

**General
Dental
Council**

Disclosure and Publication Policy

Version 4

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Disclosure and Publication Policy

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Please note (version 4 updates made July 2024):

This policy was updated on 2 July to reflect changes to the policy on the publication of determinations and outcomes from Interim Order Committee hearings and reviews. Updates were also made to reflect:

- administrative separation of the Dental Professionals Hearings Service from the GDC
- changes to process on media releases following practice committee decisions
- removal of the Alert Mechanism following the UK withdrawal from the EU
- that The Gazette online is no longer used.

Further updates are pending a full review of this policy.

Purpose

1. The General Dental Council (GDC) seeks to regulate in an open, transparent and proportionate manner. It is committed to publishing information on its publicly available registers which enables patients to make informed choices about their care.
2. The circumstances and outcome of Fitness to Practise (FtP) proceedings are matters of legitimate public interest and we publish most of the FtP decisions that are made about those we regulate.
3. The purpose of this policy is to set out how the GDC aims to ensure a consistent, transparent and fair approach to the disclosure of information. It covers the approach to both the routine publication and the disclosure of information relating to the GDC's statutory functions.

The law

4. The GDC is set up and governed by the Dentists Act 1984 (as amended) ('the Dentists Act') and the Rules made under it, as well as a range of other statutory duties in relation to information governance set out in the General Data Protection Regulation, Data Protection Act 2018, the Human Rights Act 1998 and the Freedom of Information Act 2000.
5. As a body corporate, the GDC's existence was and is continued by section 1 of the Dentists Act. The over-arching objective of the Council in exercising their functions under this Act is the protection of the public.
6. The General Data Protection Regulation, Data Protection Act 2018, and Freedom of Information Act 2000 impose duties in relation to the disclosure of information in specific situations. The GDC has adopted the model publication scheme approved by the Information Commissioner's Office.
7. The GDC is under a statutory obligation under the Dentists Act to make the registers of dentists and dental care professionals (DCPs) available to members of the public by publishing the registers on the GDC's website.
8. The Dentists Act requires us to co-operate as far as possible (including sharing information) with those who are concerned with the employment, education or regulation of dentists and DCPs, including overseas regulators and the NHS.
9. The GDC has a statutory duty under the General Dental Council (Fitness to Practise) Rules Order of Council 2006 ('the Rules') to publish, as soon as is reasonably practical, particulars of orders and decisions made by any of its public practice committees in relation to both dentists and DCPs, including:

- a. interim, substantive, review and restoration orders
 - b. any order to remove or amend a fraudulent entry or an incorrect entry on the register including, where relevant, its reasons, and
 - c. any decision given on appeal.
10. What we publish must be accurate, relevant and proportionate. Furthermore, the level of detail published and the length of time it remains publicly available must be proportionate, striking a fair balance between the public interest objectives highlighted above and fairness to all participants involved in the process. For that reason, FtP decisions that are published on the [Dental Professionals Hearings Service](#) ('the Hearings service') website will normally be removed within the timescales set out below. The published versions of FtP decisions are also likely to be redacted or contain anonymised information. For example, normally we do not identify witnesses by name in FtP decisions and the GDC also has the power to withhold any information concerning the physical or mental health of a person which it considers to be confidential.
11. How we will use and share information in the course of regulatory activities in line with the General Data Protection Regulation and Data Protection Act 2018 is described in the [GDC's privacy notice](#) which is available on the GDC website. The GDC's Data Protection Policy explains more about how we keep our information secure.

Publication of fitness to practise information

12. Fitness to practise information is published to:
- a. The online register on the GDC's website.
 - b. The Hearings service's website.
13. The following statutory committees are set up under the Dentists Act:
- The Professional Conduct Committee.
 - The Health Committee.
 - The Professional Performance Committee.
 - The Interim Orders Committee.
 - The Investigating Committee.
 - The Registration Appeals Committee.

Publication of Professional Conduct and Performance Committee information

Online register

14. The online register lists all the dentists and DCPs registered with the GDC. All public sanctions currently attached to a dentist's or DCP's registration are displayed on their individual record, together with the relevant hearing decision, including findings that a registrant's fitness to practise is not impaired.

