

Patients have right to their medical records: Central Information Commission (C I C)

Thursday, July 24, 2014, 15:21 New Delhi: Patients have a right to get their medical records from hospitals, both public and private, Central Information Commission has held while ordering disclosure of information to a former RAW official.

Nisha Priya Bhatia, a former official of country's snooping agency Research and Analysis Wing, sought her medical records from Institute of Human Behaviour and Allied Sciences where she was admitted on the orders of Delhi High Court.

These records were refused to her as the Institute cited section 8(1) (h) of the RTI Act which allows an authority to withhold information which would impede an investigation. Rejecting the contention, Information Commissioner Sridhar Acharyulu said patients have a right to their medical records which is rooted in Articles 19 and 21 of Constitution of India and respondent hospitals have a duty to provide it.

He said information commissions can enforce this right to information of patients against both Government and Private hospitals, whether they are public authorities or not, as per section 2(f) of the RTI Act, 2005. The Commissioner said hospitals have duty to provide the same under Right to Information Act, 2005, Consumer Protection Act, 1986, the Medical Council Act, 1956 and world medical ethics read with Constitutional rights.

Bhatia had alleged before the Commission that her superiors got antagonised against her for no reason, started withdrawing her privileges as an officer, gradually and ultimately her chair was also removed leaving her with no place to sit and work.

She alleged that a "deliberate conspiracy" and attempt to depict her as mentally sick person just because she had filed complaints against her superiors.

"The background stated suggests that she is in dire need of the medical records to tell the world that she was not mentally sick but fit and also for defending her case before the appropriate forum," Acharyulu noted.