

## **Data protection & Confidentiality policy for the practice team**

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 or contract for services with the practice.

### **The importance of 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 General Dental Council 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.

### **General Dental Council**

All staff must follow the General Dental Council'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.

### **What is personal information?**

In a dental context, personal information 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.

## **Principles of confidentiality**

This practice has adopted the following three principles of confidentiality:

Personal information about a patient:

- is confidential in respect of that patient and to those providing the patient with health care
- should only be disclosed to those who would be unable to provide effective care and treatment without that information (*the need-to-know concept*), 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.

## **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.* A brief summary of the circumstances is given below.

### **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 circumstances when personal information can be disclosed:

- where expressly the patient has 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 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* provides the required procedures to ensure that we comply with the 1998 Data Protection Act. It is a condition of engagement 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 on 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 (*for records held on computer*) or £50 (*for those held manually or for computer-held records with non-computer radiographs*). A copy of the record will be provided within 40 days of the request and fee (where payable) together with an explanation, if required.

The fact that 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:

- records must be kept secure and, in a location, where it is not possible for other patients or individuals to read them
- identifiable information about patients should not be discussed with anyone outside of the practice including relatives or friends

- a school should not be given information about whether a child attended for an appointment on a particular day. It should be suggested that the child is asked to obtain the dentist's signature on his or her appointment card to signify attendance
- demonstrations of the practice's administrative/computer systems should not involve actual patient information
- 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
- do not provide information about a patient's appointment record to a patient's employer
- messages about a patient's care should 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
- 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
- patients should not be able to see information contained in appointment books, day sheets or computer screens
- discussions about patients should not take place in public areas of the practice.

### **Disciplinary action**

If, after investigation, a member of staff 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.

Employees are reminded that all personal data processed at the practice must by law remain confidential after your employment has terminated. It is an offence under section 55(1) of the Data Protection Act 1998, knowingly or recklessly, without the consent of the data controller *Dr Robert Abraham*, to obtain or disclose personal data. If the practice suspects that you have committed such an offence, it will contact the Office of the Information Commissioner and you may be prosecuted by the Commissioner or by or with the consent of the Director of Public Prosecutions.

### **Queries**

Queries about confidentiality should be addressed to Dr Robert Abraham