15. Historical information about previous public restrictions placed on a registrant’s registration, which are no longer in force, is not listed.

Dental Professionals Hearings Service website

16. Details of upcoming Professional Conduct Committee and Performance Committee hearings, including the final charges, are published on the Hearings service website two weeks before the scheduled hearing date. The names of patients are anonymised.
17. If a case includes allegations in relation to both the conduct and the health of the registrant, but is to be considered by the Professional Conduct Committee, the charges in relation to conduct are published but those relating to health are not.
18. The full determinations from these hearings are published as soon as is reasonably practical after the conclusion of the hearing, except where the hearing was held either wholly or partly in private. Names of patients and witnesses (except for expert/professional witnesses) are anonymised.
19. Professional Conduct Committee and Performance Committee decisions remain on the Hearings service website (and against the individual’s entry on the GDC online register) for the following periods of time:

Finding	Publication period
Fitness to practise not impaired	One month
Fitness to practise impaired but no sanction imposed	One month
Fitness to practise impaired – reprimand	One year
Fitness to practise impaired – conditions	For the period of the conditions and for a period of one month when fitness to practise no longer impaired
Fitness to practise impaired – suspension	For the period of suspension and for a period of one month when declared no longer impaired
Fitness to practise impaired – erasure	Five years following date of erasure

Publication of Health Committee information

20. The Health Committee considers cases where a registrant’s fitness to practise may be impaired by reason of either their physical or mental health. These hearings are of a sensitive nature and are always held in private.
21. Due to their sensitive nature, the details of upcoming Health Committee hearings are *not* published on the website.

22. At the conclusion of a Health Committee hearing, if the allegations are found proved, the Committee will (usually) make a determination in public. Any private conditions, for example, those which relate specifically to a registrant’s health rather than their practice, will not be published or disclosed. The public determination, together with the details of the public sanction, will be published on the Hearings service website for the following periods of time:

Finding	Publication period
Fitness to practise impaired but no sanction imposed	One month
Fitness to practise impaired – conditions	For the period of the conditions and for a further period of one month when fitness to practise is no longer impaired
Fitness to practise impaired – suspension	For the period of suspension and for a further period of one month when fitness to practise is no longer impaired

Publication of Interim Order Committee information

23. Unless the Interim Orders Committee (IOC) exercises its discretion under the Rules to conduct the hearing in private, IOC hearings are held in public. As such, the date of upcoming IOC hearings, and the identity of the registrant involved, are ordinarily published on the [upcoming hearings page](#) of the Hearings service website.
24. Where no Interim Order is imposed, we will publish this decision, and the identity of the registrant involved, on the entry of the [recent decisions page](#) of the Hearings service website for one month. No information is published against the registrant’s register entry.
25. Where an Interim Order of conditions is imposed, we will publish that fact, the identity of the registrant involved, the terms of the conditions (i.e. the length of conditions order), and the public conditions themselves. This information will be published on the recent decisions page of the Hearings service website and against the registrant’s register entry for the period the Order is in place.
26. Where an Interim Order of conditions is revoked, we will publish the revocation decision, and the identity of the registrant involved, on the entry of the recent decisions page of the Hearings service website and against the registrant’s register entry for one month (i.e. at a review hearing on [date], the IOC revoked the Interim Order of conditions on [registrant’s name] registration).
27. Where an Interim Order of suspension is imposed, we will publish that fact, the identity of the registrant involved, and the terms of the suspension (i.e. the length of suspension). This information will be published on the recent decisions page of the Hearings service website and against the registrant’s register entry for the period the order is in place.

28. Where an Interim Order of suspension is revoked, we will publish the revocation decision, and the identity of the registrant involved, on the entry of the recent decisions page of the Hearings service website and against the registrant’s register entry for one month (i.e. at a review hearing on [date], the IOC revoked the interim order of suspension on [registrant’s name] registration).
29. We consider the level of published detail described in paragraphs 23 to 28 will ordinarily be proportionate at Interim Orders, given allegations at this stage are typically as yet untested. In some limited circumstances, we may consider it necessary in the public interest, in the interests of the registrant, or any other party, to publish the full determination (subject to redactions required by the Rules). Publication decisions in such limited circumstances are made by the Registrar, or a person appointed by the Registrar to act on their behalf.
30. Information from IOC hearings remains published for the following periods:

