

# Confidentiality is central to trust between doctors and patients.

Without assurances about confidentiality, patients may be reluctant to seek medical attention or to give doctors the information they need in order to provide good care.

Go to [www.gmc-uk.org/confidentiality](http://www.gmc-uk.org/confidentiality) for more information and advice.



# Statutory role and purpose

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The GMC registers doctors to practise medicine in the UK.

Our purpose is to protect, promote and maintain the health and safety of the public by ensuring proper standards in the practice of medicine.

# Statutory power to advise

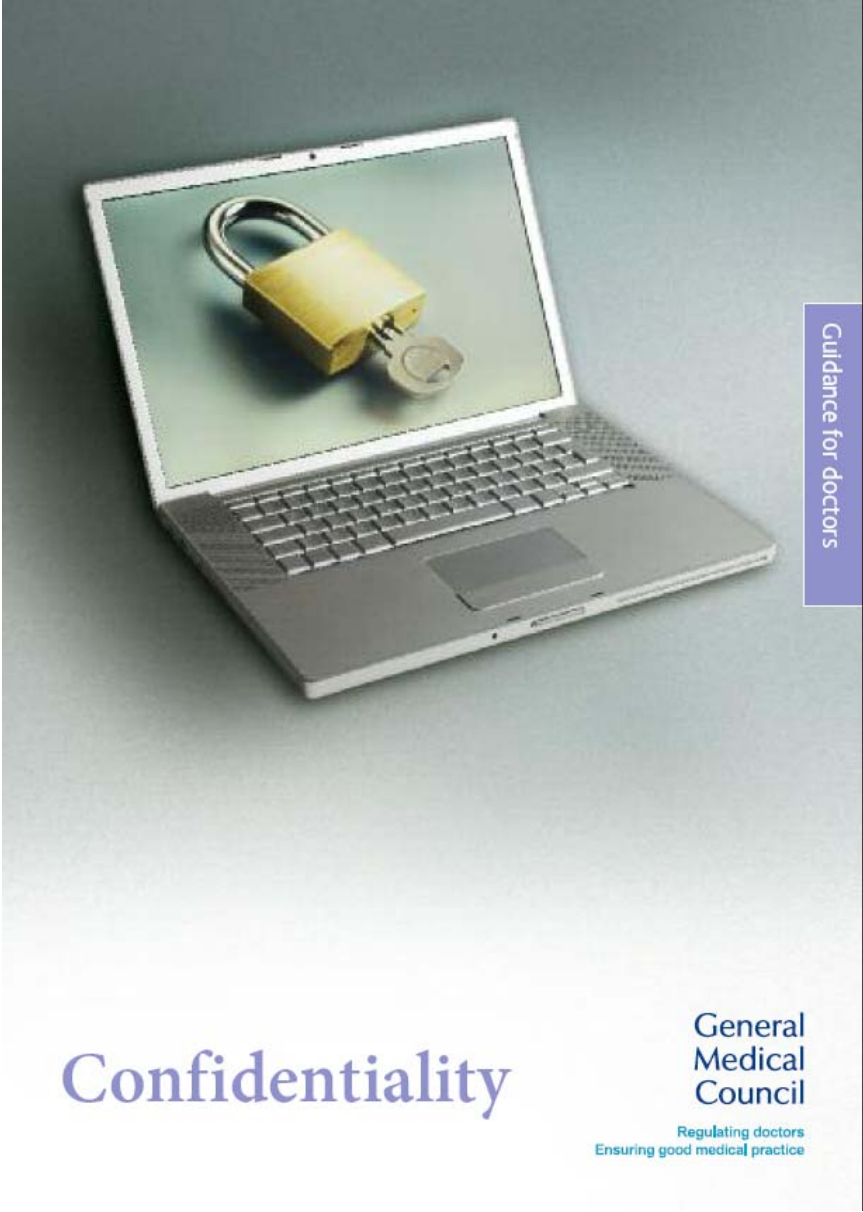
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The *Medical Act 1983* gives us the power:

‘To give advice to the profession on standards of professional conduct, professional performance and on medical ethics, as the Council think fit.’

*Good Medical Practice* states:

The guidance that follows described what is expected of all doctors... it is guidance, not a statutory code, so you must use your judgement to apply the principles to the various situation you will face as a doctor... you must be prepared to justify your decisions and actions.



