



Information Governance

Medical Examiners access to records

Recent guidance from the NHS aims to clarify the role that General Practice plays in that of the Medical Examiner (ME). This factsheet briefly describes some of the main points in the guidance but the original document can be viewed here: [NHS England » National Medical Examiner's guidance for England and Wales](#). (Please note that all wording in italics is taken directly from the guidance.)

Access to patient records

'From 9 September 2024, the Access to Health Records Act 1990 gives medical examiners a specific statutory right of access to records of deceased patients that they consider relevant when carrying out their duties. [The Medical Certificate of Cause of Death Regulations 2024](#) require medical examiners to make whatever enquiries appear to be necessary to confirm or establish the cause of death. If records of a deceased patient are not made available and the medical examiner is unable to establish the cause of death, they are obliged to notify the death to the coroner.'

Sharing records with Medical Examiners

GPs have already established varying methods of providing MEs with the required information. Practices should review whether these methods may be restricted by current data sharing agreements as some ways of sharing records electronically are designed to be used by staff who are providing direct care to the patient. [Appendix 2](#) in the guidance provides a model data sharing statement for ME offices in England.

In some cases, the ME may decide that the records of the mother of a deceased child may be required. Unless the mother has also died, these will not be accessible through the Access to Health Records Act. Instead, the guidance suggests: *'the usual information governance principles for living patients would apply to access to the maternal patient record (for example, obtaining consent from the mother or establishing another legal basis).'*

Patient confidentiality

'Government introduced the medical examiner role as an important safeguarding measure, and the requirement for independent scrutiny of all deaths in England and Wales cannot be overridden. All deaths must be reviewed by a medical examiner unless the death is being investigated by a coroner or has been notified to a coroner and the coroner has yet to decide whether they have a duty to investigate.'

Wishes in the records of a person that some or all of their health information is not shared with family members after death should still be respected, but to fulfil their statutory duty the ME is still required to share the cause of death with family members and provide an opportunity to ask questions and raise concerns. Professional judgement will help decide what to share.

'It should be noted that causes of death are a matter of public record.'