Finding	Publication period
No interim order imposed	<p>No order outcome, and the identity of the registrant involved, is published on the recent decisions page of the Hearings service website for one month.</p> <p>No information is published against the registrant’s online register entry on the GDC website.</p>
Interim Order imposed – conditions	<p>The outcome of conditions, the identity of the registrant involved, the terms of the conditions, and the public conditions themselves published on the recent decisions page of the Hearings service website and against the registrant’s register entry on the GDC website for the period of the order.</p> <p>Where conditions are revoked, the revocation decision, and the identity of the registrant involved, are published on the entry of the recent decisions page of the Hearings service website and against the registrant’s register entry for one month.</p>
Interim Order imposed - suspension	<p>The outcome of suspension, the identity of the registrant involved, and the terms of the suspension, published on the recent decisions page of the Hearings service website and against the registrant’s register entry on the GDC website for the period of the order.</p> <p>Where conditions are revoked, the revocation decision, and the identity of the registrant involved, are published on the entry of the recent decisions page of the Hearings service website and against the registrant’s register entry for one month.</p>

Appeals

31. Registrants are given 28 days in which to appeal against a practice committee sanction before it takes effect on their registration. Where a decision is subject to an appeal, the GDC makes clear that the sanction is not yet in effect, pending the outcome of the appeal.
32. Where the registrant is successful in their appeal against the sanction, the determination is updated to reflect the outcome of the appeal on both the Hearings service website and against the registrant's entry on the online register on the GDC website.
33. Where the appeal is dismissed, the determination is published on both the Hearings service website and against the registrant's entry on the register on the GDC website in line with the sanction applied.
34. Where the Professional Standards Authority successfully appeals, a sanction imposed by a practice committee, the determination is updated to reflect the outcome of the appeal on both the Hearings service website and against the registrant's entry on the online register on the GDC website.

Publication of Investigating Committee information

35. Investigating Committees take place in private, and the parties make written submissions and do not attend.
36. Where the Investigating Committee has decided to issue a registrant with a published warning letter, the warning paragraph will be published against the registrant's name on the online register together with the date the warning was issued and the date it will expire. Once a published warning expires, it will no longer appear against the registrant's name on the online register.
37. Decisions made by the Investigating Committee which do not result in the issuing of a public warning are not published.

Case examiners

38. From 1 November 2016, cases will no longer be referred to the Investigating Committee for a decision, but will instead be considered by the case examiners who sit in private.
39. Each case is considered by a pair of case examiners (one lay and one a dentist or DCP) who review all relevant evidence obtained during the investigation.
40. Case examiners will determine whether an allegation ought to be considered by a practice committee.
41. Case examiners have a number of possible outcomes available to them when making a decision. [Case examiner outcomes](#) are explained on the GDC website.

42. If the case examiners determine that the allegation ought not to be considered by a practice committee, they will consider the available disposal options. For the purposes of this policy some of the options are included below (paragraphs 43 to 59).

Undertakings

43. Undertakings are an agreement between the GDC and a registrant about that person's future conduct or practice.
44. The GDC considers that undertakings should ordinarily be published for the duration of the period for which they are in force against the individual registrant's entry on the online register.
45. The online register entry will also include, alongside the undertakings, a public-facing summary of the issues, prepared by case examiners, which explains the background to the agreement of the undertakings, and how undertakings will protect the public in the future.
46. In the event that an undertaking is varied by the case examiners, the online register will be updated accordingly.
47. The summary will include details of the grounds of allegation which have been admitted or stand a real prospect of being established, brief reference to the evidence supporting those grounds, as well as a short explanation as to why the case examiners have determined that it would be appropriate to offer undertakings in the circumstances of the particular case.
48. The GDC will not, however, publish any information which directly relates to the health or private and family life of the registrant concerned, or which relates to any identifiable third party. This is because that information is considered to be confidential and publishing it may breach the individual's right to private and family life. The case examiners will, however, consider whether it is possible in such cases to publish a version of the undertakings with any confidential elements redacted, to preserve the confidentiality of the individuals concerned whilst providing information about any conduct or performance aspects of the case. At a minimum, it will be made public that undertakings have been agreed.
49. In other circumstances, it will be for the case examiners to consider, on a case by case basis and balancing the public interest against the interests of the registrant, any reason(s) why undertakings should not be published.
50. As undertakings form part of a registrant's FtP history with the GDC, they may be considered by GDC decision makers in the event that a further complaint or information is received in the future. Even after the period of publication has expired, details will be made available on request to relevant enquirers, including prospective employers, overseas authorities, and otherwise where it is in the public interest for such information to be disclosed.

