

# Lothian Health Services Archive

## Fact Sheet 2: Enquiries



### **Types of Enquiries**

LHSA supports a wide range of enquirers: NHS, academics and students (University of Edinburgh and other universities and colleges), members of the public, other libraries, archives and museums, the medical Royal Colleges, the media and many others.

NHS requests usually relate to the history of departments, services, former patients (case notes, autopsies and biopsies) and staff (training and posts held subsequently). NHS enquiries are also of a records management nature such as the required retention periods for their own records, and concerning possible transfers of records to LHSA. A range of biographical, epidemiological and institutional history of medicine queries are received from undergraduates, postgraduate researchers and lecturers. Private users mainly comprise members of the public who conduct family history or local history research. Requests for visual materials by the media, and enquiries from architects, conservation groups and companies concerning architectural plans, are also regularly received. Within these general categories, there is a myriad of subject requests, ranging from the details of a particular fact contained in one document, to very general thematic historical enquiries that embrace one or more collections. Enquirers make requests remotely by letter, telephone, email, via the website, and increasingly via social media, or they visit the department and consult material directly in the Reading Room.

All written and telephone enquiries are recorded into an Enquiries Database. As well as the details of the enquiry, we also record the origin and the format of the enquiry. We also record the date of receipt of the enquiry which allows us to monitor our response rate particularly with Freedom of Information requests which must be dealt with within 20 working days. Recording these details allow us to produce detailed user statistics on an annual basis.

### **Legislation/Guidelines Affecting Enquiries**

Many enquiries received by LHSA relate to material which is confidential, for example records of hospital patients, medical/nursing staff and students. When responding to enquiries we must ensure the security of confidential records and manage access to them in accordance with the following legislation and guidelines:

#### General Data Protection Regulation (GDPR) 2016

Records of living individuals are closed for 100 years. Access by a third party can only be granted with the permission of the individual. Under the terms of GDPR, an individual is entitled to access any information that we may hold about them after proving their identity (no charge is made for this service).

#### Scottish Government Records Management: NHS Code of Practice (latest version)

Personal health records are closed for 75 years (100 years for minors) following the last recorded entry. Access can be permitted in certain cases: these enquiries are submitted to NHS Lothian's Caldicott Guardian, who makes the decision on access.

### Freedom of Information Act (Scotland) 2002

Individuals have a general right of access to information produced and held by Scottish Public Authorities, subject to certain exemptions. Prior to the introduction of FOI(S)A, administrative records were routinely closed for thirty years. Under FOI(S)A the thirty year rule no longer applies and all records are considered 'open' and accessible unless an exemption is claimed. Section 38 exempts personal information covered by the Data Protection Act. The health records of deceased persons are exempt for 100 years from 1 January of the year following the last entry in them. Section 25 exempts material that is already reasonably accessible and identified as such in the publication schemes of public authorities. The majority of LHSAs requests for access fall into this category. LHSAs strives to list new accessions and to improve its existing finding aids so that the majority of its collections can be included in NHS Lothian's own publication scheme as open and accessible information/records.

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