

Confidentiality Policy

At this practice, the need for the strict confidentiality of personal information about patients is taken very seriously. This document sets out our policy for maintaining confidentiality and all members of the practice team must comply with these safeguards as part of their contract of employment or contract for services with the practice.

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/hygienist/dental therapist/dental nurse faces investigation by the General Dental Council and possible erasure from the Dentist or 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 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 a dental context, personal information held by a dentist 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 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.

Principles of confidentiality

This practice has adopted the following three principles of confidentiality:

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
- 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 the 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.

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.

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 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.

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 organisation to ensure the provision of care and the proper functioning of the NHS. In practical terms this type of disclosure means:

- transmission of claims/information to payment authorities such as the DPD/SDPD/CSA
- in more limited circumstances, disclosure of information to the PCT/HB
- referral of the patient to another dentist or health care provider such as a hospital.