request for them to be sent by IEP.

Prepare the request in the normal way but don't request the scans from PAC until you have consent back from consultants.

Prepare scan request as normal to PACS and attach the records that are to be sent to the email with the email address of the recipient to [REDACTED] with a request for them to be sent via IEP.

The recipient will then be sent an email with a request for them to register via the email; once they have registered, [REDACTED] will inform us that the pass word can be sent to them to access images and records.

Password is; [REDACTED]

This can only be requested if any images are available.

Records cannot be sent outside the UK by Royal Mail recorded delivery

## Appendix - Version Control

Version	Section/Para/Appendix	Version/description of amendments	Date	Author/Amended by
1.0	All	New Policy	Dec 18	[REDACTED]
2.0	All	Review of complete document	Dec 18	[REDACTED]
3.0	Review of the whole document	Review of complete document and Updated to include changes in department in 2020/2021	Feb 21	[REDACTED]
3.0	Front Page (1)	Responsible person amended to KF	Feb 21	[REDACTED]
3.0	Front Page	Timescale section reviewed and updated	Feb 21	[REDACTED]

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	(1)			
3.0	All	More images have been added to show process visually throughout document.	Feb 21	██████████
3.0	Page 5	In-depth process of CRIS has been incorporated.	Feb 21	██████████
3.0	Page 7	Consultant consent form has been removed from wording and new process has been added.	Feb 21	██████████
3.0	Page 10	Appendix added	Feb 21	██████████
4.0	Page 8	Statement added for correct procedure for incorrect documentation	May 22	██████████
4.0	All	Full Review of document	May 22	██████████