

Your right to see your maternity records

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What records are kept about my pregnancy and birth?

Maternity records are kept through your pregnancy and birth. These may be paper ('handheld records' or 'handheld notes') or electronic ('digital care records'). The NHS in England aims that everyone will use electronic records by 2023/4.

Everyone who receives NHS maternity care in the UK has a set of records of their appointments and care.

Your records will start when you make your booking appointment (your first appointment when you are pregnant). If your area uses electronic records, you will be told how to access the records and how to add information to them yourself.

If your area uses paper records, you will be given a copy at this appointment. You keep these records with you through your pregnancy and childbirth.

In your records, midwives and doctors note the maternity care they provide to you, including test and scan results. This includes the care you receive during labour and birth.

If you have electronic records, you should check with your Trust or Board if and how you can access them after your maternity care has finished. If you have paper records, then after your baby is born and discharged from hospital, the hospital keeps the records.

If you gave birth at home with NHS care, the midwife who was at the birth will give your records to the local hospital.

If you used private maternity care, your care provider will keep your notes and you will be offered a copy.

Can I record my appointments with my midwife or doctor?

General Medical Council guidance on consent says that you should be able to make recordings of your discussions with your doctor if you wish. If you want to do this, you should tell them that you wish to record the discussion rather than doing it covertly.

Can I film my birth?

If you want to film your birth, you should ask to see your Trust or Board's policy on filming. The staff caring for you have the right not to be filmed in a way that would identify them if they don't want to be. However, if filming your birth is important to you then the Trust should try to facilitate it.

How can I see my records?

You have a right to see your own health records. You do not need a reason. Sometimes people find it helpful to see their records to understand what happened during their care. It is useful to request your records if you want to make a complaint about your care.

You can read more about making a complaint on our factsheet *Making a complaint*.

You have the right to see your records under the Data Protection Act 2018 which implements the General Data Protection Regulations (GDPR) and under Article 8 of the European Convention on Human Rights. GDPR are European regulations but the Government has said that it intends that the rules still apply despite the UK leaving the EU.

You can ask your GP, midwife, doctor or health visitor to obtain your records so that you can see them. You do not need a form to do this but can simply ask them at any time. You will need to go in person to the hospital or GP surgery to see your records.

You can also make a formal request to see your records. This is called a subject access request, and you make it in writing. You have this right under the Data Protection Act 2018. You usually send your subject access request to the NHS Trust's medical records manager for maternity records. You can find the address to send your request to on the website of your local NHS Trust or Board.

You have a right to see your child's medical records. If your partner has parental responsibility for your child, they also have this right.

The [Information Commissioner's Office](#) has [advice and standard letters](#) you can use to ask to see your records.

How long will it take for my records to come?

Your subject access request must be processed within 40 days. The NHS has committed to providing healthcare records in 21 days.

If you are thinking about making a complaint about your treatment, you may find it helpful to write down what you remember about the events while you wait for your records.

You can read more about making a complaint on our factsheet *Making a complaint*.

Can they refuse to let me see my records?

There are two reasons why you might not be allowed to see your records:

the person who has the records believes that you could be seriously physically or mentally harmed by seeing your records
the records reveal information about someone else who is not a healthcare professional, unless that other person agrees or it is reasonable for you to see this information

It is very unlikely that either of these reasons would apply to maternity records.

You can find out more from the [Information Commissioner's Office](#). If you have difficulties obtaining your records, you can complain to [the Information Commissioner's Office](#).

Do I have to pay to see my records?

You should not normally have to pay a fee to see copies of your records. You can be charged a fee if you are asking for a lot of information or the information will take a lot of time and effort to process. This is unlikely to apply to maternity records. You can be charged a fee if you want extra copies of your records.

You can find out more from the [Information Commissioner's Office](#).

Can I change my records?

If you find something wrong in your records you can ask for an appointment with the healthcare professional who made the record. Ask them to correct the record. If they do not agree that the record is wrong, you should be allowed to include a written statement in the record stating that you disagree with it.

The Data Protection Act says that all records must be factually accurate and up to date.

How long do they keep my records?

Your maternity records and your child's records must be kept for 25 years after the birth of your child.

How can I get help to understand my medical records?

Maternity records that are shared with you during your antenatal care should be written in a way that you can understand. However notes written during labour, for example, may include jargon and technical words. You can ask a health professional to go through them with you.

Your local hospital may run a 'Birth Afterthoughts' or 'Birth Reflections' service where you can go through your notes and discuss what happened. You can find out if your hospital runs this service from the PALS team, whose details will be on the Trust website, or from your maternity unit. Or you can ask your GP or health visitor to help you.

About Birthrights

Birthrights factsheets give you information about your human rights when you are pregnant and giving birth. Contact Birthrights for help on our advice form or by emailing advice@birthrights.org.uk.

Birthrights champions respectful care during pregnancy and childbirth by protecting human rights. We provide advice and information to women and birthing people, train doctors and midwives, and campaign to change maternity policy and systems.

We are a charity, independent of the government and the NHS.

www.birthrights.org.uk

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