

CONFIDENTIALITY POLICY

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1.0 Introduction

At the Practice, the need for the strict confidentiality of personal information about patients is taken very seriously. This document sets out our policy for maintaining confidentiality and all members of the Practice team must comply with these safeguards as part of their contract of employment or contract for services with the Practice.

When attending the Practice for dental care, patients provide us with personal information about their health on the understanding that we keep this information confidential and that it will not be divulged without the patient's consent. Most patients would most likely be reluctant to provide personal health information if they believed it would be passed on.

In addition to Practice systems for storing this information securely, each member of the team is under a strict duty to maintain the confidentiality of all personal information held by the Practice.

2.0 The Duty of Confidentiality

An employee's contract of employment or a contract for services at the Practice (Associate Agreement) require personnel to maintain the confidentiality of patient information. A breach of this requirement, could end employment with the Practice or contract for services.

For registrants, a breach of confidentiality, may lead to an investigation by General Dental Council (GDC) into their fitness to practise; individual registrants are responsible for their professional conduct. A patient may also bring legal action for damages.

Dentists may also be prosecuted for breaching statutory data protection requirements.

3.0 Confidentiality

The relationship between dentist and patient is based on the understanding that any information revealed by the patient to the dentist will not be divulged without the patient's consent. Patients have the right to privacy and it is vital that they give the dentist full information on their state of health to ensure that treatment is carried out safely.

The intensely personal nature of health information means that many patients would be reluctant to provide the dentist with information if they were not sure that it would not be passed on. If confidentiality is breached, the dentist/dental hygienist/dental therapist/dental nurse faces investigation by the GDC and possible erasure from the Dentists or DCP Register, and may also face legal action by the patient for damages and, for dentists, prosecution for breach of the 1998 Data Protection Act.

All personnel must follow the GDC's rules for maintaining patient confidentiality contained in *Standards for dental professionals* and *Principles of patient confidentiality*. If confidentiality is breached, each registered dental professional involved is responsible to the Council for their individual conduct.

3.0 Personal Information

In a dental context, personal information which may be held by a dentist about a patient includes:-

- the patient's name, current and previous addresses, bank account/credit card details, telephone number/email address and other means of personal identification such as physical description;
- information that the individual is or has been a patient of the Practice or attended, cancelled or failed to attend an appointment on a certain day;
- information concerning the patient's physical, mental or oral health or condition;
- information about the treatment that is planned, is being or has been provided;
- information about family members and personal circumstances supplied by the patient to others;
- the amount that was paid for treatment, the amount owing or the fact that the patient is a debtor to the Practice.

4.0 Principles of Confidentiality

Personal information about a patient is confidential to the patient and to those providing the patient with health care, who require the information to provide effective care and treatment.

This Practice has adopted the following three principles of confidentiality with regards to personal information about a patient:-

- information is confidential in respect of that patient and to those providing the patient with health care;
- information should only be disclosed to those who would be unable to provide effective care and treatment without that information (need-to-know basis), and;
- such information should not be disclosed to third parties without the consent of the patient except in certain specific circumstances described in this policy.

5.0 Disclosures to Third Parties

Practice Personnel must not disclose personal information to third parties without the consent of the patient, unless it is required by law or the dentist is pursuing a genuine legal claim against the patient the information is required by a solicitor, court or debt-collecting agency. The responsibility for disclosure rests with the responsible dentist; other members of the team cannot take the decision to disclose.

There are certain restricted circumstances in which a dentist may decide to disclose information to a third party or may be required to disclose by law, for example when disclosure is in the public interest, the wider public interest outweighs the rights of the patient to confidentiality or where disclosure would prevent a serious future risk to the public or assist in the prevention or prosecution of serious crime.

Responsibility for disclosure rests with the patient's dentist and under no circumstances can any other member of Practice personnel make a decision to disclose. A brief summary of the circumstances is given below.

- where the patient has expressly given consent to the disclosure;
- where disclosure is necessary for the purpose of enabling someone else to provide health care to the patient and the patient has consented to this sharing of information;
- where disclosure is required by statute, or is ordered by a court of law;
- where disclosure is necessary for a dentist to pursue a legitimate legal claim against a patient, when disclosure to a solicitor, court or debt collecting agency may be necessary.

