

418 – Clinical Support Discussion: Confidentiality

With Steven Bruce, Claire Short and Zara Ford

General Overview

The discussion covers various topics related to patient confidentiality, data protection, and handling sensitive information in a healthcare practice. The speakers discuss best practices for protecting patient privacy, dealing with requests for medical records, and navigating the requirements of GDPR. They touch on best practice for dealing with complaints.

Key Points

- Speakers discuss the appropriate fees that can be charged to solicitors requesting patient records, emphasizing that patients have a right to access their own records for free. Practitioners can charge a reasonable fee to solicitors requesting patient records, as the patient's right to free access does not extend to their agents (e.g., solicitors). Zara shared her experience of charging a £50 fee for providing records to solicitors, unless the request was for an unusually large volume of records.
- They highlight the importance of having secure processes for sending digital records, such as password-protecting documents rather than encrypting emails. Secure data handling practices, such as password-protecting documents, are essential for protecting patient confidentiality (even if the requesting party says otherwise). Complex email encryption systems are not necessary.
- The speakers discussed the importance of avoiding identifying information in the subject line of emails containing patient records – an easy mistake to make.
- The speakers stress the need to regularly review and update privacy (and other) policies to ensure they accurately reflect the practice's procedures. Claire mentioned that her practice had to update their privacy policy after transitioning from paper to digital records.
- They discuss the challenges of maintaining confidentiality in small communities where practitioners may be known personally to many patients.
- Emphasis was placed on ensuring that admin staff such as receptionists were aware of confidentiality rules.

- The speakers advise being transparent about complaints procedures and framing them as "compliments, comments, and complaints" rather than just "complaints."
- It was made clear that the Data Protection Act (of which the GDPR is part) applies to anyone holding personally identifiable information, and the rules are more stringent in respect of "sensitive information" such as healthcare records.
- It was pointed out that privacy policies can (and should) be brief and simple to understand. It is not necessary that patients sign to say they have read a practice's privacy policy, but it is important that they have been told where to find it. Guidelines for constructing a privacy policy were available on the ICO website or through APM.
- Zara and Steven noted that they had both found the ICO to be very friendly and helpful. They made it clear that a practice was required to report any data breaches to the ICO, but that the ICO was prepared to put minor transgressions in proper perspective.