

Wording for letter in response to request for SAR.

Dear [PATIENT]

I am writing to you as your insurance company has requested access to your full medical record. You will already be aware of this as you have agreed for the insurance company to make a Subject Access Request – as enclosed. I understand that you have signed a form of consent, however, we need to be satisfied that you have provided specific and informed consent for your full medical records to be shared with the insurance company. This is because your records may include extremely sensitive information which you may not expect to be shared or may not need to be shared as part of your application for insurance or the assessment of any claim.

I also want to let you know that our representative body (The British Medical Association) has questioned whether the law allows insurance companies to use Subject Access Requests to obtain confidential and sensitive personal data. Where insurance companies are requesting a copy of your full medical records, we believe that this puts us (as a GP Practice) at risk of breaching the Data Protection Act 1998 (DPA). The DPA states that only data which is sufficient for the purpose for which it is required should be disclosed and sensitive personal data which is not relevant or excessive in relation to this purpose should not be disclosed.

Therefore, until further guidance is obtained from the Information Commissioners Office (ICO) regarding the use of Subject Access Requests by insurance companies, we are in a difficult position. As the guardian of your medical record we are responsible for ensuring only necessary and relevant information held on your record is shared with an insurance company, however we also have a duty to comply with a subject access request made by you as a patient and do not want to cause any delays to your application.

We are therefore giving you a choice. We can provide you with a copy of your full medical records under a Subject Access Request. This would not be considered as excessive as we are providing the information to you, not the insurance company. It is then entirely your decision whether you give your medical records to the insurance company in full or not

Alternatively, you can ask your insurer to request a GP report from the practice which will only cover information in your record that is relevant to your application. Medical reports also exclude some information, in line with agreement reached with the insurance industry, such as genetic test results and certain information about sexually transmitted infections.

Please therefore let us know if you would like a copy of your full medical records under a subject access request or whether you plan to ask your insurer to seek a medical report.

We have let the Association of British Insurers (ABI) and insurance companies know that we are offering patients this choice. If your insurance company expresses concern about this please ask them to contact the ABI.

Yours faithfully