Guidance for doctors

# Confidentiality

General  
Medical  
Council

Regulating doctors  
Ensuring good medical practice

# Hippocrates

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All that may come to my knowledge in the exercise of my profession or in daily commerce with men, which ought not to be spread abroad, I will keep secret and will never reveal.

4<sup>th</sup> Century BC

# Dilemmas

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- How difficult is it to get a patients' consent to disclose a report to their employer? What if it's 'too difficult'?
- Must patients be offered the opportunity to see the report? Can they waive this 'right'?
- Is simple confirmation that a patient is fit for work a 'medical report'? Is it 'confidential'?
- Should an employer be informed when a patient is at risk of serious harm from an occupational hazard? What if nobody else is?

# Principles

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Confidentiality is central to trust between doctors and patients. Without assurances about confidentiality, patients may be reluctant to seek medical attention or to give doctors the information they need in order to provide good care.

But appropriate information sharing is essential to the efficient provision of safe, effective care, both for the individual patient and for the wider community of patients.

# Exceptions

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Confidentiality is an important duty, but it is not absolute. You can disclose personal information if:

- it is required by law
- **the patient consents – either implicitly for the sake of their own care or expressly for other purposes**
- it is justified in the public interest.

# Consent

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You must inform patients about disclosures for purposes they would not reasonably expect, or check that they have already received information about such disclosures... you should consider whether patients would be **surprised** to learn about how their personal information is being used and disclosed.

Seeking a patient's consent to disclosure of information shows **respect**, and is part of good communication between doctors and patients.

# Express consent

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As a **general rule**, you should seek a patient's express consent before disclosing identifiable information for purposes other than the provision of their care or local clinical audit, such as financial audit and insurance or benefit claims.

# Express consent

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If you are asked to provide information to ... a patient's employer, either following an examination or from existing records, you should:

- be satisfied that the patient has sufficient information about the **scope, purpose and likely consequences** of the examination and disclosure, and the fact that **relevant information cannot be concealed or withheld**

# Express consent

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- obtain or have seen written **consent** to the disclosure...
- only disclose **factual information** you can substantiate, presented in an **unbiased** manner, **relevant** to the request; so you should not usually disclose the whole record...
- **offer to show your patient, or give them a copy of, any report you write about them for employment or insurance purposes *before* it is sent, unless:**

# Express consent

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- they have already indicated they do not wish to see it
- disclosure would be likely to cause serious harm to the patient or anyone else
- disclosure would be likely to reveal information about another person who does not consent

# Supplementary guidance

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1. Reporting concerns about patients to the DVLA
2. Disclosing records for financial and administrative purposes
3. Reporting gunshot and knife wounds
4. Disclosing information about serious communicable diseases
- 5. Disclosing information for insurance, employment and similar purposes**
6. Disclosing information for education and training purposes
7. Responding to criticism in the press.

# Insurance and employment

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The first duty of a doctor registered with the GMC is to make the care of their patient their first concern.

The term '**patient**' in this guidance also refers to **employees**, clients, athletes and anyone else whose personal information you hold or have access to, *whether or not you care for them in a traditional therapeutic relationship.*

*Duty of care?*

## Writing reports

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- Make sure that it is not false or misleading; take reasonable steps to verify the information in the report; do not deliberately leave out relevant information
- Complete and send the report without unreasonable delay
- Restrict the report to areas in which you have direct experience or relevant knowledge
- Make sure that any opinion you include is balanced, and be able to state the facts and assumption on which it is based

# What's new?

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New guidance on:

- information sharing with patients' families, partners and carers
- shared genetic information

A clearer approach to:

- disclosures for secondary uses, including research and employment/insurance
- disclosures to protect the patient and others from risks of serious harm

# Summary

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1. A framework of principles within which doctors can exercise professional judgement; guidance, not rules.
2. To help identify the relevant legal and ethical considerations, and to help doctors make decisions that respect patients' privacy, autonomy and choices and that also benefit the wider community of patients and the public.
3. Emphasis remains firmly on anonymising or coding data, or getting patients' consent for disclosures of identifiable information, whenever practicable.
4. Serious or persistent failure to follow this guidance will put your registration at risk.

# GOOD MEDICAL PRACTICE IN ACTION

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