**Sharing Information from Adverse Events Appendix 5**

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| **Any requests for information in relation to Adverse Event Management should be directed to the relevant Service Area who can seek advice and guidance from the Adverse Events and Risk Management Team**  |
| Requesting persons/organisations | Process | **Further information** |
| Individuals who are the subject of Adverse Event | A learning summary should be offered as routine practice to patients/individuals and or families involved in a LAER/SAER review. Full reports should only be offered by exception. All reports must be written in a redacted format to safeguard patient, family and staff confidentiality.  If the individual is deceased, applications are considered under the Access to Health Records Act (1990). Although the LAER report is not part of the Health Record, it does contain information pertaining to their health, care and treatment. Under the terms of the Act, individuals can apply to access the deceased’s health records if they are either:* a personal representative (the executor or administrator of the deceased person's estate)
* someone who has a claim resulting from the death (this could be a relative or another person)
 | HIS redaction guidance – click [here](http://www.knowledge.scot.nhs.uk/media/CLT/ResourceUploads/4058632/20150112%20Data%20Redaction%20and%20Standardised%20Reports.pdf)Redacted reports require approval by the Caldecott guardian prior to being released.  |
| An individual’s legal representative | Those holding, for example, Power of Attorney or Parental Responsibility\* can apply on behalf of the individuals and may be provided with a copy of the local adverse event review report\* Even if a child is too young to understand the implications of subject access rights, data about them is still their personal data and does not belong to anyone else, such as a parent or guardian. So it is the child who has a right of access to the information held about them, even though in the case of young children these rights are likely to be exercised by those with parental responsibility for them. However, in Scotland, the law presumes that a child aged 12 years or more has the capacity to make a subject access request.  |  |
| Solicitors and Other Third Parties  | Can apply for access with express permission of the data subject; however requests will require a signed mandate. If the individual is deceased the Access to Health Records Act (1990) should be applied to any request. -  | Mandate Form – click [here](https://www.lawscot.org.uk/media/361194/medical-mandate-form-october-2018.pdf) |
| Police Scotland  |  Requests requested by the police for the purposes of *the prevention or detection of crime* or *the apprehension or prosecution of offenders* will be honoured. The request must be in written form stating the requirement for the disclosure of such data and signed by a senior member of the police. Where the Police attend the premises, the Senior Manager must be notified and should be present to support staff.  | NHS Fife Police Enquiries guidance notes Police Scotland request form  |
| External Partner Organisations | Requests received from the external partners below will be honoured as we have a duty to provide them with the requested information.* Health and Safety Executive
* Procurator Fiscal (any requests received must be processed through the office of the Medical Director)
* Scottish Public Services
* Mental Welfare Commission
 | Notifying the Commission guidance – click [here](https://www.mwcscot.org.uk/good-practice/notifying-the-commission/)Reporting deaths to the Procurator Fiscal guidance – click [here](http://www.crownoffice.gov.uk/images/Documents/Deaths/Reporting%20Deaths%20to%20the%20Procurator%20Fiscal%202015.pdf)  |
| Freedom of Information Requests | FOISA provides a right of access to information but not a right of access to copies of specific documents.Disclosure of information in response to a valid request made under FOISA is in effect a disclosure into the public domain.NHS Fife has a duty under FOISA Section 15 to provide advice and assistance to applicants, so far as it is reasonable to expect it to do so.However, as a significant amount of the information held in adverse event report forms and LAER/SAER Reports is of a sensitive and personal nature, exemptions may apply in relation to withholding information. Advice and support should be sought from colleagues in the Information Governance Team. | Freedom of Information – Getting it Right First Time guidance – click [here](http://www.itspublicknowledge.info/nmsruntime/saveasdialog.aspx?lID=10441&sID=105)Further information on Briefings and Guidance – click [here](http://www.itspublicknowledge.info/Law/FOISA-EIRsGuidance/Briefings.aspx) |