Warnings

51. Case examiners may issue a warning to the person who is the subject of the allegation regarding their future conduct, performance and practice.
52. Warnings will ordinarily be issued for a period of up to 24 months. However, ultimately, the duration of a warning will be for the case examiners to consider and decide, on a case by case basis, balancing the public interest against the interests of the registrant.
53. Warnings will be published on the online register as a matter of policy. Publication of a warning has an important role in the maintenance of public confidence in the dental professions and their regulation, and the declaring and upholding of proper standards.
54. The GDC will not publish, as part of a warning, any information which directly relates to the health or private and family life of the registrant concerned, or which directly relates to any identifiable third party.
55. It will be for the case examiners to consider, on a case by case basis and balancing the public interest against the interests of the registrant, any exceptional circumstances giving rise to reason(s) why a warning which they are minded to issue should not be published.
56. A warning forms part of a registrant's FtP history with the GDC. As such, it may be considered by GDC decision makers in the event that a further complaint or information is received in the future and, even after the period of publication has expired, details will be made available on request to relevant enquirers, including prospective employers, overseas authorities, and otherwise where it is in the public interest for such information to be disclosed.
57. Where, however, a warning has been revoked as a result of a review conducted by case examiners, it will be removed from the register.

Advice

58. Case examiners may issue to the registrant advice regarding his or her future conduct, performance and practice. Any advice issued is not published.
59. Advice does not affect a registrant's registration status, but the fact that advice was issued will become part of their fitness to practise history and may need to be declared to current and prospective employers, insurers and other bodies.

Disclosure of fitness to practise information

Disclosure of practice committee information

60. As outlined above, information relating to Professional Conduct and Professional Performance Committee proceedings is publicly available on the Hearings service website.

61. If the Hearings service receives a request for practice committee information, which is no longer on the website, it will provide the information which was published within the last five years.
62. The GDC does not publish transcripts of its public hearings; any requests for transcripts must be made in writing and will be considered under the Freedom of Information Act. Transcripts from the private sections of a hearing will never be disclosed except to the parties.
63. Exhibits presented during practice committee proceedings are not public documents and will not be published or provided to anyone who was not a party to the case, even if they attended the hearing. If a document is referenced or quoted in public during a hearing, this reference will be included in the transcript of the hearing. A request for the disclosure of the transcript is described below.

Disclosure of Interim Orders Committee information

64. Initial Interim Order Committee listings are published on the Hearings service website.

Disclosure of Investigating Committee information

65. The Investigating Committee meets in private, so its deliberations and determinations are not publicly available. The GDC will not disclose details of investigations at this stage to any enquirers, including the media, unless a published warning has been issued. The exception to this rule is where the GDC considers that limited or confidential disclosure is necessary for the protection of the public or otherwise in the public interest, for example by sharing information with third parties such as the police.

Public and private hearings

66. The determination of a statutory committee hearing which took place in private will not be disclosed. If the hearing took place partly in public and partly in private, only parts of the decision which refer to the public part of the hearing will be considered for disclosure.

Disclosure of transcripts

67. The GDC will consider a request under the Freedom of Information Act for the transcript of a statutory committee hearing which took place in public, except for the Interim Orders Committee. The transcript of a statutory committee hearing which took place in private will not be disclosed.

Disclosure of other fitness to practise information

Authorised third parties

68. Both the informant and registrant in live FtP investigations will be provided with all relevant information in relation to their case.

