

# Confidentiality Policy

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The need for confidentiality of patients personal information is essential to the successful operation of the practice. This policy describes our policy for maintaining the confidentiality of personal information and applies to all staff who record, use, store or otherwise come across patient-based information.

Dr Sadaf Khan (Information Governance Lead / Data Protection Officer) 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.

## The importance of confidentiality

When attending the practice for orthodontic 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 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.

## The duty of confidentiality

The contract of employment or contract for services at the practice requires all individuals who work for, or on behalf of the practice, to maintain the confidentiality of patient information. A breach of this requirement, could end employment or the contract for services with the practice.

For GDC registrants, a breach of confidentiality, may lead to an investigation by the GDC into their fitness to practice as individual registrants are responsible for their professional conduct. A patient may also bring legal action for damages.

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

## Personal information

A patient's personal information includes:

- The patient's name, current and previous addresses, bank account/credit card details, telephone number, email address and other means of personal identification, including a physical description
- Information that a person is or has been a patient of the practice or attended, cancelled or failed to attend an appointment on a certain day
- Information about the patient's physical, mental or oral health, or condition
- Information about the treatment that has been provided or is planned
- Information about family members and personal circumstances supplied by the patient

- 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

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. The practice has adopted the following three principles of confidentiality relating to personal information about a patient:

- It is confidential in respect of that patient and to those providing the patient with health care
- It 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
- It 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

We must not disclose personal information to third parties without the consent of the patient, unless it is required by law or the practice is pursuing a bona fide legal claim against the patient and the information is required by a solicitor, court or debt-collecting agency. The responsibility for disclosure rests with Dr Sadaf Khan; other members of the team cannot take the decision to disclose.

## Disclosures to government agencies

It may be right to disclose personal information without consent where to government agencies, including HMRC, the police or social services. In all cases, details of what information is needed and why should be obtained. Only information that is necessary to comply with the law should be disclosed. Professional advice should always be obtained before releasing on these grounds. Again disclosure responsibility lies with Dr Sadaf Khan.

## NHS and private care

Disclosure of information is needed to:

- Transmit claims/information to payment authorities such as the Business Services Authority
- Refer patients to another dentist or health care provider such as a hospital

## Data protection code of practice

The practice's 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. Copies of these can be obtained from the practice manager.

## Access to records

Patients can request access to their health records. A request from a patient to see records must be referred to Dr Sadaf Khan and the patient given the opportunity to discuss the records before being given a copy. The patient's identity 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 to access their medical records. No fee is payable (except if a patient makes multiple requests).

Everyone involved with recording information about patients who attend the practice must ensure that records are:

- 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

## 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. These requests must be passed to the practice manager for action.

## 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
- 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 unless upon the instructions of Dr Sadaf Khan.

## Non-compliance

If, after investigation, a member of staff is found to have breached patient confidentiality or failed to follow this policy, he or she shall be liable to dismissal in accordance with the practice’s disciplinary policy. A copy of the disciplinary policy is available from the practice manager.

Upon termination of employment or contract for services, all individuals 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 Dr Sadaf Khan. If the practice believes that anyone has done so, we will inform the Office of the Information Commissioner; and the individual may, as a consequence, be prosecuted by the Commissioner or 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 (updated May 2018)</b>
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