



Confidentiality and Sharing of Patient Information

All health and adult social care organisations must, by law, share information with each other about patients they are caring for directly, to improve the care provided. They must also use a patient's NHS number as a consistent identifier when sharing data or information about them. (The Health and Social Care (Safety and Quality) Act 2015)

Purpose of the Document:

This document outlines the policy of Wallasey Orthodontics in relation to our responsibilities under the:

- Data Protection Act 2018
 - Lays various obligations on the Practice concerning the handling of the information we hold on individuals. Information must for example be obtained fairly and lawfully, be held for specific purposes, be adequate, relevant and not excessive for the purpose for which it was gathered – be accurate and up to date and not be held for longer than is necessary. We observe all of these requirements and are registered under the Act
- The Health and Social care (Safety and Quality) Act 2015: Duty to share information
 - Introduced a new legal duty requiring health and social care bodies to share information where this will facilitate care for an individual. The legislation requires and provides a clear message that subject to the preferences of the individual concerned, sharing for the care of individuals is a requirement, not an option
- Dame Fiona Caldicott (2013) review “To share or not to share”
 - Provides a clear guidance on information sharing that was endorsed by the Government. The duty to share information can be as important as the duty to protect the patient’s information. It makes it clear that when a patient object, when information can be lawfully shared for purposes likely to facilitate the provision of health or adult social care and are in an individual’s best interest, then it must be shared.
- The Common Law Duty of Confidence

This is a form of law based on previous court cases decided by judges and is also referred to as ‘judge-made’ or case law. The law is applied by reference to previous cases and is said to be ‘based on precedent’. The general position is

that, if information is given in circumstances where it is expected that a duty of confidence applies, that information cannot normally be shared without the consent of the patient

General Dental Council

All employees registered with the General Dental Council 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.

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 shared or disclosed to others with the consent of the patient except in certain specific circumstances described in this Policy

Disclosures and Sharing of information

There are certain restricted circumstances in which an Orthodontist may decide to share information or may be required to disclose by law. Responsibility for sharing or disclosure rests with the patient's Orthodontist and under no circumstances can any other employee make a decision to disclose or share patient information.

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

What is personal information?

In an Orthodontic context, personal information held by an Orthodontist 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 a physical description or photographs.
- 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 or 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 sharing can be made

There are circumstances when personal information can be disclosed:

- Where expressly the patient has given consent to the sharing
- Where sharing 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

Organisations we may share information with

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 sharing relates to:

- Transmission of claims, information to payment authorities such as DPD/SDPD/CSA
- In more limited circumstances sharing of information to regulators
- Referral of the patient to a dentist or health care provider such as a hospital

Records must be:

- Contemporaneous and dated;
- Accurate and comprehensive;
- Electronic records identify the individual creating the record through individual password;
- Strictly necessary for the purpose;
- Not derogatory;
- Such that sharing to the patient would be unproblematic.

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
- 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 a 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 Orthodontist
- 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, 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 Section 170 of the Data Protection Act 2018, (Unlawful obtaining etc. of personal data) 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 Information Governance Lead Maria Gibson

Approval

This Policy has been approved by the undersigned and will be reviewed on an annual basis.

Name	Richard Gibson
Date approved	Feb 2021
Review date	Feb 2022