

The Village Residence	POLICY NO:	
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Policy on Access to Records		

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Developed by: Director of Nursing Office	Date Developed: August 2014, August 2017, August 2020, September 2023
Developed By: Nursing Department.	Date Approved: August 2014 August 2017, August 2020, September 2023
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Freedom of Information.

Any requests for access to records must be forwarded to Audrey McKeown through the Director of Nursing Office.

Audrey McKeown

A/FOI Research Officer /Data Protection

Louth Primary & Social Care

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Dundalk

Co. Louth

Tel : 042-9381351

For Staff.

You must keep accurate and up-to-date patient records either on paper or in electronic form. Records must be legible and clear and include the author, date and, where appropriate, the time of the entry, using the 24-hour clock.

As a resident

You have the right under the Freedom of Information (FOI) Act 2014 to: access personal or non-personal (corporate) records. have personal records changed or deleted if the information is incomplete, incorrect or misleading. request reasons for decisions made by the HSE that affect you.

Policy on Access to Records.

All Residents have a right to view their Medical Record or any other Record containing Data personal to them in this Service.

The Freedom of Information Acts 1997 & 2003 give each individual legal rights to access both personal and non-personal (corporate) records, to have personal records amended or deleted where the information is incorrect or misleading and the right to seek reasons for decisions that affect him/her.

These rights extend to your own personal records and in specific circumstances and to those of deceased relatives. There are exemptions provided for in the Acts, this means that there are specific

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circumstances when the requested information will not be released, e.g. to protect confidentiality. If any of these exemptions are used to withhold information, the reasons will be clearly explained to you.

When to use the Freedom of Information Acts:

It is recommended that applications for sensitive health records should be made under the FOI Acts (e.g. psychiatric records, and in circumstances where the records requested relate to a deceased person). You must apply in writing and simply refer to the Freedom of Information Acts. There is no fee when you request access to personal information.

Entitlements under the FOI Acts:

- Receipt of your request must be acknowledged within 10 working days
- A response will, in normal circumstances, be issued within 20 working days of receipt of the request
- All decisions must be clearly explained, setting out the sections of the Act used in reaching these decisions
- Details of your entitlements to Internal Review and appeal will be included in the decision letter

Why was the Freedom of Information Act Introduced?

The Freedom of Information Act was introduced to:

- Increase openness
- Improve accountability
- Increase public appreciation of issues involved in policy decisions
- Give stronger public ownership and acceptance of decisions made
- Permit people access to their records and allow them to amend records if incorrect

The Act sets out three new legal rights

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- A legal right for each person to access information held by public bodies
- A legal right to have official information relating to him/herself amended where it is incomplete, incorrect or misleading
- A legal right to be given reasons for decisions affecting them

What records can accessed under FOI?

- All records created after the Act commenced
- All personal records of clients, whenever created
- All records of staff created after 21st October 1995
- Earlier records if needed to understand later records which are accessed

Under Section 7 of the Act, a person may make a request for access to records. This request must be in writing stating that the request is made under the Act and containing sufficient particulars in relation to the information concerned to enable the record to be identified.

Under Section 18 of the Act, a member of the public has the right to request information regarding acts of public bodies affecting them. A Freedom of Information request is a very formal procedure and the public body is required to respond within four weeks. The request will be considered in accordance with the Act having regard to the exemptions provided for which include:

- Personal information (other than information relating to the person making the request)
- Information supplied to the HSE in confidence
- Law enforcement and public safety
- Commercially sensitive information
- Deliberations of public bodies
- Functions and negotiations of public bodies

While the HSE will seek to protect the privacy of individuals and information supplied in confidence, in certain circumstances it may be in the public interest to release such information.