



Confidentiality and Data Protection Policy

Purpose of the Document:

This document outlines the Policy of Wallasey Orthodontics in relation to our responsibilities under the Data Protection Act 2018 and the General Data Protection Regulations 25th May 2018 and the handling of confidentiality and the information we need to hold about our patients. We adhere to the Caldicott Principles.

Principles:

This Practice has adopted the following three principles of confidentiality:

Personal Information about a patient:

- 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 consent of the patient
- Patients have the right to privacy but they are confident to give the Orthodontist the information required to ensure that treatment is carried out effectively and safely
- Information will only be disclosed to others with 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 an Orthodontist 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 Orthodontist and under no circumstances can any other employee 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.

Our Legal obligations:

Human Rights Act 1998

Article 8 protects your right to respect for your private and family life. You have the right to live your life privately without government interference. It also means that personal information about you (including official records, photographs, letters, diaries and medical records) should be kept securely and not shared without your permission, except in certain circumstances.

Data Protection Act 2018

This Act lays various obligations on the Practice concerning the handling of the information we hold on individuals. Information must for example be:

- used fairly, lawfully and transparently
- used for specified, explicit purposes
- used in a way that is adequate, relevant and limited to only what is necessary
- accurate and, where necessary, kept up to date
- kept for no longer than is necessary
- handled in a way that ensures appropriate security, including protection against unlawful or unauthorised processing, access, loss, destruction or damage

There is stronger legal protection for more sensitive information, such as:

- race
- ethnic background
- political opinions
- religious beliefs
- trade union membership
- genetics
- biometrics (where used for identification)
- health
- sex life or orientation

General Data Protection Regulation (GDPR) 25 May 2018.

The GDPR apply to the following types of data:

Personal data

The GDPR applies to 'personal data' meaning any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier.

The GDPR applies to both electronic personal data and to manual filing systems where personal data are accessible according to specific criteria.

Sensitive personal data

The GDPR refers to sensitive personal data as “special categories of personal data” (see Article 9).

The special categories specifically include genetic data, and biometric data where processed to uniquely identify an individual.

Personal data relating to criminal convictions and offences are not included, but similar extra safeguards apply to its processing (see Article 10).

General Dental Council – Standard 4 Maintain and protect patients’ information

All employees 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 an orthodontic context, personal information held by an Orthodontist about a patient includes:

- The patient’s name, date of birth, gender, current and previous addresses bank account, credit card details, telephone number, email address and other means of personal identification such as a 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 the day
- Information concerning the patient’s physical, mental or oral health condition
- Information about the treatment that is planned, is being or has been provided
- Information about the 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

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 the Orthodontist to pursue a bona-fide legal claim against a patient, when disclosure to a solicitor, court or debt collecting agency may be necessary

Disclosure of information necessary in order to provide care, and for the functioning of the Practice and the NHS.

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

- Transmission of claims, information to payment authorities such as the Business Services Authority for England and Wales
- In more limited circumstances disclosure of information to regulators
- Referral patients to another Specialist Orthodontist or dentist or another health care provider such as a hospital.

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, you should obtain details of what information is needed and why. Only information that it is necessary to comply with the law should be disclosed. You must always obtain professional advice before releasing information on these grounds.

Privacy Notices

The Practice Privacy Notices for Patients, Employees and Associates describe the personal information that we collect, how we use it and how we store it safely and securely. Copies of the Notices are available from Dianne Collins, Registered Manager.

Staff are aware that we collect use, store or destroy personal information and are familiar how we deal with the personal information as described in the individual Privacy Notices.

Access to records

Patients have the right of access to their health records held on paper or on computers. A request from a patient to see records or for a copy must be referred to the patient's Orthodontist. The patient should be given the opportunity of coming into the Practice to discuss the records and will then be given a photocopy. Care is 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 will be supplied within a maximum of 30 days and will not incur any fee (GDPR 2018). An extension may be possible if more information about the request is needed or legal advice on whether an exemption applies is being taken. The individual requesting the information will be told about any extension to the 30 days' deadline.

Access may be obtained by making a request in writing (including emails) A copy of the record will be provided within 30 days of the request. 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
- Identifying the Orthodontic professional
- Professionally written, clear and concise text without grammar or spelling error
- Neat, legible and written in ink if paper records
- 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 Dianne Collins Registered Manager for action.

Practice 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
- Telephone enquiries relating to the time of appointments for patients under the age of 18 will only be given to the patient or the identified 'responsible person'.
- Information about a patient's appointment must not be given to third parties – for example schools and employers – unless the patient has given consent
- 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
- 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 Orthodontist
- Patients should not be able to see information contained in appointment books, day sheets or computer screens

Disciplinary Action

If after investigation, an employee 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 the Data Protection Act 2018, knowingly or recklessly, without the consent 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

General queries relating to confidentiality should in the first instance be directed to the Caldicott Guardian Richard Gibson.