



GUIDE:

Requests for Access to the Health Records of Deceased Patients

Practices occasionally receive requests from relatives wishing to see the health records of a deceased patient.

This guide summarises the current process for GP practices in England.



Lancashire & Cumbria LMCs

Purpose

Practices occasionally receive requests from relatives wishing to see the health records of a deceased patient. These requests are governed by the Access to Health Records Act 1990 (AHRA) and should be considered carefully, as the duty of confidentiality continues after a patient's death.

This guide summarises the current process for GP practices in England.

Who can request access?

There is no automatic right for a relative to access a deceased person's medical records. Under the Access to Health Records Act 1990, access is generally limited to:

- the personal representative of the deceased (the executor named in the Will or the administrator of the estate); or
- a person who has a claim arising from the patient's death, but only to information relevant to that claim.

Examples of claims include:

- clinical negligence;
- dependency claims;
- personal injury or other legal proceedings relating to the death.

Who does not have an automatic right?

The following people do not automatically have a legal right to access the records simply because of their relationship to the deceased:

- spouse or widow/widower;
- civil partner;
- children;
- parents;
- siblings;
- next of kin.



Unless they are also the personal representative or have a qualifying legal claim, access cannot normally be granted under the Access to Health Records Act.

Requests relating to hereditary conditions

Occasionally a family member may request access because they are concerned about possible inherited medical conditions.

This is not a request that falls within the Access to Health Records Act unless the individual otherwise has a legal right of access. However, the request should not simply be refused. Instead:

- establish exactly what information is being sought;
- refer the request to a GP for clinical consideration;
- where appropriate, the GP may seek advice from a Clinical Genetics Service.

In some circumstances, it may be appropriate to disclose limited relevant genetic information where this would help prevent or manage a serious inherited health risk. This is a clinical confidentiality decision and should not result in disclosure of the entire health record.

Verifying entitlement

Before any records are considered for release, the practice should verify:

- the applicant's identity;
- their entitlement to make the request;
- evidence of executorship or administration of the estate where applicable;
- details of any legal claim arising from the patient's death.

If the records have been archived with PCSE

Many older paper records (for example Lloyd George records) were returned to PCSE following a patient's death.

Where the deceased patient's last registered GP practice remains open, the practice remains responsible for handling the request. The practice should:

- assess whether the applicant has a legal right of access;
- request retrieval of the archived records from PCSE if required;
- review the records before disclosure;
- redact exempt information where appropriate;
- respond to the applicant.

Practices should not routinely direct applicants to PCSE unless the practice has closed or another exceptional circumstance applies.

Before releasing any records

A clinician should review the records to ensure that disclosure would not:

- identify another individual who has not consented to disclosure;
- disclose information the deceased expected would remain confidential after death;
- include information that is otherwise exempt under the Access to Health Records Act 1990.

Only the information that the applicant is entitled to receive should be disclosed.

Suggested response where the applicant has no legal entitlement

Thank you for your request to access the medical records of the late patient name. The Access to Health Records Act 1990 only permits disclosure of a deceased person's medical records to their personal representative or to a person who has a claim arising from the patient's death. As we have no evidence that either circumstance applies, unfortunately we are unable to provide access to the records.

If your request relates to concerns about an inherited medical condition affecting yourself or other family members, please let us know. We can arrange for one of our clinicians to consider whether any relevant medical information may appropriately be shared or whether referral to a Clinical Genetics Service would be appropriate.

Sources – August 2026

[Access to Health Records Act 1990](#)

[Health information | ICO](#)

[Data Protection Act 2018](#)

[Access to the health and care records of deceased people - NHS England Digital](#)

[Accessing medical records and patient details | PCSE](#)





Please let us know if you have any questions and/ or if we can help you with anything.



Enquires@nwlmcs.org



<https://nwlmcs.org/>



01772 863806



@nwlmcs