

Assessment

Attempt **all** of the following **10** questions; the pass mark is 80%. If you don't reach 80%, revise the relevant topics and try again.

Check with your IG lead whether your responses need to be recorded and logged

Question 1: You receive a request from a patient who wants access to information contained within their health record. Your response to this request is covered by which Act? Tick **one option** from the answers listed below.

A	The Access to Health Records Act 1990	
B	The Data Protection Act 1998	
C	The Freedom of Information Act 2000	

Question 2: The Information Commissioner is responsible for compliance and enforcement decisions about which of the following Acts? Tick **two or more options** from the answers listed below.

A	The Data Protection Act 1998	
B	The Freedom of Information Act 2000	
C	The Access to Health Records Act 1990	

Question 3: How should a subject access request under the Data Protection Act normally be submitted? Select **one option** from the answers listed below.

A	It doesn't matter how the request is submitted	
B	Verbally, either face to face or by telephone	
C	In writing	

Question 4: Once a subject access request under the current DPA is logged and underway, how long do you have in which to comply? Select **one option** from the answers listed below.

A	20 days from being logged	
B	Legally 40 days however, NHS good practice requires that requests are dealt with within 21 working days from being logged	
C	25 days from being logged	
D	28 working days from being logged	
E	30 days from being logged	
F	One calendar month from being logged	

Question 5: If you cannot obtain consent for release of 3rd party information contained within a record requested under the Data Protection Act, which of the following should guide your next step? Select **two or more options** from the answers listed below.

A	Whether the other person has explicitly refused their consent	
B	Consideration of any duty of confidentiality owed to the other individual	
C	Whether the other individual is capable of giving consent	
D	Consideration of whether the steps you have taken with a view to seeking the consent of the other individual are reasonable in the circumstances	

Question 6: A patient's request for a correction to their NHS health record is refused. What options are now open to the applicant? Select **two or more options** from the answers listed below.

A	They can appeal to the Information Commissioner	
B	They can request a note to be added to the file, recording their views	
C	They can take legal action against the organisation	
D	They can take the record away with them	
E	They can make a complaint under the NHS complaint procedure	

Question 7: If an applicant is allowed to directly inspect their health record, who should supervise the viewing? Select **two or more options** from the answers listed below.

A	The organisation's data protection officer	
B	A health professional	
C	A lawyer	
D	A lay administrator	

Question 8: You receive a request from a woman who always believed she was one of twins but her deceased mother never admitted this. What should you do in processing this request for information in the mother's record? Select **two or more options** from the answers listed below.

A	Verify the identity of the applicant and their relationship to the deceased mother	
B	Decide what records or parts of records relate directly to the request	
C	Consider if disclosure might lead to breaching the confidentiality of a third party	
D	Check if there is anything in the records that would indicate that the deceased patient would not want this information disclosed	
E	Consider whether access would cause serious mental or physical harm to any person	

Question 9: Under The Access to Health Records Act 1990, how long do you have in which to comply with a request, once the identity of the applicant is confirmed? Select **two or more options** from the answers listed below.

A	25 working days where the record has been added to in the last 40 days	
B	21 days where the record has been added to in the last 40 days	
C	28 days where the record has been added to more than 40 days ago	
D	Within 40 days, where the record has not been added to in the previous 40 days	

Question 10: In response to a request under the Data Protection Act 1998 you have identified the subject, located the records, screened them and are ready to send them out. What exactly should you send? Select **one option** from the answers listed below.

A	The original health records, having made sure to make copies	
B	Copies of the original health records only	
C	Where the information is not being queried, you can send the original. Where there is something that the applicant has asked about, you should send copies only	
D	They should not be sent; they should only be viewed under supervision	

Please complete the following details and return to: maccg.foi@nhs.net

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Job Title:

Date:

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Employing Organisation: