

Kings Norton Surgery Policy for information sharing

Policy for Sharing Information with Non NHS Third Parties Without Patient Consent

1. Purpose

This policy outlines the circumstances under which patient information may be shared with third parties without patient consent, in compliance with UK data protection laws and NHS guidelines.

2. Scope

This policy applies to all staff members within the practice, including GPs, nurses, administrative staff, and any other personnel who may handle patient information.

3. Legal Framework

- Data Protection Act 2018
- General Data Protection Regulation (GDPR)
- NHS Confidentiality Code of Practice
- Caldicott Principles

4. General Principles

- Patient confidentiality is paramount and must be maintained at all times.
- Information should only be shared without patient consent in exceptional circumstances where it is legally permissible and ethically justified.
- The decision to share information without consent should be made by a senior clinician or the Caldicott Guardian.

5. Circumstances for Sharing Information Without Consent

Information may be shared without patient consent under the following circumstances:

- **Legal Requirement:** When there is a legal obligation to disclose information, such as a court order.
- **Public Interest:** When the disclosure is necessary to prevent serious harm to the patient or others.
- **Safeguarding:** When the disclosure is necessary for safeguarding children or vulnerable adults.
- **Crime Prevention:** When the disclosure is necessary for the prevention, detection, or prosecution of serious crime.

6. Procedure

1. **Assessment:** Assess the request to determine if it falls under one of the permissible circumstances.
2. **Approval:** Obtain approval from a senior clinician or the Caldicott Guardian.
3. **Documentation:** Document the decision-making process, including the rationale for sharing information without consent.
4. **Minimal Disclosure:** Ensure that only the minimum necessary information is disclosed.
5. **Notification:** Where appropriate, inform the patient that their information has been shared, unless doing so would increase the risk of harm.

7. Third-Party Requests

- All third-party requests for patient information must be submitted in writing.
- The request must specify the legal basis for the disclosure and the specific information required.
- The practice will verify the identity and legitimacy of the third party before disclosing any information.
- If a medication has been prescribed by a third party and the information the practice has suggests the medication is contraindicated, the reviewing clinician will contact the patient via text or phone call. They will explain to the patient the privately issued medication is contraindicated for them and explain the reasons for the contraindication. They will ask the patient to inform the third party of the reason why the medication should not be issued.

8. Training

All staff members will receive training on this policy and the legal and ethical considerations involved in sharing patient information without consent.

9. Review

This policy will be reviewed annually or sooner if there are changes in legislation or NHS guidelines.

Template Letter for Declining Third-Party Information Requests Without Patient Consent

[Your Practice Name]
[Your Practice Address]
[City, Postcode]
[Date]

[Solicitor's Name]
[Solicitor's Firm]
[Solicitor's Address]
[City, Postcode]

Dear [Solicitor's Name],

Re: Request for Patient Information Without Consent

We acknowledge receipt of your request dated [date] for access to patient information for [patient's name]. As per our policy and in compliance with UK data protection laws, we are unable to share patient information without explicit consent from the patient, except under specific circumstances outlined by law.

Your request does not fall under any of the permissible circumstances for sharing information without consent, such as a legal requirement, public interest, safeguarding, or crime prevention. Therefore, we must respectfully decline your request.

We recommend that you seek the necessary consent from the patient or provide a legal basis for the disclosure, such as a court order.

Thank you for your understanding.

Yours sincerely,

[Your Name]
[Your Position]