

The Village Residence	POLICY NO:	
	Date reviewed	January 2015 February 2019 May 2022, September 2023
	Page 1 of 5	
Policy on Records of a Deceased Resident.		

Policy on Records of a Deceased Resident	
Developed by: Director of Nursing Office and Clinical Nurse Managers	Date Developed: January 2015 January 2019, May 2022, September 2023
Developed By: Nursing Department and Administrator.	Date Approved: January 2015, January 2019, May 2022, September 2023
Implementation Date: January 2015	Review Date: August 2026
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Status of the Policy: Final	

The Village Residence	POLICY NO:	
	Date reviewed	January 2015 February 2019 May 2022, September 2023
	Page 2 of 5	
Policy on Records of a Deceased Resident.		

Introduction.

When a resident dies within this service, their records must be treated with the same respect and care as if they were still alive.

When a resident dies, staff should ensure that the medical records, nursing records and all other medical clinical records are stored in order within the clinical folder belonging to the Resident.

When this is completed, staff should ensure that the file is closed and secured.

Staff should write on the outside of the folder, date file closed. This date should correspond with the last date of entry into the file.

The file should then be brought to the administration office where it is stored until all administrative work is completed.

Any administrative files, such as financial information or any other data pertaining to the resident will take up to six weeks and sometimes longer to be completed.

Once all administrative data is completed, the financial file, as it is referred to will be attached to the clinical record. Again the date of final entry into the resident’s financial file must be written on the outside of the file.

Both files are then combined.

The file will be logged onto a data base, outlining the name of the resident, their Unique identification number, and the area where it is being stored.

The file is then brought to the storage area within the residential area.

If any staff member wishes to access this file, they must not do so without the expressed permission of the Administrator of the Service.

The Village Residence	POLICY NO:	
	Date reviewed	January 2015 February 2019 May 2022, September 2023
	Page 3 of 5	
Policy on Records of a Deceased Resident.		

Confidentiality.

Confidential information is private information that a person shares with another on the understanding that it will not be disclosed to third parties. It includes identifiable patient information – written, computerized, visually or audio recorded – that health professionals have access to. Patient confidentiality is protected by professional codes and laws. Ancient and modern medical and nursing codes stress the duty of confidentiality as a ‘time honoured principle’ that extends beyond death. Health professionals are also legally obliged to protect patient confidentiality under the Irish Constitution (1937), the European Convention for the Protection of Fundamental Rights and Freedoms (1949) and the common law: legal sanctions are in place for breaches of patient confidence.

While the principle of confidentiality holds an honoured place in professional codes and laws, it is not absolute. Exceptional circumstances where health professionals may ethically and legally qualify the principle of confidentiality centre on concerns about protecting the wellbeing of the patient themselves and protecting others from harm. There is also debate as to the extent to which health professionals are obliged to maintain a patient’s confidentiality after they have died.

The status of deceased patients in relation to confidentiality is uncertain in ethics and law, but there is general consensus that the obligation to respect patient’s confidentiality extends beyond death.

The Irish Medical Council addresses the issue briefly and confirms that the ethical duty of confidentiality extends beyond death:

‘Patient information remains confidential even after death. If it is unclear whether the patient consented to disclosure of information after their death, you should consider how disclosure of the information might benefit or cause distress to the deceased’s family or carers. You should also consider the effect of disclosure on the reputation of the deceased and the purpose of the disclosure. Individual discretion in this area might be limited by law.’ (Medical Council of Ireland [2009] Guide to Professional Conduct and Ethics for Registered Medical Practitioners, 7th ed. Dublin:

The Village Residence	POLICY NO:	
	Date reviewed	January 2015 February 2019 May 2022, September 2023
	Page 4 of 5	
Policy on Records of a Deceased Resident.		

Medical Council. p. 27, section 24.2) <http://www.medicalcouncil.ie/Professional-Standards/Professional-Conduct-Ethics/> Accessed 31 August 2010)

Guidelines, such as those of the Medical Council, that protect living patients equally apply after patients have died. Exceptions to confidentiality also equally apply. National and international guidelines governing the release of medical records of deceased patients generally consider:

- **the known wishes of deceased patients in relation to their information;**
- **the impact of non-disclosure on the wellbeing and welfare of third parties – avoiding harming them or benefitting them;**
- **the impact of disclosure on the reputation of the deceased;**
- **the possibility of anonymising the information.**
- **the impact that posthumous breaches of confidentiality may have on the care of dying patients.**

Family members of deceased patients may ask for information and/or medical records because they may be anxious about a misdiagnosis, negligence or hereditary condition.

Medical records may also be requested in circumstances where a will is contested on the basis of doubts raised as to the capacity of an individual to execute it. Again, disclosure in this case is generally viewed as acceptable because it is considered to advance the interests of the patient. Freedom of information legislation (FOI) in many countries, including Ireland governs access to personal information. In line with existing legislation protecting confidentiality, freedom of information laws protect private information but also allow for exceptions.

In this Service, any access to records of a deceased Resident must be sought under Freedom of Information Act and All advice in relation to Access to or release of Records must be approved through the Office of Regional Consumer Affairs.

The Regional Consumer Affairs Officer for this Service is:

Ms Rosalie Smith Lynch

Regional Manager Consumer Affairs.

The Village Residence	POLICY NO:	
	Date reviewed	January 2015 February 2019 May 2022, September 2023
	Page 5 of 5	
Policy on Records of a Deceased Resident.		

Regional Consumer Affairs Office

HSE Dublin North East

Bective Street, Kells

Co. Meath.

Telephone 00353 (46) 9251200.

- The Medical Officer for the Service Dr. John Mulroy must also be consulted in relation to an application to release an records of a deceased resident.
- The Director of Nursing Office must be notified by staff if a family request the records of a deceased resident.