

ANONYMOUS

Witness Name: **GRO-B**

Statement No: WITN0381001

Exhibits: WITN0381002-9

Dated: August 2019

**INFECTED BLOOD INQUIRY**

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**EXHIBIT WITN0381009**

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ANONYMOUS

GRO-B	GRO-B	GRO-B	GRO-B	GRO-B	Tel	GRO-B
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Dr R Arya - Consultant Haematologist  
Department of Haematological Medicine  
Kings College Hospital  
Denmark Hill  
London  
SE5 9RS

13th June 2004

Dear Dr Arya,

Re:- KCH HOSPITAL NUMBER - GRO-B

I write having been prompted to do so by information which I received some time ago from the Haemophilia Society regarding in particular a legal action which is apparently currently under consideration and proposed to be taken in The United States of America on behalf of Haemophiliac patients infected with HIV and/or HCV.

In this respect this so called Joint Class type action is, as you may be aware, to seek compensation in America for Haemophiliac patients, including those in the UK, who were treated with and infected by HIV and/or HCV contaminated blood products from American drug companies involved with their manufacture and supply.

However whilst I am concerned and most uncertain about becoming personally involved with any such process and I am not at all familiar with The Data Protection Act - 1998 I understand that it does make provision for individuals to request items of information from their medical records.

Accordingly the information which I am seeking from my medical records is summarised as follows:-

- 1 The records showing exposure to American blood products.
- 2 The records demonstrating approximate date of infection.
- 3 The confirmation of diagnosis.

I do therefore sincerely hope and trust that you will have some understanding of my dilemma arising from this situation and that this request will not jeopardise or interfere with my most highly regarded and valued relationship with you, the hospital and its members of staff all of which are of considerable and vital importance to me and as such must not be vitiated in any way whatsoever.

However in the event that this request or other factors which are not apparent to me could in some way have an adverse effect upon such an arrangement then I will withdraw this request.

Accordingly and whilst writing I confirm that no proceedings are pending or contemplated against you, the hospital or any other member of staff.

Finally would you please note that I have also written to Dr P Giangrande - Consultant Haematologist at the Oxford Haemophilia Centre in a similar manner.

Many thanks  
Yours sincerely

GRO-B
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Copy to:- Dr GRO-B - GP, GRO-B

ANONYMOUS

23 September 2004

King's College Hospital



NHS Trust

King's College Hospital  
Denmark Hill  
London SE5 9RS

Tel: 020 7737 4000  
Fax: 020 7346 3445  
www.kingsch.nhs.uk

Mr GRO-B  
GRO-B

Dear Mr GRO-B

The Patient Advice and Liaison Service have asked me to write to you regarding your request for information that relates to your attendances in 1973.

We have carried out an extensive search of both the Trust's archive library and current library, and I am sorry to advise you that we are not holding any notes relating to this period. Whilst investigating your request, I was able to confirm that during the 1980s the Haematology department itself carried out a programme of microfilming some of their old records. These microfilm records were originally stored within the Haematology department. Regrettably the Haematology department have confirmed that they no longer hold these microfilmed records.

I am very sorry that the records relating to this period are no longer available for you.

Yours sincerely

GRO-C

Chris White  
Head of Patient Records

Reference:

1002 W96200



INVESTOR IN PEOPLE



WITN0381009\_0003

# ANONYMOUS

GRO-B GRO-B GRO-B GRO-B GRO-B Tel GRO-B

Chris White - Head of Patient Records  
Kings College Hospital  
Denmark Hill  
London  
SE5 9RS

3rd October 2004  
Previous Ref:- 11-09-1-gei  
Added New Ref:- 11-02-3-kchhli

Dear Chris White

RE:- GRO-B KCH REF NO GRO-B MEDICAL RECORDS

Whilst I would rather not I am nevertheless compelled to write with reference and in repose to your letter dated 23rd September 2004 in connection with my hospital medical records.

In this respect you advise that a most significant and substantial part of not only my main hospital medical records but also those held by the haematology department have apparently both been lost by the hospital and are no longer available to either the hospital, its departments, staff, me or for that matter any others in the event that these records should be required and/or the need arise.

This advice and the onerous implications of this situation are devastating and entirely beyond my comprehension and belief especially bearing in mind the fundamental issues and principles of liability, responsibility and accountability that arise which can not as such be ignored, dismissed, or excused without the hospital's further consideration and explanation as your letter implies.

In the meantime and as a consequence of my initial consideration and cursory appraisal of your letter those comments and observations which occur to me at the present time are summarised for the hospital's information, perusal and further response please as follows:-

1 I am of course extremely concerned that this matter must not interfere with the otherwise excellent relationships, treatment and care from which I have and continue to benefit from as a life long patient of Kings.

