

When to breach confidentiality without patients consent

- Health care team members (implied consent)
- Judge or presiding officer in a court where the information is pertinent
- Public interest but if possible with consent if practicable, including in situations where disclosure may assist in the prevention, detection, or prosecution of serious crime.
- Diseases registers (Public Health (Control of Disease) Act 1984 and SI 1988 No 1546)
- Where patient lacks capacity-disclosure to appropriate third party
- Where it is in the best interest of eg a victim of neglect or abuse

Disclosures in the Public Interest

- balance benefits vs harm
- assess urgency
- exclude others ways of achieving
- try and get consent unless this will make the situation worse
- inform subject if possible
- limit disclosure to only that which strictly necessary
- seek assurances that the information will only be used as intended

Request for personal details (not clinical details) from police must be signed by Inspector or above and be on Form 826C, and be dealt with by consultant. They are for serious arrestable offences (sec 116 of Police and Criminal Evidence Act 1984*) or sec 172 of the road traffic act 1998(.

* usually a sentence >5 years:

- treason
- murder
- manslaughter
- rape
- kidnapping
- certain sexual offences
- causing an explosion
- certain firearm offences
- taking of hostages, hijacking
- causing death by reckless driving or causing death by careless driving when under the influence of drink
- offences under the prevention of terrorism legislation
- any other offence which has led or likely to lead to
 - serious harm to the security of the state or to public order
 - serious interference with the administration of justice or with the investigation of an offence
 - the death of or serious injury to anyone
 - substantial financial gain or serious financial loss to any person

DVLA disclosure

After informing patient that they are to inform DVLA but you have reason to believe that the subject has not and continues to drive. You must also tell the patient you are going to inform DVLA. If the patient lacks capacity then immediately inform DVLA.

Other Statutory Duties

Abortion Act 1991 all abortions must be notified

Misuse of Drugs Act 1971 and Misuse of Drugs (Notification and Supply to Addicts) Regulations 1985, reporting known or suspected addicts

NHS (Notification of Births and Deaths) Regulations 1982

References

1. Form 826C Greater Manchester Police
2. 'Confidentiality: Protecting and Providing Information', GMC Apr 2004
3. 'Medicolegal Pocketbook' Ed Vanessa Machin, Churchill Livingstone 2003