

Distinctive Dentistry Ltd

Reviewed Feb 2018

PRACTICE CONFIDENTIALITY POLICY

Confidentiality is a professional requirement imposed by the
GDC

At this practice the need for the strict **confidentiality** of personal information about patients is taken very seriously. It 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.

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, registered DCP faces investigation by the General Dental Council and possible erasure from the Dentists Register/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 it's publication "Standards for the Dental Team"** (gdc-uk.org)

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 dentist about a patient includes:

- 1 The patient's name, current and previous addresses, bank account/credit card details, telephone number/e-mail address, NHS number and other means of personal identification such as his or her physical description
- 2 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
- 3 Information concerning the patient's physical, mental or oral health or condition
- 4 Information about the treatment that is planned, is being or has been provided
- 5 Information about family members and personal circumstances supplied by the patient or others
- 6 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:

- 1 Is confidential in respect of that patient and to those providing the patient with health care
- 2 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
- 3 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. It is advisable to consult your defense organization in the event of any doubt or query.

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. You must always obtain professional advice before releasing information on these grounds.

When disclosure can be made

There are circumstances when personal information can be disclosed:

- 1 Where expressly the patient has given consent to the disclosure
- 2 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
- 3 Where disclosure is required by statute or is ordered by a court of law
- 4 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.
- 5 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 a serious crime.

Disclosure of information necessary in order to provide care and for the functioning of 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 practical terms this type of disclosure means:

- 1 Transmission of claims/information to payment authorities such as the Business Services Authority for England and Wales
- 2 In more limited circumstances, disclosure of information to NHS England or it's area teams
- 3 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 Data Protection Act 1998. It also outlines to patients the personal data that we collect and 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

Under the Freedom of Information Act 2002 we have a duty to supply to any interested party any information we may hold on them.

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 with non-digital radiographs*). We will provide a copy of the record within 40 days of the request and fee (where payable) and an explanation of your record should you require it.

Current fees charged by Distinctive Dentistry are displayed on the staff notice board.

It is important to make sure that records are always

- 1 Contemporaneous and dated
- 2 Accurate and comprehensive
- 3 Signed by the dentist/ hygienist
- 4 Neat, legible and written in ink
- 5 Strictly necessary for the purpose
- 6 Not derogatory
- 7 Be such that disclosure to the patient would be unproblematic.
- 8 Signed by the dentist

PRACTICAL RULES

The principles of **confidentiality** give rise to a number of practice rules that everyone in the practice must observe:

- 1 Records must be kept secure and in a location where it is not possible for other patients or individuals to read them
- 2 Identifiable information about patients must not be discussed with anyone outside of the practice including relatives or friends
- 3 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
- 4 Demonstrations of the practice's administrative/computer systems should not involve actual patient information
- 5 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
- 6 Do not provide information about a patient's appointment record to a patient's employer unless the patient's consent is obtained. Such queries must be referred to the dentist.
- 7 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
- 8 Other than recall cards communications sent to patients should be sealed in an envelope.
- 9 Disclosure of appointment books, record cards or other information should not be made to police officers or H M Revenue and Customs officials unless upon the instructions of the dentist
- 10 Patients should not be able to see information contained in appointment books, day sheets or computer screens
- 11 Discussions about patients should not take place in the practice's public areas.
- 12 All data processed at this practice must remain confidential even if your employment has terminated.

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 and recklessly, without the consent of the data controller, Deborah Lewis, to obtain or disclose personal data.

If the practice suspects that you have committed such an offence, the Office of the Information Commissioner will also be contacted by the practice and you may be prosecuted by the Commissioner or by the Director of Public Prosecutions.

Queries about confidentiality should be addressed to Geoff Sterland or Deborah Lewis. More information is contained in BDA advice sheet B1 “ Ethics in Dentistry” which is available for reference in the ground floor office .

To review Feb 2019 or in the event of relevant change