

REQUEST FOR INFORMATION WITHOUT CONSENT

Patient data is sensitive personal data and must always be processed in accordance with the eight Data Protection Principles

http://www.opsi.gov.uk/acts/acts1998/ukpga_19980029_en_9#sch1

It is also protected by the Human Rights Act, the common law on confidentiality and the doctor's professional obligation to respect patients' dignity and privacy.

Generally the consent of the patient is required before disclosure of any confidential patient data to a third party.

However, it may be permissible / essential to disclose the minimum confidential data to serve a legal purpose to a person with the legal right to carry out a legitimate function, and who shares a similar duty of confidentiality, without obtaining prior consent if it is;

- essential to prevent death or serious mental or physical harm to an individual(s)
- overwhelmingly in the public interest
- to prevent / detect a serious unlawful act
- to pursue due legal process

Any disclosure without consent must always be;

- Proportionate
- Legal
- Necessary
- Accountable
- Justifiable

The doctor has conflicting ethical and legal obligations to always;

- act to protect vulnerable children
- act in the best interests of patients
- act to protect the confidentiality of patients' sensitive personal data

BUT the safety of the child is ALWAYS paramount.

You must be prepared to justify any decision to release medical data without consent in a court of law or before the GMC and the attached form should be completed by the person requesting disclosure without consent and retained for your records.

If in doubt seek legal and professional advice from the LMC or your Medical defence organisation before disclosure.

CED 6/11/08