

Confidentiality policy

This policy sets out Root Canal Dental Referral Centre's rules and procedures for maintaining strict confidentiality in relation to personal information about patients. All practice team members are required by their contract of employment or contract for services to observe these rules and procedures.

The Importance of Confidentiality

The relationship between dentist and patient is based on the understanding that any information about the patient will be treated in the utmost confidence and will not be divulged to a third party without the patient's consent. Patients have a right to privacy. It is vital that they have the confidence to give the dentist full information about their health in order to ensure that treatment carried out is appropriate and safe. The intensely personal nature of health information means that many patients may be reluctant to give full information to their dentist unless they are sure that the information will not be passed on. If confidentiality is breached, a dentist, hygienist, therapist, technician or nurse may face investigation by the General Dental Council (GDC) and possible erasure from the Dentists' or DCPs' register. They 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 GDC's rules for maintaining patient confidentiality as set out in: "Standards for Dental Professionals" and "Principles of Patient Confidentiality". 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, this includes:

- the patient's name, address, bank account or credit card details, telephone number, email address or any means of personal identification such as photographs
- the fact that the person is or ever has been a patient of the practice or that they attended, failed to attend or cancelled an appointment
- information about the patient's physical, mental or oral health or condition
- details of historic, planned or ongoing treatment
- information about family members
- details of personal circumstances supplied by the patient to others
- the amount paid for treatment, the amount owing or the fact that the patient owes the practice money

Principles of Confidentiality

The 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;
- It 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.

Disclosure 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:

1. 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.
2. When disclosure can be made: (i) with the express consent of the patient, (ii) where this is necessary to enable someone else to provide health care to the patient and the patient has consented to this sharing of information, (iii) where it is required by statute, (iv) pursuant to a court order, (v) in order for the dentist to pursue a bona-fide legal claim against a patient (eg disclosure to a solicitor, court or debt collecting agency), (vi) in order for the dentist to take advice from his/her insurers/defence organization/legal representatives in the event that the patient makes a complaint and/or commences/threatens to commence legal process against the dentist.
3. Disclosure necessary to provide health care and for the functioning of the NHS: in practical terms, this type of disclosure includes transmission of claims/information to payment authorities such as the DPD/SDPD/CSA; in more limited circumstances, disclosure to the PCT (these first two are extremely unlikely to apply to our practice since we do not provide services to the NHS); or referral of the patient to another dentist or health care provider such as a hospital.