

Our Ref: 341/2021  
January 2021

## Re: Your request made under the Freedom of Information Act 2000

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Good Afternoon,

My husband has recently been an inpatient at Doncaster Royal Infirmary and I have a reason to believe a family member of his who is a member of staff has viewed his medical records which is not acceptable, estranged or not my belief on data protection is that only an immediate care giver should have a viable reason to do this ie, ward staff and doctors or medical records admin.

- 1) My first question to you is do you have audit tracking on patient files? The ability to see a staff log in has accessed a file?

The majority of our main clinical systems have an audit log capability, with the ability to identify access to individual user account. Some older systems only log changes made to records, rather than viewing. A small minority of legacy systems do not have an audit log capability. Requests for paper-based case-note records are tracked but multiple staff in a clinic or ward team may then access the requested set of notes (for which no log exists).

- 2) How often are patients files audited to ascertain if there have been any breaches ?

Where audit logs are available, they are reviewed on demand, as required.

- 3) If it's confirmed that a member of staff has accessed a medical record for no valid reason other than to be intrusive or to share that information with a family member , what are the next steps involved ?

An investigation would be instigated. Steps and outcome would be dependent on the factors involved; up to and including consideration for ICO notification if appropriate.

- 4) Would this need to be passed to the care commissioner or handled by the trust Caldicott guardian ?

See 3. above.

- 5) And does the policy for Doncaster and Bassetlaw state in your staffing policy that this would be considered a breach of privacy and data protection ?

Trust policy covers expectations in respect of privacy and data protection. Whether a breach has occurred is a matter for investigative review on a case-by-case basis (see 3. above)

- 6) And one final question is do the medical staff under the trust have the ability to view anyone's records at any time ? Or are they essentially locked off unless you are a patient or receiving outpatient treatment.

Medical staff have access to use and search all systems they have access to at any time they are on duty, but are bound by Trust policy and professional standards, of which "legitimate relationship" is an important part.