

Reference: FOI.ICB-2627/078

Subject: Post-Death Patient Record Access Governance

I can confirm that the ICB does hold some of the information requested; please see responses below:

QUESTION	RESPONSE
Please provide any policy, procedure, guidance, data-sharing agreement, or governance document relating to access to patient records after a patient's death. Please include documents explaining:	
1. Who may access a deceased patient's demographic or clinical records.	An individual may access a deceased persons medical records, but access is only granted if the requester is a personal representative (the executor administrator of the deceased person's estate) or someone who has a claim arising from the death, and the appropriate documentation and/or consent is provided. There can be exceptions to this which are explained in the link provided in question 2. Please refer to section 7 of the ICB's Individual Rights Policy which outlines an individual's right of access to records of the deceased, under the Access to Health Records Act (AHRA) 1990, where these records are held by the ICB. See also Appendix 14.6, which details the documentation required to open an Access to Health Records request.

	Records held by other NHS organisations should be requested directly from those organisations. Examples of these include: • GP practice/s • Acute Hospital Trust/s • Community Providers
2. Whether access rights change after death notification or death registration.	Please refer to national guidance: https://digital.nhs.uk/data-and-information/information-governance/guidance/access-to-the-health-and-care-records-of-deceased-people
3. Whether deceased status triggers any access restriction, warning, flag, or audit requirement.	There are no automatic triggers in the ICB. Please contact other providers to understand their processes.
4. How post-death access is monitored or investigated.	The ICB records any AHR requests it receives for internal monitoring purposes. This data is then reported quarterly via the Information Rights Report that is presented to the Audit Committee.
5. Whether ICBs, former CCG identifiers, registries, GP practices, trusts, or system-support organisations may continue to access records after death.	The ICB will access a deceased persons records on a need to know basis, LEDER (Learning from Lives and Deaths – people with a learning disability and autistic people) etc. The ICB does not hold information relating to other organisations and what they may access.
6. How relatives or legal representatives can request clarification of post-death access.	Detailed advice on accessing records of deceased individuals is maintained by the NHS England Digital and outlined in The MDU Disclosure After Death Guide .

The information provided in this response is accurate as of 17 June 2026 and has been approved for release by Rob Hayday, Chief of Staff for NHS Bristol, North Somerset and South Gloucestershire ICB.