

GLOUCESTERSHIRE LMC DOCUMENT SUMMARY

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This 2 pager emphasises that we need to respect patient's rights to privacy if we are to be seen as providing a confidential service. It also warns that the penalties for breaching confidentiality could be more direct and severe, e.g. prison.

There is no way to prevent an individual with authorised access to a system from misusing the information. It is important that all those given access are reliable and do understand and meet the standards of behaviour required. For NHS IM&T systems they will have signed a statement to that effect.

All registered health professionals are under obligation¹ to:

- Respect patients dignity and privacy
- Be honest and trustworthy
- Respect and protect confidential information
- Avoid abusing their position

The legal bases for these standards are:

- The Human Rights Act 1998 Article 8. Because of the right to 'respect for private and family life' you can only use patient information for **necessary and legitimate** purposes.
- The Data Protection Act 1998, primarily
 - First Principle, which requires data processing to be **fair** to the individual and **lawful**.
 - Seventh Principle, which requires those responsible for personal data to **protect** it against unauthorised or unlawful processing. Steps must be taken to ensure that staff with access to data are reliable.
- Common Law. The key principle is that information confided for the purpose of receiving care and treatment should not be processed for other purposes except in circumstances where the law permits or requires it. For safety's sake DH policy is that this should apply to demographic data as well as clinical data.

¹ Confidentiality: NHS Code of Practice.