

PRACTICE CONFIDENTIALITY POLICY

Compliance with this policy is a condition of employment for all staff

At this 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.

THE IMPORTANCE OF CONFIDENTIALITY

The relationship between dentist and patient is based on the understanding that any information revealed 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 / hygienist face investigation by the General Dental Council and possible erasure from the Dentists Register / Dental Auxiliaries Roll and may also face legal action by the patient for damages and, for dentists, prosecution for Breach of the 1998 Data Protection Act.

GENERAL DENTAL COUNCIL

All staff must follow the General Dental Council's rules for maintaining patient confidentiality:

'The dentist/patient relationship is founded on trust and a dentist should not disclose to a third party information about a patient acquired in a professional capacity without the permission of the patient. To do so may lead to a charge of serious professional misconduct. A dentist should be aware that the duty of confidentiality extends to all other members of the dental team... There may, however, be circumstances in which the public interest outweighs a dentist's duty of confidentiality and in which disclosure would be justified... Communications with patients should not compromise patient confidentiality. In the interests of security and confidentiality, for example, it is advisable that all postal communications to patients are sent in sealed envelopes.'

If confidentiality is breached, it is the patient's dentist who is responsible to the Council. An enrolled dental hygienist whose act or omission has breached confidentiality may also be called before the Council.

WHAT IS PERSONAL INFORMATION?

In a dental context, personal information held by a dentist about a patient includes:

- The patient's name, current address, telephone number, e-mail address, bank account details, and other means of personal identification such as their 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 or others.
- The amount that was paid for treatment, the amount owing or the fact that the patient is a debtor to the practice.

PRINCIPLES OF CONFIDENTIALITY

This practice has adopted the following three principles of confidentiality:

Personal information about a patient:

1. Is confidential in respect of that patient and to those providing the patient with health care.
2. Should only be disclosed to those who would be unable to provide effective care and treatment without that information.
3. Should not be disclosed to third parties without the consent of the patient except in certain specific circumstances described below.

DISCLOSURES TO THIRD PARTIES

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. Responsibility for disclosure rests with the patient's dentist and under no circumstances can any other member of staff make a decision to disclose.

When disclosure is in the public interest

There are certain circumstances where the wider public interest outweighs the rights of the patient to confidentiality. This might include cases where disclosure would prevent a serious future risk to the public or assist in the prevention or prosecution of serious crime.

When disclosure can be made

There are certain circumstances when personal information can be disclosed:

- Where the patient has expressly given consent to the disclosure.
- Where disclosure is necessary for the purpose of enabling someone 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 bona-fide legal claim against a patient, when disclosure to a solicitor, court or debt collecting agency may be necessary.

DATA PROTECTION CODE OF PRACTICE

The Practice's Data Protection Code of Practice details the required procedures to ensure that we comply with the 1998 Data Protection Act. It is a condition of employment that everyone at the practice complies with the Code of Practice.

ACCESS TO RECORDS

Patients have the right of access to their health records held on paper or computer. A request from a patient to see records or for a copy must be referred to the patient's dentist. The patient should be given the opportunity of coming into the practice to discuss the records and will then be given a photocopy. Care should be taken to ensure that the individual seeking access is the patient in question and where necessary the practice will seek information from the patient to confirm identity. The copy of the record must be supplied within forty days of payment of the fee and receipt of identifying information if this is requested.

Access may be obtained by making a request in writing and the payment of a fee for access of up to £10. We will provide a copy of the record within 40 days of the request and fee (where payable) and an explanation of your record should you require it.

The fact that the patients have the right of access to their records makes it essential that information is properly recorded. Records must be:

- 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.

PRACTICAL RULES

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

1. Records must be kept secure and in a location where it is not possible for other patients or visitors to the practice to read them.
2. Identifiable information about patients should not be discussed with anyone outside the practice including relatives or friends.
3. Demonstrations of the practice's administrative/computer systems should not involve actual patient information.
4. When talking to a patient on the telephone or in person in a public area, care should be taken that sensitive information is not overheard by other patients.
5. Do not provide information about a patient's appointment record to a patient's employer.
6. Messages about a patient's care should not be left with third parties or on answering machines. A message to call the practice is all that can be left.
7. Recall cards and other personal information must be sent in an envelope.
8. Disclosure of appointment books, record cards or other information should not be made to police officers or Inland Revenue officials unless upon the instructions of the dentist.
9. Patients should not be able to see information contained in appointment books, day sheets or computer screens.
10. Discussions about patients should not take place in the practice's public areas.

DISCIPLINARY ACTION

If, after investigation, a member of staff is found to have breached patient confidentiality or this policy, they shall be liable to summary dismissal in accordance with the practice's disciplinary policy.