

Data Protection Policy

Please read the following policy carefully.

To comply with the *Data Protection Act (1998)*, our practice has notified the Information Commissioner that personal information relating to patients is stored within our practice.

Team members must, at all times, comply with the principles of the *Data Protection Act (1998)*, and:

- Never name, or discuss identifiable information, about a patient outside the practice, including with friends or relatives of the patient
- Store patient records securely and confidentially where it is not possible for other patients or individuals to read them
- Store paper records in lockable filing cabinets
- Not give a school information about whether a child attended for an appointment on a particular day. It should be suggested that the child is asked to obtain the dentist's signature on his or her appointment card to signify attendance
- Not provide information about a patient's appointment record to a patient's employer
- Ensure that when talking to a patient on the telephone or in person in a public area, other patients cannot overhear sensitive-information
- Ensure that discussions about patients do not take place in the practice's public areas
- Ensure that messages about a patient's care are not be left with third parties or left on answering machines. A message to call the practice is all that can be left
- Ensure that password-protected computer records are backed-up every day, with back-ups stored away from the practice
- Ensure the appointment book and day list are not visible to patients or anyone not involved in patient care
- Never disclose patient information to a third party without consent, including confirming that someone is a patient at the practice or that they have an appointment. This includes disclosure of appointment books, day sheets or computer screens to police officers or Inland Revenue officials, unless on the specific instructions of the dentist

- Post all written communications, including recalls or reminders, in an envelope
- If called upon to demonstrate the practice's administrative/computer systems not allow actual patient information to be used.

Personal information

In a dental context personal information held by a dentist about a patient includes:

- The patient's name, current and previous addresses, bank account/credit card details, telephone number/e-mail address and other means of personal identification such as his or her physical description
- Information that the individual is or has been a patient of the practice or attended, cancelled or failed to attend an appointment on a certain day
- Information concerning the patient's physical, mental or oral health or condition
- Information about the treatment that is planned, is being undertaken or has been provided
- Information about family members and personal circumstances supplied by the patient or others
- The amount that was paid for treatment, the amount owing, or the fact that the patient is a debtor to the practice.

Disciplinary Action

If, after investigation, a team member is found to have breached Data Protection, he or she shall be liable to summary dismissal in accordance with our practice disciplinary policy.

Access to records

Patients have the right of access to their health records held on paper or on computer.

A request from a patient to see records or for a copy must be referred to the patient's dentist. The patient should be given the opportunity of coming into the practice to discuss the records and will then be given a photocopy. Care should be taken to ensure that the individual seeking access is the patient in question and where necessary the practice will seek information from the patient to confirm identity. The copy of the record must be supplied within forty days of payment of the fee and receipt of identifying

information if this is requested.

Access may be obtained by the patient making a request in writing and the payment of a fee for access of up to £10 (for records held on computer) or £50 (for those held manually or for computer-held records with non-computer radiographs). We will provide a copy of the record within 40 days of the request and fee (where payable).

The fact that patients have the right of access to their records makes it essential that information is properly recorded. Records must be:

- Contemporaneous and dated
- Accurate and comprehensive
- Signed by the dentist
- Strictly necessary for the purpose
- Not derogatory
- Such that disclosure to the patient would be unproblematic.

Data protection code of practice

Our data protection code of practice provides the required procedures to ensure that we comply with the *1998 Data Protection Act*. It is a condition of engagement that everyone at the practice complies with the code of practice.

Malmin Orthodontics Code of Practice (Data Protection)

Keeping your records

This practice complies with the *Data Protection Act (1998)*. This policy describes our procedure for ensuring that personal patient information is processed fairly and lawfully.

What personal data do we hold?

In order to provide you with a high standard of dental care and attention, we need to hold personal information about you. This personal data comprises:

- Your past and current medical and dental condition; personal details such as your age, national insurance number/NHS number, address, telephone number and your general medical practitioner
- Radiographs, clinical photographs and study models
- Information about the treatment that we have provided or propose and its cost
- Notes of conversations or incidents that might occur for which a record needs to be kept
- Records of consent to treatment
- Any correspondence relating to you with other health care professionals, for example in the hospital or community services.

Why do we hold information about you?

We need to keep comprehensive and accurate personal data about patients in order to provide you with safe and appropriate dental care. We also need to process personal data about you in order to provide care under NHS

arrangements and to ensure the proper management and administration of the NHS.

Retaining information

We will retain your dental records and orthodontic study models while you are a practice patient and after you cease to be a patient, for at least eleven years, or for children until age 25, whichever is the longer.

Security of information

Personal data about you is held in the practice's computer system and/or in a manual filing system. The information is only accessible to authorised team members. Our computer system has secure audit trails and we back up information routinely.

Disclosure of information

In order to provide proper and safe dental care we may need to disclose personal information about you to:

- Your general medical practitioner
- The hospital or community dental services
- Other health professionals caring for you
- NHS payment authorities
- The Inland Revenue
- The Benefits Agency, where you are claiming exemption or remission from NHS charges
- Private dental schemes of which you are a member.

Disclosure will take place on a 'need-to-know' basis, so that only those individuals/organisations who need to know in order to provide care to you and for the proper administration of Government (whose personnel are covered by strict confidentiality rules) will be given the information. Only that information that the recipient needs to know will be disclosed.

In very limited circumstances or when required by law or a court order, personal data may have to be disclosed to a third party not connected with your health care. In all other situations, disclosure that is not covered by this Code of Practice will only occur when we have your specific consent. Where possible you will be informed of these requests for disclosure.

Access to your records

You have the right of access to the data that we hold about you and to receive a copy, or you may authorise a third party, such as your lawyer, to do so on your behalf. Parents may access their child's records if this is in the child's best interests and not contrary to a competent child's wishes. Formal applications for access must be in writing to the Practice Manager and accompanied by the appropriate fee.



For inspection only:

- If information has been added within the last 40 days, inspection is free of charge
- In all other cases, £10.

For copies:

- Records held totally on computer, £10
- Records held in part on computer and in part manually, £30
- Records held totally manually, £50.

We will provide a copy of the record within 40 days of receipt of the request and fee (where payable) and an explanation of your record should you require it.

If you do not agree

If you do not wish personal data that we hold about you to be disclosed or used in the way that is described in this Code of Practice, please discuss the matter with your Orthodontist. You have the right to object, however this may affect our ability to provide you with dental care.