1994 No. 158

ACCESS TO HEALTH RECORDS

The Access to Health Records (Steps to Secure Compliance and Complaints Procedures) Regulations (Northern Ireland) 1994

Made	*25th April 1994*
Coming into operation . .	*30th May 1994*

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 10(2) and (3) of the Access to Health Records (Northern Ireland) Order 1993(**a**) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Access to Health Records (Steps to Secure Compliance and Complaints Procedures) Regulations (Northern Ireland) 1994 and shall come into operation on 30th May 1994.

(2) In these regulations—

"the Order" means the Access to Health Records (Northern Ireland) Order 1993;

"applicant" means a person who has made an application under Article 5 or 8 of the Order;

"court" means the High Court or a county court;

"date of the complaint" means the day after that on which the applicant sends by post or delivers by hand the complaint to the holder in respect of which the complaint is made.

Steps to be taken before the court entertains an application

2. The steps to be taken before the court entertains an application under Article 10(1) of the Order are—

(*a*) that the applicant has applied to the holder under whichever of Article 5 or 8 of the Order applies; and

(*b*) that he has thereafter, in accordance with regulation 4, made a complaint under regulation 3 that the holder has failed to comply with a requirement of the Order, and has either received the report specified in regulation 5 or has received no response within 3 months from the date of the complaint.

(**a**) S.I. 1993/1250 (N.I. 4)

Complaints

3. An applicant who wishes to complain that any requirement of the Order has not been complied with shall give a written notice of complaint to the holder to whom the application was made.

Complaints: contents and time limits

4.—(1) Any complaint made under regulation 3 shall include the following information:—

(*a*) the name and address of the applicant;

(*b*) the name and address of the person to whom the health record relates (if different from the applicant) and the authority of the applicant to make application for access;

(*c*) the date on which the application for access was made to the holder;

(*d*) the grounds on which the complaint is made, specifying the requirements of the Order with which the applicant alleges that the holder has failed to comply.

(2) In a case where the complaint made is that the holder of the health record has failed—

(*a*) to make a correction to information contained in a health record; or

(*b*) to note on the record the matters in respect of which the applicant considered the record to be inaccurate; or

(*c*) to supply the applicant with a copy of the correction or note under Article 8(2) of the Order within a period of one month of the date of the application to have the record corrected,

the time limit within which a complaint shall be made to the holder shall be 3 months from the date of the application to have the record corrected.

(3) In all other cases the complaint shall be made to the holder within 3 months of the making of the application for access.

Action following receipt of complaint

5. Not later than 3 months from the date of the complaint the holder of the health record shall report to the applicant in the form prescribed in the Schedule.

Sealed with the Official Seal of the Department of Health and Social Services on 25th April 1994.

(L.S.) *D. A. Baker*
Assistant Secretary