

# Confidentiality Policy

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The need for the strict confidentiality of personal information about patients is essential. This document sets out our policy for maintaining the confidentiality of all personal information and all members of the practice team must comply with these safeguards as part of their contract of employment/contract for services with the practice.

Dr Sadaf Khan (Information Governance Lead) has ultimate responsibility for Confidentiality within the Practice, with the practice manager as his deputy. The practice manager is responsible for ensuring day to day confidentiality is maintained across the practice. This policy applies to all staff who record, use, store or otherwise come across patient-based information.

## The importance of confidentiality

The relationship between orthodontist and patient is based on the understanding that any information revealed by the patient to the orthodontist will not be divulged without the patient's consent. Patients have the right to privacy of information and it is vital that they give the practice 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 orthodontist with information if they believed it would be passed on. If confidentiality is breached, the orthodontist or 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 orthodontists, 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 its publication; *Standards for the dental team*.

If confidentiality is breached, each registered dental professional involved is responsible to the GDC for their individual conduct.

## What is personal information?

In a dental context, personal information held by a practice 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 relating to 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
- 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 the practice may decide to disclose information to a third party or may be required to disclose by law. *Responsibility for disclosure rests with Dr Sadaf Khan 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 can be made

- The patient has expressly given consent to the disclosure
- 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
- Disclosure is required by statute or is ordered by a court of law
- Disclosure is necessary for an orthodontist to pursue a bona-fide legal claim against a patient and disclosure to a solicitor, court or debt collecting agency may be necessary

## 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. Again disclosure responsibility lies with Dr Sadaf Khan.

## NHS care

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 the following:

- Transmission of claims/information to payment authorities such as the Business Services Authority
- In more limited circumstances, disclosure of information to NHS England
- Referral of the patient to another dentist or health care provider such as a hospital

## 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 also describes to patients the personal data that we collect, how we use it and our procedures for storing it safely and securely. 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 Dr Sadaf Khan. The patient should be given the opportunity of coming into the practice to discuss the records and will then be given a photocopy or print-out. 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*). We will provide a copy of the record within 40 days of the request and fee (where payable) and an explanation of the record should it be 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
- Neat, legible and written in ink
- Strictly necessary for the purpose
- Not derogatory
- Such that disclosure to the patient would be unproblematic
- Signed by the orthodontist

## 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
- 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
- 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

- 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 (unless prior consent has been given)
- 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 should not involve actual patient information
- 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 orthodontist’s signature on his or her appointment card to signify attendance
- Information about a patient’s appointment records should not be supplied to an employer, unless prior consent is obtained. Such queries must be referred to Dr Sadaf Khan
- Disclosure of appointment books, record cards or other information should not be made to police officers or HM Revenue and Customs unless upon the instructions of Dr Sadaf Khan.

## 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 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 Sadaf Khan, to obtain or disclose personal data. If the practice suspects that you and current or previous staff member has committed such an offence, it will contact the Office of the Information Commissioner and they may be prosecuted by the Commissioner or by the Director of Public Prosecutions.

## Queries

Queries about confidentiality should be addressed to Dr Sadaf Khan.

<b>Name</b>	<b>Dr Sadaf Khan</b>
<b>Date approved</b>	<b>September 2017</b>
<b>Review date</b>	<b>August 2018</b>