

C) Conditions for access to the patient's medical records by courts, the Police of the Czech Republic, forensic experts, lawyers, commercial insurance companies and other providers of health services

Applications for copies of the patient's medical records or information from their medical records

If the entities/persons listed below apply for copies of a patient's medical records or information from the patient's medical records **in writing**, they usually do so in the form of a free application. If they are obliged to provide the patient's consent to support their application, they may use this standard form to facilitate the processing of the application Patient's Consent

<https://www.nemcb.cz/information-for-patients/medical-record/patient-s-consent-to-consulting-his-her-medical-records/>

What must be submitted by courts

When a court asks the health service provider for information from a patient's medical records, the court must submit with its request **the original of the patient's consent, unless legal provisions provide the court with entitlement to access medical records without the patient's consent**. Accordingly, the officially authenticated patient's signature on the consent is not required.

Without the patient's consent, the following information e.g. may be provided to the court under the conditions set out below:

1. in connection with ongoing criminal proceedings, information from a patient's medical records may be provided on the basis of the judge's consent pursuant to Section 8(5) of Act No. 141/1961 Coll., the Criminal Procedure Code, as amended (hereinafter referred to as the "**CPC**"), or
2. information requested by the court in accordance with the provisions of Section 8(4)(b) of the CPC, if the health service provider, as the applicant, also notified the offence to which the request relates, or
3. to the chairman of the senate according to Section 351(4) of the CPC for information on the date protective data processing imposed on the patient began, etc.

What must be submitted by the Police of the Czech Republic

When the Police of the Czech Republic asks the health service provider for information from a patient's medical records, the Police must submit with its request **the original of the patient's consent, unless it is entitled by legal provisions to access medical records without the patient's consent**. Accordingly, the officially authenticated patient's signature on the consent is not required.

Without the patient's consent, the following information, for example, may be provided to the Police of the Czech Republic under the conditions set out below:

1. in connection with ongoing criminal proceedings, information from the patient's medical records may be provided on the basis of the judge's consent pursuant to Section 8(5) of Act No. 141/1961 Coll., the Criminal Procedure Code, as amended (hereinafter referred to as the "**CPC**"), or
2. for the purposes of an ongoing search for a specific wanted or missing person the information on the time and place of provision of health services to this person,
3. results of professional and toxicological examinations carried out at the request of the Police of the Czech Republic,
4. information requested by the Police of the Czech Republic, if the health service provider, as the requested person, was also notified the offence to which the request relates, etc.

What must be submitted by forensic experts

Medical records kept about a patient may be consulted without his/her consent (to the extent necessary to meet the purpose of the consultation) and also copied or extracted by forensic experts in healthcare fields and persons qualified to practise as medical professionals, who were authorised to prepare an expert opinion by an expert institute or an expert office, by a health service provider or a healthcare professional, to the extent necessary for the preparation of the expert opinion *for the purpose of criminal proceedings or for proceedings before the court* under other legislation.

An expert's request must be **stamped and signed by the expert and must be accompanied by a copy of the relevant document (decision or measure) by which the expert was admitted to prepare the expert opinion on this proceedings**.

If an expert, who has not been admitted to the proceedings for the purpose of preparing an opinion for the needs of the proceedings, requests access to the patient's medical records or provision of copies thereof, and if this is not a situation pursuant to Section 51(3) of the AHS, they must document **the patient's consent with their officially authenticated signature** (as a person authorised/appointed by the patient).

What must be submitted by lawyers

The patient's legal representative requests access to medical records or copies or extracts thereof as a person authorised/appointed by the patient. They therefore submit **the original of the Patient's Consent**. Accordingly, the officially authenticated patient's signature on the consent is not required.

If a legal representative submits the Patient's Consent embodied in a power of attorney, it is necessary for this power of attorney to contain the patient's express consent in the sense of Section 2649 of Act No. 89/2012 Coll., the Civil Code, as amended (hereinafter referred to as the "CC"), which will be clearly related to consulting medical records, making extracts or copies and providing information on the patient's state of health and is submitted to the health service provider in the original. Neither a general power of attorney nor a copy of the power of attorney is sufficient.

What must be submitted by commercial insurance companies

If a commercial insurance company is interested in the data from the patient's medical records, it must always submit with its application **the Patient's Consent with his/her officially authenticated signature**. The consent must be clearly related to consulting the patient's medical records, making extracts or copies thereof and the provision of information on the patient's state of health in the sense of Section 2649 of the CC.

What must be submitted by other health service providers

If other health service providers request the provision of data from medical records in order to provide follow-up care, they have the right to obtain such information even without the patient's consent [Section 51(2a) and Section 45(2)(g) of the AHS]. Accordingly, the application of another healthcare provider must include the **signature and stamp of the physician/health service provider**. Furthermore, the reason the data from the patient's medical records is required must be explicitly stated in the application.

Consultation of medical records and acquisition copies or extracts thereof by one's own means

If the above-mentioned entities/individuals are interested in consulting a patient's medical records **in person** and, if necessary, making extracts or copies thereof, they may agree upon such access in the manner described in Section "A) *What to do if you want to consult medical records and, if necessary, make copies or extracts of them yourselves and before they may be allowed to access the medical records*" and prior to consulting, they are

obliged to demonstrate that they are persons authorised to access the patient's medical records. For example, a forensic expert admitted to the proceedings for the purpose of preparing an expert opinion shall submit their expert certificate and the original or an officially certified copy of the document (decision or measure) by which they were admitted for the purpose of preparing an expert opinion for the proceedings, etc..

Overview of individual forms:

- Patient´s Consent
<https://www.nemcb.cz/information-for-patients/medical-record/patient-s-consent-to-consulting-his-her-medical-records/>

If necessary, you can also contact our employee during office hours (8:00 a.m. to 3:00 p.m. Monday to Friday) on telephone number: 387 872 012 or at any time using their e-mail address: vachova.sylva@nemcb.cz, who may, where appropriate, advise you on applying for a copy of medical records.

