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PRINCIPLES OF PATIENT CONFIDENTIALITY



GENERAL DENTAL COUNCIL
STANDARDS GUIDANCE



“We aim to protect patients
promote confidence in dental
professionals
be at the forefront of healthcare
regulation

We register qualified professionals
set standards of dental practice and
conduct
assure the quality of dental education
ensure professionals keep
up-to-date
help patients with complaints about a
dental professional
work to strengthen patient
protection”

ABOUT THIS BOOKLET

Our standards guidance, 'Standards for dental professionals', sets out six main principles which you should apply to all aspects of your work as a dental professional.

It is your responsibility to apply the principles to your daily work, using your judgement in the light of the principles.

The guidance says:

'Protect the confidentiality of patients' information'

- Treat information about patients as confidential and only use it for the purposes for which it is given.
- Prevent information from being accidentally revealed and prevent unauthorised access by keeping information secure at all times.
- In exceptional circumstances, it may be justified to make confidential patient information known without consent if it is in the public interest or the patient's interest.

You have both an ethical and a legal duty to keep patient information confidential. This guidance identifies, and is limited to, the ethical issues around protecting the confidentiality of patients' information.

We do not give legal advice. As 'Standards for dental professionals' explains, you are responsible for making yourself aware of laws and regulations which affect your work, premises, equipment and business, and following them. If you are not sure about the law and responsibilities relating to protecting and providing patient information, ask an appropriate source for advice, for example, your dental defence organisation.

1 Duty of confidentiality

- 1.1** Patients are entitled to expect that you will keep the information you hold about them confidential.
- 1.2** Confidentiality is central to the relationship of trust between you and your patient.
- 1.3** 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.
- 1.4** You must keep information confidential even after a patient dies.
- 1.5** If it is necessary to release patient information:
- get the patient's consent to do so wherever possible (read our guidance 'Principles of patient consent' for advice on getting consent);
 - make sure that you only release the minimum information necessary for the purpose; and
 - be prepared to justify your decisions and any action you take.

2 Releasing information with the patient's consent

- 2.1** Make sure that you explain to patients the circumstances in which you might share information about them with others involved in their healthcare.
- 2.2** Give patients the opportunity to withhold permission for you to share information about them.
- 2.3** Where a patient allows you to share information about them, make sure the patient understands:
- what you will be releasing;
 - the reasons you will be releasing it; and
 - the likely consequences of releasing the information.

- 2.4** If you have permission to release information, make sure anyone you share that information with understands that the information is confidential.
- 2.5** If you are given information about the patient to help you provide care for them, by law you must keep the information confidential.
- 2.6** Other people may ask you to provide patient information, for example, to help teaching or research, or you may want to use patient information, for example, patient images such as photographs, for teaching or research. If so, make sure you apply the principles in this guidance by:
- getting the patient's consent;
 - making sure the patient understands exactly what they are agreeing to and how the information will be used; and
 - making sure that you only release the minimum information necessary for the purpose.
- 2.7** If it is not necessary for the patient to be identified, make sure that the patient cannot be identified from the information you release.

3 Preventing information being released accidentally

- 3.1** Make sure that you protect the confidential information you are responsible for when you receive it, store it, send it or get rid of it.
- 3.2** Store records securely and don't leave them where they might be seen by other patients, unauthorised healthcare staff or members of the public.
- 3.3** Don't talk about patients where you can be overheard.

4 Releasing information in the 'public interest'

- 4.1** You may decide that you should share confidential information without consent in the public interest. For example, this might happen where a patient puts their health and safety at serious risk, or if you think that you have confidential information which would help prevent or detect a serious crime. Get advice if you are not sure.
- 4.2** If you think it is in the public interest for you to share confidential information, before you act, and where practical, do everything you can to persuade the patient to release the information themselves, or to give you permission to release the information.
- 4.3** If you cannot persuade the patient to do this, or it is not practical or appropriate to do so, get advice from an appropriate source, such as your defence organisation, before you release the information.
- 4.4** A court may order you to release patient information without consent. If so, only release the minimum information needed to follow the order.
- 4.5** In any circumstance where you decide to release confidential information, be prepared to explain and justify your decision and any action you take.

GUIDANCE THAT SUPPORTS THIS BOOKLET

As well as this booklet, we have produced guidance booklets on the following.

- Standards for Dental Professionals (published May 2005)
- Principles of Patient Consent (published May 2005)
- Principles of Dental Team Working (published October 2005)

You can download these booklets, and more copies of this booklet, from our website, or you can phone or e-mail us for copies using the contact details below.

Other sources of advice

You can find a list of further sources of information and advice for dental professionals and the public on our website at **www.gdc-uk.org** Or, you can phone us for a copy of the list on **020 7887 3800** or e-mail us at **professionalstandards@gdc-uk.org**

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CONTACT US

To check whether somebody is on The Dentists Register, The Rolls of Dental Auxiliaries or the Specialist Lists: GDCregistration@gdc-uk.org
Or check online at www.gdc-uk.org

For more information about how we quality-assure dental education: GDCeducation@gdc-uk.org

For more information on making a complaint about a dental professional: complaints@gdc-uk.org

To find out more about our standards of practice and behaviour: professionalstandards@gdc-uk.org

To find out more about how we're working to improve patient protection through our modernisation programme: communications@gdc-uk.org

If you would like a large print or audio version of this leaflet, please contact communications@gdc-uk.org

GENERAL DENTAL COUNCIL 37 Wimpole Street London W1G 8DQ
Telephone: 020 7887 3800 Fax: 020 7224 3294 Minicom: 18001 020 7887 3800 (via TypeTalk)
E-mail: information@gdc-uk.org

www.gdc-uk.org

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regulating the dental team

