

## The Gentle Touch Dental Practice

### Confidentiality Policy

#### **Introduction**

Confidentiality is central to the relationship and trust between the Practice and its patients. It is also central to the relationship and trust between employer and employee.

#### **Confidential Information**

For the purposes of this policy, "Confidential Information" is defined as:

*information (whether or not recorded in documentary form, or stored on any magnetic or optical disk or memory) relating to the Practice's business, patients, products, affairs and finances for the time being confidential to us and trade secrets including, without limitation, technical data and know-how relating to our business or any of our business contacts, including in particular (by way of illustration only and without limitation) patient data and records.*

You must keep Confidential Information strictly confidential. This applies to all the information about patients that you have learnt in your professional role including personal details, medical history, what treatment they are having and how much it costs. It also applies to information you have obtained about the Practice and your colleagues during your employment.

In a dental practice context, Confidential Information about patients can include:

- 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.

#### **GDC Standards**

Practice employees and associates who are registered with the General Dental Council (GDC) must adhere to the [GDC standards](#), which can be viewed on the GDC website via these links. [Principle 4](#) relates particularly to confidentiality.

Practice employees who are not registered with the GDC are also expected to maintain high standards of confidentiality and always keep Confidential Information confidential.

#### **Your obligations**

You must not talk about patients or their treatment in places where you can be overheard by people who should not have access to the information you are discussing.

You must explain to patients the circumstances in which you may need to share information with others involved in their healthcare. This includes making sure that they understand:

- what information you will be releasing
- why you will be releasing it.
- the likely consequences of you releasing the information.

You must give patients the opportunity to withhold their permission to share information in this way unless exceptional circumstances apply. You must record in the patient's notes whether or not they gave their permission.

If a patient allows you to share information about them, you should ensure that anyone you share it with understands that it is confidential.

If other people ask you to provide information about patients (for example, for teaching or research), or if you want to use patient information such as photographs for any reason, you must:

- explain to patients how the information or images will be used.
- check that patients understand what they are agreeing to.
- obtain and record the patients' consent to their use.
- only release or use the minimum information necessary for the purpose.
- explain to the patients that they can withdraw their permission at any time.

If it is not necessary for patients to be identified, you must make sure they remain anonymous in any information you release.

You must keep patient information confidential even after patients die.

The duty to keep information confidential also covers recordings or images of patients such as photographs, videos, or audio recordings, both originals and copies, including those made on a mobile phone. You must not make any recordings or images without the patient's permission.

### **Some Practice Rules**

The principles of confidentiality give rise to several 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.
- ✓ 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 HMRC 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.

## **Exceptional circumstances for release of Confidential Information**

In exceptional circumstances, the Practice may be justified in releasing confidential patient information without their consent if doing so is in the best interests of the public or the patient. This could happen if a patient puts their own safety or that of others at serious risk, or if information about a patient could be important in preventing or detecting a serious crime. If you believe that revealing information about a patient is in the best interests of the public or the patient you should first discuss this in confidence with Amber Aplin, Practice Principal. Together, you should consult the GDC's guidance and agree how to manage the situation in line with GDC guidance. This will include:

- trying to get the patient's permission to release the information.
- doing everything you can to encourage the patient to either release the information themselves or to give you permission to do so.
- documenting the efforts, you have made to obtain consent in the patient's notes.

## **Patients' Rights to Access Their Records**

Although patients do not own their dental records, they have the right to access them under Data Protection legislation. If patients ask for access to their records, you must arrange for this promptly, in accordance with the law.

In some circumstances you can charge patients a fee for accessing their records. The maximum you can charge depends on whether the records are paper copies or held electronically. You should check the latest guidance issued by your national Information Commissioner's Office.

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 in ink
- strictly necessary for the purpose
- not derogatory
- such that disclosure to the patient would be unproblematic.

## **Keeping Confidential Information Secure**

You must make sure that patients' information is not revealed accidentally and that no-one has unauthorised access to it by always storing it securely. You must not leave records where they can be seen by other patients, unauthorised staff or members of the public.

If you are sending confidential information, you should use a secure method. If you are sending or storing confidential information electronically, you should ensure that it is encrypted.

If clinical records are computerised, you should make back-up copies of clinical records, radiographs, and other images.

## **Social Media**

You must not post any information or comments about patients on social networking or blogging sites. If you use professional social media to discuss anonymised cases for the purpose of discussing best practice, you must be careful that the patient or patients cannot be identified. Please see the [GDC website for further information on social media](#).

**Do:**

- ✓ Behave responsibly online.
- ✓ Think carefully before accepting friend requests from patients.
- ✓ Remember that anything you post is in the public domain.
- ✓ Regularly review your privacy settings to ensure that information is not accessed by an unintended audience
- ✓ Protect patients' information.
- ✓ Maintain appropriate boundaries in the relationships you have with patients.

**Don't**

- Post any information (including photographs and videos) which could bring the Practice or the dental profession into disrepute.
- Post information about patients on social networking or blogging sites.
- Make disparaging remarks about the competence, personality, or performance of another member of the dental team.
- Use social media to raise concerns about the possible abuse of children or vulnerable adults.
- Have discussions with patients about their dental care or treatments on social media.

**Data Protection/GDPR**

You should familiarise yourself with and adhere to the Practice's Data Protection Policy. This provides detailed information about the Practice's and your individual legal obligations to protect the personal data held and processed within the Practice.

**Disciplinary Action**

You will face disciplinary action if we find you have acted in breach of this policy. Sometimes this type of behaviour may amount to gross misconduct, in which case you will be dismissed without notice and with no payment in lieu of notice.