

Confidentiality Policy & Procedure

Legal & Ethical obligations

Under the Data Protection Act 2018 and the General Data Protection Regulation (GDPR) dental practices have a duty to keep personal data about their patients safe and secure and to ensure it is only accessed by persons who need to see it for the purposes of providing safe, effective care.

The General Dental Council (GDC) places a duty of confidentiality on registered dental professionals with a requirement that all patient information is always kept confidential.

Patients have the right to privacy and it is very important that they give the dentist full information on their state of health to ensure that treatment is carried out safely.

A trusting relationship must exist between the dentist, the staff, and the patient. This relationship is based on the understanding that any information revealed to the dentist by the patient will not be disclosed without the patient's consent. All staff members at The Dental Studio have the right to have their personal information kept private. If confidentiality is violated, the dentist and all other members of the dental team may be investigated and sanctioned by the General Dental Council. In extreme cases, this could lead to erasure from the GDC Register.

This may also result in legal action by the patient or staff member for damages and prosecution for breach of the 1998 Data Protection Act and the GDPR (2018)

General Dental Council

www.gdc-uk.org *Standards for the dental team* **Principal 4**, 4.2 Protect the confidentiality of patients' information and only use it for the purpose for which it was given. 4.3 Only release a patient's information without their permission in exceptional circumstances. If confidentiality is breached, each registered dental professional involved is responsible to the Council for their individual conduct.

What is personal information?

In a dental practice context, personal information about a patient or staff member includes:

- Name, current and previous addresses
- Bank account/credit card details and financial details
- Telephone number/email address
- Information that the individual is or has been a patient of the practice
- Failed attendance
- Appointment dates and times
- Cost of treatment, the amount owing or whether the patient owes money to the practice.
- Physical, mental or oral health or condition
- Treatment planning details that is planned or has been provided
- Family members and personal circumstances supplied including 'nick names'

Disclosing personal information about patients

We take great care to ensure that we only disclose personal information about a patient when we have consent to do so. To help us achieve this we ensure that:

- We do not leave message with a 3rd party confirming or cancelling appointments, unless we have consent to do so.
- When leaving messages on patient's answerphones we ask only that the patient call us back. We do not leave any details, including that the patient has an appointment with us unless we have the patients consent.
- We do not share information with anyone about the fact that a patient
 - Has an appointment
 - The date or timing of an appointment
 - The type of treatment
 - The fees due for treatment

- In the event that a patient consents to us sharing information about their appointment with another named individual we ensure that we only share information we have consent to share.

As part of their terms of employment, all team members at The Dental Studio are required to sign a confidentiality agreement. Any violation of confidentiality is regarded as extremely serious and is likely to result in disciplinary action.

When can third-party disclosures be made?

There are only a few instances in which a dentist may choose to or is required by law to disclose information to a third party. The responsibility for disclosure rests with the patient's dentist, and no other member of staff can make the decision to disclose. A brief summary of the type of scenario is made available below.

When information disclosure is in the public interest

There are some cases where the public interest outweighs the patient's right to confidentiality. This could include cases where disclosure would help to prevent or prosecute a serious future risk to the public.

Disclosure can be made where:

- The patient or staff member has expressly given consent to the disclosure
- Disclosure is necessary for the purpose of enabling someone else to provide health care and the patient/ staff member has consented to this sharing of information
- Disclosure is required by statute or is ordered by a court of law
- Disclosure is necessary for a dentist to pursue a bona-fide legal claim against a patient/ staff member when disclosure to a solicitor, court or debt collecting agency may be necessary.

Disclosure of information required to provide NHS care

To ensure the provision of care and the efficient operation of the NHS, information may need to be disclosed to third-party organisations. In practise, this means:

- Transmitting claims/information to payment authorities
- Disclosing information to the LAT/HB
- Referral to another dentist or health care provider, such as a hospital or specialist.

Privacy notices

The practice privacy notices for patients, employees and associates describe the personal information that we collect, how we use it and how we store it safely and securely. Copies of the notices are available from <https://the-dental-studio.com/privacy-policy/>.

Access to records

Patients can request access to their health records. The treating dentist should receive the request and the patient be given the opportunity to discuss the records before being given a copy; the patient's identity must be checked and confirmed.

The copy of the record must be supplied within one month of the request.

Patients must make a written request for access to their medical records. No fee is payable (except if a patient makes multiple requests)

Everyone involved with recording information about patients attending the practice must ensure that records are:

- Contemporaneous and dated
- Accurate and comprehensive
- Neat, legible and written in ink
- Strictly necessary for the purpose
- Not derogatory
- Such that disclosure to the patient would be unproblematic.
- Signed by the dentist.

Patient rights

Patients have the right to stop the practice sending marketing emails and to ask the practice to delete some information, such as contact details. Not all information can be deleted and requests to delete information must be managed in accordance with data protection laws. These requests must be passed to F.A.O The Practice manager hello@the-dental-studio.com for action.