

## **The Gentle Touch Confidentiality Policy**

This dental practice is committed to maintaining the confidentiality of all information relating to patients. Information will be shared on a need-to-know basis within the practice team, to:

- enable team members to provide patient care
- help improve the quality of our treatment and service to patients.

No patient information will be shared outside the practice without the patient's consent except:

- with other health professionals involved in the patient's care
- under exceptional circumstances prescribed by law

The practice adheres to the General Dental Council's principles of patient confidentiality and all staff are required to meet the standards set out in it. This means the practice is committed to duty of confidentiality.

- Patients are entitled to expect that you will keep the information you hold about them confidential.
- Confidentiality is central to the relationship of trust between you and your patient.
- The duty of confidentiality applies to all members of the dental team and all information about the patient, which you learn in your professional role.
- You must keep information confidential even after a patient dies.
- If it is necessary to release patient information:
  1. Get the patient consent to do so wherever possible
  2. Make sure that you only release the minimum information necessary for the purpose.
  3. Be prepared to justify your decisions and any action you take.

### **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/e-mail 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 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.

## Patients access to records

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 twenty 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 or for computer-held records with non-computer radiographs*). We will provide a copy of the record within 20 days of the request and fee (where payable) and an explanation of your record should you require it.

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
- signed by the dentist
- neat, legible and written/typed in ink
- strictly necessary for the purpose
- not derogatory
- such that disclosure to the patient would be unproblematic.

## 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

- 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 the dentist's 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 if not urgent. If urgent patient's who have signed a medical history in the practice have consented to the practice leaving messages.
- 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 dentist
- 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 the practice's public areas.

## Procedure

1. Pauline Carruthers is the practice's data controllers. Any questions or complaints about confidentiality should be presented to the data controllers in the first instance.
2. The practice provides information to patients about the ways their information is used:
  1. letters to all existing patients
  2. practice leaflet given to all new patients
  3. posters in the waiting room and at reception.
3. All staff will meet the standards of the GDC on Confidentiality. Their obligations to protect confidentiality are also stated in their contract of employment. Breach of confidentiality is deemed as gross misconduct in the practice's disciplinary procedure.
4. Where a patient does not wish their information to be shared, the practice will respect their wishes. The practice will explain any implications for treatment and care, and seek to find a solution that respects the patient's sensitivities but does not compromise their treatment options or care outcomes.
5. The practice will not disclose patient information to anyone outside the practice team without the patient's express consent, except in the following circumstances:
  1. to another health professional, to enable them to provide care to the patient
  2. where the patient lacks the capacity to consent to treatment or disclosure
  3. where the disclosure is ordered by a judge or presiding officer of a court in connection with judicial or court proceedings
  4. where the disclosure is required by statute, such as the notification of an infectious disease
  5. where the disclosure is in the public interest and the public interest outweighs the patient's or public's interest in keeping the information confidential.
6. In the event that the practice makes a disclosure in exceptional circumstances, the practice will make reasonable efforts to seek consent and/or inform the patient of the disclosure unless there is a risk in doing so.

## **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.

## **Data protection code of practice**

The Gentle Touch *Data protection code of practice* provides the required procedures to ensure that we comply with the General Data Protection Regulations. It is a condition of engagement that everyone at the practice complies with the code of practice.