Information may need to be disclosed to third party organisations to ensure the provision of care and the proper functioning of the NHS. In practical terms this type of disclosure means:-

- transmission of claims/information to payment authorities, such as the CSA (Child Support Agency);
- in more limited circumstances, disclosure of information to the Lancashire Area Team (LAT);
- referral of the patient to another dentist or health care provider such as a hospital.

It is a condition of engagement that everyone at the Practice complies with the Code of Practice.

6.0 Disclosure to Government Agencies

It may be right to disclose personal information without consent to government agencies, including HMRC, the police or social services. In all cases, we must obtain details of what information is needed and why. Only information that it is necessary to comply with the law should be disclosed. We must always obtain professional advice before releasing information on these grounds.

7.0 NHS and Private care

Disclosure of information is needed to;

- Transmit NHS claims/information to payment authorities such as the (*Business Services Authority for England and Wales*)
- Refer patients to another dentist or health care provider such as a hospital.

8.0 Data protection code of Practice

The Practice Privacy Notices describes the personal data that we collect, how we use it and how we store it safely and securely. It also describes how the Practice meets the requirements of data protection legislation.

9.0 Access to Records

Patients can request access to their health records. The treating dentist should receive the request and the patient be given the opportunity to discuss the records before being given a copy; the patient's identify must be checked and confirmed.

The copy of the record must be supplied within one month of the request.

Patients must make a written request for access to their medical records. No fee is payable (except if a patient makes multiple requests).

Patients have the right of access to their health records held on paper or on computer. A request from a patient to see, or have a copy of their records must be done so in writing. If the patient wishes to see their records only, they are afforded the opportunity of coming into the Practice to discuss the records with their dentist, and will then be given a photocopy if this forms part of the patient request also.

Care should be taken to ensure that the individual seeking access is the patient in question, and where necessary the Practice will seek confirmation of their identity.

The fact that patients have the right of access to their records makes it essential that information is properly recorded. Everyone involved with recording information about patients attending the Practice must ensure that records are;-

- contemporaneous and dated;
- accurate and comprehensive;
- signed by the dentist;
- neat, legible and written in ink;
- strictly necessary for the purpose;
- not derogatory;
- such that disclosure to the patient would be unproblematic.

10.0 Patient Rights

Patients have the right to stop the Practice sending marketing emails and to ask the Practice to delete some information, such as contact details. Not all information can be deleted and requests to delete information must be managed in accordance with data protection laws.

11.0 Practical Guidance

The principles of confidentiality give rise to a number of Practice rules that everyone working in the Practice must observe:-

- records are kept secure and in a location where it is not possible for other patients or individuals to read them;
- Patients should not be able to see information contained in appointment books, day sheets or computer screens,
- Discussions about patients must not take place in public areas of the Practice,
- When talking to a patient on the telephone or in person in a public area, sensitive information must not be overheard by other patients,
- Messages about a patient's care must not be left with third parties or left on answering machines. A message to call the Practice is all that can be left,
- Recall cards and other personal information must be sent in an envelope,
- Identifiable information about patients must not be discussed with anyone outside of the Practice including relatives or friends,

- Demonstrations of the Practice's administrative/computer systems must not involve actual patient information,
- Information about a patient's appointment must not be given to third parties – for example, schools and employers – unless the patient has given consent,
- Appointment books, record cards or other information must not be disclosed to police officers or HM Revenue and Customs officials without instruction by the responsible dentist,
- a school should not be given information about whether a child attended for an appointment on a particular day. It is suggested that the child is provided the appointment letter to signify attendance,
- information about a patient's appointment record will not be given to a patient's employer,

12.0 Non Compliance

If, after investigation, a member of Practice personnel is found to have breached patient confidentiality or this policy, he or she shall be liable to summary dismissal in accordance with the Practice's Disciplinary Policy.

Upon termination of an employment contract or contract for services (associate agreement), the employee or associate must respect the confidentiality of all personal information held by the Practice. They must not knowingly obtain or disclose personal data without the consent of the Practice Manager. If the Practice believes that a person has done so, we will inform the Office of the Information Commissioner; and they may, as a consequence, be prosecuted by the Commissioner or the Director of Public Prosecutions.

Employees and contracted associates are reminded that all personal data processed at the Practice must by law remain confidential after employment ceases or a contract has been terminated.

If the Practice suspects that a person has committed such an offence, it will contact the Office of the Information Commissioner and they may be prosecuted by the Commissioner or with consent of, or by the Director of Public Prosecutions.