



ROSMELLYN SURGERY  
St CLARE MEDICAL CENTRE,  
ST CLARE STREET, PENZANCE, TR18 3DX

## Access by proxy

### **What is Proxy access?**

Proxy Access is where someone is given access to another person's online medical record, repeat prescriptions, appointments, and demographic data.

Age groups -

#### **Proxy access in children under the age of 11**

All children under the age of 11 are assumed to lack the capacity to consent to proxy access. Those with parental responsibility for the child can apply for proxy access to their children's medical records. Additional identification of parental/guardian responsibility will be required in addition to the identification documentation.

When the child reaches the age of 11, access to the parent/guardian will automatically cease. Subsequent proxy access will need to be authorised by the patient. Parental proxy access may be reinstated if, after discussion with the parent(s) requesting access, the child's GP believes that proxy access would be in the child's best interest.

#### **Proxy access in children above the age of 11 and under 13 years of age**

Access to medical records will need to be assessed on a case-by-case basis. Some children aged 11 to 13 have the capacity and understanding required for decision-making with regards to access to their medical records and should therefore be consulted and have their confidence respected.

Requests for parental proxy access will be tasked to the GP for authorisation for a full audit trail.

The responsible GP will use their professional judgement in deciding whether to grant parental access and/or whether to withhold information.

If the Practice suspects coercive behaviour, access will be refused and documented in the medical notes.

#### **Proxy access in adults (including those over 13 years) with capacity**

Patients over the age 13 (under UK DPA 2018) are assumed to have mental capacity to consent to proxy access. Where a patient with capacity gives their consent, the application should be dealt with on the same basis as the patient.

### **Proxy access in adults (including those over 13 Years) without capacity**

Proxy access without the consent of the patient may be granted in the following circumstances:

The patient has been assessed as lacking capacity to decide on granting proxy access and has registered the applicant as a lasting power of attorney for health and welfare with the Office of the Public Guardian.

The patient has been assessed as lacking capacity to decide on granting proxy access and the applicant is acting as a Court Appointed Deputy on behalf of the patient.

The patient has been assessed as lacking capacity to make a decision on granting proxy access and, in accordance with the Mental Capacity Act 2005 code of practice, the responsible clinician considers it in the patient's best interests to grant access to the applicant.

When an adult patient has been assessed as lacking capacity and access is to be granted to a proxy acting in their best interests, it is the responsibility of the responsible clinician to ensure that the level of access enabled, or information provided is necessary for the performance of the applicant's duties.

### **Proxy access in adults (anyone over 16 years)**

Upon reaching the age of 16, patients are deemed as adults in the eyes of the NHS. Therefore, proxy access is not appropriate and explicit consent (via a separate form) is required to provide any third party (including parents/guardians) access to a medical record.

Online access assumes a patient's email account is their own and not shared (we cannot set up online accounts for children using a parent's email address).

## **Redaction**

Patient access to any element of their record is subject to appropriate safeguards. These are designed to ensure that access to records

- Does not cause harm to the patient
- That legal confidentiality obligations for the non-disclosure of third-party information are adhered to.

Where this information is contained within a record it must be redacted. The process for redacting information is different for each GP clinical system.

Please note that confidentiality policies should not be used for hiding sensitive information.