69. The GDC has an obligation under the Dentists Act to co-operate as far as possible with public bodies and persons who are concerned with the employment, education or regulation of dentists and DCPs which includes the NHS (and other country equivalents). The GDC also has a general power to disclose to any person any information relating to a person's fitness to practise which it considers in the public interest to disclose.
70. Once an FtP case has been referred for assessment, the FtP team contacts the registrant under investigation and requests details of their employer(s), which includes those who contract their services. Once this information is received, both the employer and the contracting organisation are notified of the fitness to practise concern and asked to provide any information which may assist with the GDC's investigations. These parties are then provided with updates throughout the investigation process.
71. If a registrant is referred to the Investigating Committee/case examiners, the GDC will notify the Department of Health and Social Care and the NHS (or equivalent) of this decision.
72. At the conclusion of each Investigating Committee meeting, the same organisations are also notified of the decisions made by the Committee. Any requests for further information on a case must be made in writing and will be considered on a case by case basis.
73. FtP investigations may involve other organisations such as the police, the Care Quality Commission (and equivalents), the Disclosure and Barring Service (or Disclosure Scotland) or the Health and Safety Executive. Relevant information will be shared with these parties as appropriate during FtP investigations as required by the Dentists Act and other appropriate legislation and formal information sharing agreements.
74. An information sharing agreement is an agreement between the GDC and another public body in which the GDC agrees to supply information that it holds to that public body in order to assist that body perform its functions. For example, the GDC has an information sharing agreement with NHS England. The agreement may also include a provision whereby that public body reciprocates by agreeing to supply information that it holds to the GDC in order to assist the GDC in the performance of its functions.
75. The NHS (or equivalent organisation) is entitled to check both the FtP history of dentists or DCPs and the declarations made by registrants on application forms. The GDC will co-operate with these requests for information with the consent of the registrant in line with general rules on confidentiality.

Disclosure under the Freedom of Information Act 2000

76. The GDC will process Freedom of Information (FOI) requests in line the Freedom of Information Act 2000, the GDC's FOI policy and the Information Commissioner's guidance to public authorities.

77. The only fitness to practise information provided to unauthorised parties, which includes the media and members of the public not directly involved in a fitness to practise investigation, is information which is publicly available.
78. The GDC already publishes a great deal of information as a matter of routine. This includes annual reports and accounts, performance information, and the determination in some FtP cases. Some of this information we are obliged to publish under the Freedom of Information Act 2000 (the Information Commissioner's 2009 [Model Publication Scheme](#) and Definition Document for Health Regulators set out the details).
79. Requests from members of the public and the media for information not in the public domain should be made in writing to the GDC under the FOI Act. Requests will be reviewed on a case by case basis, and the duty imposed on the GDC to be open and transparent will be balanced against the obligation to protect personal and special category personal data under the General Data Protection Regulation and Data Protection Act 2018. The GDC has the right to refuse the release of personal data or other information which falls under one of the exemptions in the FOI and data protection legislation.
80. Further [information about making a FOI request](#), including a webform to help you do this is available on the GDC website.

Accessing information about yourself – under the General Data Protection Regulation and the Data Protection Act 2018

81. The GDC is required to collect, process and retain personal data (including special category personal data) to comply with its legal, regulatory and operational obligations.
82. The General Data Protection Regulation (the GDPR) and Data Protection Act 2018 gives an individual the right to find out what processing the GDC has been carrying out of their personal information and to obtain a copy of that information. When an individual exercises this right, it is called a 'subject access request' (SAR).
83. The GDC will consider and respond to any SAR it receives in line with the GDPR, Data Protection Act 2018, the GDC's Data Subject Rights Policy, Data Protection Policy, Information Access Fees Policy and the Information Commissioner's guidance to public authorities.
84. A SAR can be made verbally or in writing. Thereafter, the GDC will take steps to satisfy itself of the requester's identity in order to avoid personal data about one individual being sent to another.
85. If the GDC holds the information which is being requested, we will consider whether we can disclose it or whether an exemption under the Data Protection Act 2018 should apply. For example, exemptions may be applied to information relating to a third party, where information is the subject of legal professional privilege, and/or where disclosure would prejudice the GDC's ability to carry out its regulatory activity.

86. Please note that where the GDC has previously complied with a subject access request, it is not obliged to comply with a subsequent identical or similar request made by the same individual unless a reasonable interval has elapsed between compliance with the previous request and the making of the current request. In determining whether a reasonable interval has elapsed, the GDC will have regard to the nature of the data, the purpose for which they are processed and the frequency with which they are altered.
87. If you are unhappy with how we have responded to a subject access request or with how your personal data has been processed, please tell us so we have an opportunity to resolve your concerns. You can also complain to the Information Commissioner.

