

Request Form for Access to Records of a Deceased Patient
Under the Freedom of Information Act 2014

Patient confidentiality endures beyond death, prior to any decision to grant, part grant or refuse access to the requested records they are reviewed carefully and a decision is made on a case by case basis. The onus is on the requester to supply documentation and evidence to support their application, failure to do so may lead to delay or refusal of the request. Information on the relevant section of the Freedom of Information Act is detailed on page 4.

1. Please fill in the following details (Please Use BLOCK CAPITALS).

Name of requester:	
Address:	
Relationship to deceased patient:	
Telephone:	
Email:	

2. Information on the deceased patient.

Name:	
Address:	
Date of Birth:	
Date of Death:	
Place of Death:	

3. Form of access (Please tick box).

(a) To receive photocopies via registered post <input type="checkbox"/>	(b) View the originals by appointment <input type="checkbox"/>
(c) To receive an electronic copy via email <input type="checkbox"/>	

4. Proof of identity of requester (Please tick box and enclose copy).

(a) Copy Passport <input type="checkbox"/>	(b) Copy Drivers Licence <input type="checkbox"/>
(c) Other form of photographic identification <input type="checkbox"/>	

5. Proof of relationship to the deceased (Please tick box and enclose copy).

(a) Parent/Child – Long Birth Certificate	<input type="checkbox"/>
(b) Spouse/Former Spouse – Marriage Certificate	<input type="checkbox"/>
(c) Partner/Former Partner – Affidavit by solicitor	<input type="checkbox"/>
(d) Next of Kin - Affidavit by solicitor and/or or other acceptable proof establishing the relationship and showing the necessary State Certificates	<input type="checkbox"/>
(e) Other (please specify relationship) - Affidavit by solicitor. _____	<input type="checkbox"/>

6. Specify what records are being sought - for example, a specific timeframe, episode of care, treatment under a particular speciality.

7. Taking into account point 6, please give specific reason(s) for requesting access to the records.

8. **Copy of Death Certificate** - (Not required if the patient died in St. James's Hospital)

Signed: _____ Date: _____

9. **Return this form to:**

Post: Access to Information Office, Orla Beggs House, 40 James's Street, Dublin 8

Email: aio@stjames.ie

Telephone: +353 1 416 2463 / 2485

Office Use Only

Ref. No:		Date received:		Signed:	
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Section 37 of the Freedom of Information Act 2014

Section 37 of the FOI Act exempts records containing personal information, including personal information of a deceased person, from disclosure, subject to certain specific exceptions. In the case of records of deceased persons, section 37(8) provides that the Minister may make regulations for access by specific categories of requester.

Three categories of requester are identified in these regulations:

Category 1 - **Personal representative** - The personal representative of the deceased acting in due course of administration of the estate of the deceased or any person acting with the consent of the personal representative so acting.

Category 2 - **A person appointed by the courts or by statute** - This category covers a person on whom a function is conferred by law in relation to the individual or his or her estate acting in the course of the performance of the function. This would cover cases where the estate and subsequent affairs of the deceased are taken over by a court or State agency.

Category 3 - **Spouse / former spouse, partner/ former partner, next of kin** - This category covers Spouses/former spouses, partners/former partners or next of kin of the deceased: This category permits, in appropriate circumstances, access to certain records to be given to the different individuals who enjoyed a particular relationship with the deceased.

Once the hospital is satisfied that the requester comes within the scope of category 3, it may make such enquiries and engage in such consultation as is necessary to come to a decision – **if the public interest would be better served by granting than by refusing the request.** Taking this into account it is reasonable for the hospital to seek as much information as to the circumstances of the request. Each case is judged on its own merits.

A copy of the full guidance note is available on www.foi.gov.ie