In this respect I take the opportunity to refer for example to an extract from my letter dated 10th September 2004 to Hazel Turner/Dr Arya as follows:-

*'During my conversation with her I explained to Cathy (Varley of KCH-PALS) that this matter was from my own point of view extremely difficult and sensitive especially as I have been a long term patient of Kings and remain most thankful for and greatly indebted to Kings for the care and treatment which I have been most fortunate to have received in the past and continue to do so at present.*

*In addition my personal relationship with Kings and its members of staff are also extremely important and very precious to me and must not be jeopardised or adversely affected by this matter in any way whatsoever.'*

2 This situation involving as it does the loss of not one but both separate sets of my hospital medical records is quite remarkable and is perhaps indicative of a deliberate policy of removal of such medical records rather than some ghastly mistake an action prompted perhaps by the emergence and impact of the HIV/AIDS and HCV disasters especially upon the haemophilic community and the implications of it.

In this respect I expect that any such removal of hospital medical records such as mine is not permissible, would not be authorised and in some way or another entirely against relevant legislation, obligations, provisions and procedures.

However and despite such considerations and provisions I have co-incidentally and recently become aware that other haemophilic patients throughout the nation have apparently encountered and are confronted by similar circumstances with regard to the apparent loss and non availability of their medical records which if true appears to be an amazing and perhaps somewhat dubious co-incidence.

A further co-incidence is perhaps an article published in The Sunday Times on 26th September 2004 entitled 'Councils shred files to thwart new access laws' a copy of which is enclosed apparently arising from the forthcoming introduction and implications of the Freedom of Information Act which causes one to wonder about the previous introduction and implications of the Data Protection Act and in particular access to medical records.



# ANONYMOUS

Chris White - Head of Patient Records - Kings College Hospital

3rd October 2004

RE:- **GRO-B** - KCH REF NO **GRO-B** - MEDICAL RECORDS

Accordingly the hospital should advise me please as to whether or not I am the only haemophiliac patient whos hospital medical records have been lost and whether or not the medical records of all of the other haemophiliac patients of the hospital are fully in tact and readily available.

3 The loss of my hospital medical records is entirely unacceptable and without justification.

This situation has arisen and become apparent as it has prompted by and as a consequence of my initial enquiries about, request for and as it happens my statutory rights and entitlement to information from my hospital medical records which is not apparently and according to your advice able to be complied with.

The loss and non availability of these hospital medical records has only now and by virtue of your letter become apparent and been made known to me essentially as a matter of pure chance arising from my initial letter of enquiry about them and certainly without my prior knowledge, awareness, involvement, agreement, reason or any fault of my own.

4 Despite the hospitals duty of care, liabilities, obligations and responsibilities for such matters your letter does not include or provide any explanation for or the reasons why these losses have occurred and the consequential situation has arisen, where my records are and the issues of security and confidentiality which also arise issues which do therefore and amongst any others require the hospitals clarification please.

In the meantime I am in no doubt whatsoever that there are in fact no good, justifiable, acceptable reasons or excuses for this situation arising and whilst I note from your letter that you are sorry that these medical records have apparently been lost by the hospital and not available such a sentiment is no doubt well intended but it is in fact and reality especially given previous, currently prevailing circumstances and future requirements of no real consequence, comfort or use to me or any other party.

5 Your letter does not refer to or clarify the legal, statutory, duty of care or any other formal responsibilities, obligations and liabilities which prevail upon hospitals for the establishment, maintenance, accuracy, confidentiality and security of an individuals hospital medical records and the situation arising from their loss and lack of availability which requires the hospitals clarification please.

In the meantime and from my own point of view I am in no doubt whatsoever that such matters involving patients medical records are as it were sacred, absolute and would as such be entirely dependable, in no doubt and never under any circumstances be compromised or jeopardised in any way whatsoever as is apparently the current and prevailing situation in this instance.

6 Paragraph 1 of your letter refers to:-

*' your request for information that relates to your attendance's in 1973'*

Whilst 1973 was and is of considerable significance and importance it was and is not the sole and only period of time in question and about which I enquired.

The statement in your letter is not therefore correct and is as such miss-leading as it does not reflect the purpose and nature of my initial enquiry and request for information from my hospital medical records as referred to in my letter to Dr Arya dated 13th June 2004 to which incidentally my subsequent letter 8th August 2004 regarding my related OHC held medical records also refers.

Accordingly would you please note that the reasons for and the nature of my request was discussed in general terms between myself and Dr Arya during the course of my visit to the hospital on 18th August 2004 at which time I also obtained the medical record information which had been provided to me by UKHCDO via Dr Arya due to reasons of UKHCDO procedures and confidentiality.

