

Accelerated access to prospective GP Records – position update

For existing BMA guidance on the issue, please follow [this link](#)

Following the Government's contractual imposition requiring practices to provide registered patients with online access to their prospective medical record by October 31st 2023, this being the culmination of efforts by the then Secretary of State to accelerate the provision of prospective access, many practices have quite rightly taken time to consider their position. For some practices this meant holding back on giving access to those for whom such access might be dangerous without awareness, based on searches of the medical record for specific coded entries of concern, whilst granting access automatically to those felt less at risk of harm. For other practices where such a blanket approach was felt to be unsafe, following construction of a Data Protection Impact Assessment (DPIA), and following the identified mitigations within, the status quo has remained in place, with patients provided access only on request after the risks and benefits of such access can be carefully explained.

Between October 2023 and now, no additional regulatory or legal changes have been made and no further guidance has been issued by NHS England. The position that GPC England took at the time remains the position we hold now – as data controllers, it is up to individual practices to decide how best to manage the sensitive patient information they hold and to determine when it is safe and lawful to provide access online to that data to their registered patients. We have been made aware of practices facing undue pressure from their ICB to extend prospective access to their full patient list, with some ICBs claiming that in not rolling out access to their full patient lists, GPs are not complying with their contractual obligations.

Over the last 14 months, GPC England has advised that any practices unsure about rolling out full access carry out a DPIA to fully identify and assess the risks of doing so. Where you have carried this out and have identified mitigations that require a disproportionate amount of work, which, if done, would cause your patients to suffer due to diversion of resource, and you are under pressure from your ICB, we advise you to share your DPIA and your actions flowing from the assessment with your ICB. In the event that the ICB contests that there are in fact mitigating steps that could be taken or finds the risks to be unfounded we would request that you share that information with us at info.gpc@bma.org.uk to enable us to collate and submit this information to relevant NHSE teams for further discussion.

If you have not yet carried out a DPIA (more information can be found [here](#) along with a [template](#)) we would strongly advise you to carry one out to assess the risks fully and openly so that you can justify any decision not to provide full automatic access at this time.

BMA members are always able to contact us to seek further advice and assistance and this can be done via the usual route as advised on the BMA website.