



**Royal  
Pharmaceutical  
Society**  
of Great Britain

## **Law and Ethics Bulletin**

### **Move to introduce stronger penalties for unlawfully breaching patient confidentiality**

The Department of Health is supporting the Information Commissioner in making changes to the law to allow stronger penalties to be applied where individuals obtain information unlawfully. The changes to the law will provide the possibility of a custodial sentence for those found guilty.

Patients providing information for the purpose of receiving pharmaceutical services and treatment do so with the legitimate expectation that pharmacists and pharmacy staff will respect their privacy and protect confidential information. Confidential information includes personal details (including information not directly relevant to a patient's medical history) and details of medication, both prescribed and non-prescribed. The current Code of Ethics for pharmacists and registered pharmacy technicians includes a professional requirement to maintain confidentiality. A similar provision is included in the new Code of Ethics which comes into force on 1 August 2007. Superintendent pharmacists, pharmacist owners and pharmacist managers also have a personal professional responsibility to ensure that effective measures are in place to protect patient confidentiality. These measures should encompass all pharmacy staff and pharmacy systems and the information they obtain or hold.

In addition to the professional standards that must be adhered to, there are legal requirements that must be complied with. The legal requirements relevant to the processing of patient information are: the Human Rights Act 1998, which establishes a right to respect for private and family life; the Data Protection Act 1998, which requires data to be kept secure, requires access to be restricted and makes it a criminal offence to obtain or disclose personal data unlawfully; and common law built upon past cases that have set precedent and established that information provided for the purpose of receiving care and treatment should not be processed for other purposes unless required by law.

Therefore, pharmacists must be aware of their responsibility to protect and maintain patient confidentiality and should now also consider that harsher penalties may soon be the result of any such breaches of legislation.

Further detailed guidance on confidentiality will be published under the new Code of Ethics in August 2007.