7 At that time I was under the impression that whilst the medical records (in particular the Volume(s?) which I believe to be for the period between approx 1948 - 1997 at which time I understand that the currently available Volume of my medical records commences) was not then to hand but there was an awareness of them, a search was in progress and 'audit trail' for them.

# ANONYMOUS

Chris White - Head of Patient Records - Kings College Hospital

3rd October 2004

RE:- **GRO-B** - KCH REF NO: **GRO-B** - MEDICAL RECORDS

It was therefore anticipated and expected that this particular part of the medical records were in the hospital they would turn up and the information that I had requested from it would then be readily available and forthcoming and if necessary further access to it possible.

However and according to your letter this no longer appears to be the case a situation which may seriously jeopardise and possibly prevent the progress of the particular issue, and for that matter any other purpose, for which information from my medical records is currently and may be required in the future for which I consider the hospital to have responsibility.

In view of these circumstances I subsequently approached Cathy Varley of KCH - PALS during a visit to Kings which took place on 25th August 2004 at which time I explained and discussed this matter and details of to which my letter dated 10th September 2004 to Hazel Turner PA to Dr Arya and copied to Cathy Varley refers.

8 Given these current circumstances I anticipate that it can be readily appreciated that this matter has now become and represents a series of most unwelcome and considerable causes of concern to me.

This is due not only in overall and general terms but also more specifically at the present time with regard to the possibility of litigation taking place in America regarding HCV (to which my letter dated 13th June 2004 refers) a process and my involvement with is currently under review.

In addition and most recently I have now received a letter dated 20th September 2004 from Dr Arya in connection with vCJD which I have yet to face up to, deal with and respond to in due course.

In the meantime Dr Aryas letter dated 20th September 2004 does amongst other things refer to and mention that the hospital is currently checking patients hospital medical records and liaising with other centres to determine who was treated with implicated batches and the extent of their exposure between 1980 and 2001 details of which are required to be recorded in patients hospital medical notes for 'at risk' vCJD public health purposes.

Furthermore I also note that this particular information could if required be made available to patients a matter about which I am currently undecided but which does not in fact and given prevailing circumstances appear to be possible in my case nor for that matter any other haemophilic patients whose medical records are also lost and no longer available all of which represents a most serious and onerous situation upon which the hospital's clarification is required please.

Accordingly and given such circumstances I should appreciate receiving the hospital's full and thorough response and further advice as a matter of urgency please.

Many thanks  
Yours sincerely

**GRO-B**

Copy to:-

Dr R Arya, MA, PhD, MRCPATH, FRCP - Consultant Haematologist and Honorary Senior Lecturer  
Department of Haematological Medicine - Kings College Hospital

Cathy Varley - Patients Advice and Liaison Service - Kings College Hospital

# ANONYMOUS

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Hazel Turner - PA To  
Dr Roopen Arya, MA, PhD, MRCPPath, FRCP  
Consultant Haematologist and Honorary Senior Lecturer  
Department of Haematological Medicine  
Kings College Hospital  
Denmark Hill  
London  
SE5 9RS

24th November 2004

Dear Hazel

Re GRO-B - KCH Ref NUMBER - GRO-B

I was pleased to hear from Katherine Barry of the Institute of Liver Studies some weeks ago now that the previously missing part of my Kings College Hospital medical records has now 'turned up' and I understand that at that time Katherine had the missing part of the record in her possession pending its collation, ease of access and safe/secure storage together with the remainder of my medical records.

In this respect and in the first instance I take this opportunity refer to my letter dated 13th June 2004 to Dr Arya which remains relevant as a consequence of which I would appreciate and welcome a reply together with the information referred to please.

Whilst writing I take the opportunity to also mention that given what was for me the most serious, disturbing and highly stressful nature of this situation involving as it did the unexplained disappearance of a substantial part of my medical records together with the undesirable and detrimental effects of such a situation and the implications of it I am to say the least disappointed not to have received the courtesy of a written explanation, apology or for that matter any other response to my letter dated 3rd October 2004 from either Chris White - Head of Patients Records - Kings College Hospital to whom the letter was addressed or Cathy Varley of Kings College Hospital - PALS to whom it was copied which and given such circumstances I consider to be inexcusable and I have therefore copied this letter to them accordingly.

Yours sincerely

GRO-B

COPY TO:-

Chris White - Head of Patients Records - Kings College Hospital

Cathy Varley - Patients Advice and Liaison Service (PALS) - Kings College Hospital

Katherine Barry - Clinical Nurse Specialist - Institute of Liver Studies - Kings College Hospital