Disclosure and publication of registration information

The online register

88. The GDC's register rules and regulations require us to keep a register of the names of everyone who is registered with us. The registers are public documents and are published on the GDC website. The dentists' and DCPs' registers contain the names and other information about a registrant the GDC is legally obliged to make public.
89. The GDC does not publish a list of current registrants in hard copy. However, the GDC shall consider entering into agreements on such terms as it deems appropriate to enable information to be extracted from the registers. Printed copies of the Dentists Register and Rolls of Dental Auxiliaries (relating to dental hygienists and therapists) which were published up to and including 2006 are available in libraries. The [British Dental Association](#) holds copies of the register and rolls.

Registered addresses

90. The GDC recommends that a registrant provides it with a registered address that is either a business or a practice address. Any formal notices issued by the GDC are sent to the registered address, and therefore a registrant must have access to correspondence at their registered address.
91. Prior to 10 October 2016 the online register listed the name, registered address, registration number and primary qualification of all the dentists and DCPs legally entitled to work in the UK. All current registered addresses were therefore published on the GDC website and were in the public domain.
92. A consultation was launched in 2016 regarding the publication of registered addresses. The response to that consultation indicated a clear preference from both patients and professionals to remove address information from the online register in its entirety. The Council agreed with this decision and the necessary changes were enacted on 10 October 2016. Registrants' registered addresses are no longer visible on the online register and the GDC is under no requirement to display them to the public.

93. Any requests for details of current and previous registered addresses must be made in writing under the FOI Act (see elsewhere in this document). Requests will be reviewed on a case by case basis, and the duty imposed on the GDC by the FOI Act to be open and transparent will be balanced against the right to refuse the release of personal data or other information which falls under one of the exemptions in the FOI Act.
94. Where a request is made for registered address information before 2006, the requester will be informed that printed Dentists Registers and Rolls of Dental Auxiliaries, which were published up to and including 2006, are available through the British Library, other public libraries and through the British Dental Association.

Registration Appeals Committee

95. The Registration Appeals Committee is a statutory committee of the GDC which considers registration and continuing professional development appeals. Following a determination, we publish the name of the appellant, the nature of their appeal, the outcome as well as such reasons of their decision as the Registration Appeals Committee direct should be published.

Miscellaneous provisions

Memoranda of Understanding and Information Sharing Agreements

96. The main purpose of the GDC is to protect the public. In fulfilling this duty, the GDC shares data with a number of partner organisations. To record these data sharing relationships, and to give details about how and when data should be shared with other organisations, the GDC has signed up to a number of Memoranda of Understanding (MOU) agreements.
97. These agreements make commitments to share information with organisations that have a direct interest in both the fitness to practise and registration status of dentists and DCPs. The GDC will require any organisation with which we share information under an MOU to adhere to the appropriate level of protection of the data it holds. Details of current MOUs can be found on the GDC website.
98. In the event that the GDC receives a request to share information with a public authority such as the police, Crown Prosecution Service or Procurator Fiscal, we will co-operate with these requests where it is reasonable and in the public interest to do so.

Council and committee papers

99. The agenda for an upcoming public Council meeting will be available on the GDC website one week before the meeting.
100. Council papers for items in the public agenda will also be made available on the website in advance of the meeting. Papers for items to be discussed in private will not be published.

101. The GDC has several standing committees, which meet in private. Details of the committees can be found on the website but neither the agenda nor the papers for these meetings are published on the website.
102. Any written requests for Council papers or Committee papers or agendas will be considered under the FOI Act. Requests will be reviewed on an individual basis, and the duty imposed on the GDC by the FOI Act to be open and transparent will be balanced against the right to refuse the release of information which falls under one of the exemptions in the FOI Act.

Media enquiries

103. All media queries must be directed to the GDC press office. All disclosures to the media will follow this policy.

Vetting and barring schemes

104. Information about decisions made by the Disclosure and Barring Service or Disclosure Scotland to bar an individual from working with vulnerable adults or children is not disclosed by the GDC.