

Confidentiality Guidance Consultation  
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Ref: HPC Confidentiality

2 August 2007

Dear Sir/Madam

### **Re- Consultation on HPC Guidance on Confidentiality**

I write on behalf of the Royal pharmaceutical Society for Great Britain (RPSGB) in response to the above consultation.

The RPSGB is the professional and regulatory body for pharmacists in England, Scotland and Wales. It also regulates pharmacy technicians on a voluntary basis, a role that is expected to become statutory under new legislation soon. The primary objectives of the RPSGB are to lead, regulate, develop and represent the profession of pharmacy.

Having recently conducted a fundamental review of our Code of Ethics for pharmacists and pharmacy technicians, the Society welcomes the opportunity to respond to this consultation. In addition to the review of the Code, the Society has produced seven supporting standards and guidance documents, one of which is titled 'Professional Standards and Guidance for Patient Confidentiality'.

We agree that the guidance document is useful and that the language used is easy to understand. However, there are some areas of confidentiality and disclosure that we do not believe are sufficiently covered in the guidance document.

The following are comments that we would wish to make on the guidance document:-

- Keeping information safe (page 7) – In the guidance document you state that *'if you feel that the policy of your employer might mean that confidentiality is put at risk you should contact your union or professional body for advice'*. Whilst the RPSGB recognises that there might be a need to seek further advice, depending on the situation it may be more appropriate for the employee to speak to their employer in the first instance.

- Disclosure without consent and disclosures required by law (page 11) – This section refers mainly to disclosure of information to regulators, however there are other areas where disclosure without consent may arise that have not been mentioned, such as:-
  - Where the patient’s parent, guardian or carer has consented to the disclosure and the patient is deemed by law to be, or appears to be, incapable of consenting.
  - Where disclosure is directed by H.M Coroner, a judge or other presiding officer of a court, Crown Prosecution Office in England and Wales or Procurator Fiscal in Scotland.
  - Where disclosure is necessary for the protection of children or vulnerable adults.
- The guidance document does not make reference to the way in which the confidential information of deceased patient should be handled. In the RPSGB standards and guidance on patient confidentiality we state:

*The records of deceased patients must be treated with the same level of confidentiality as those who are living. The Health Records Act 1990 governs access to the health records of deceased patients. Further information about the requirements of this Act can be found at [www.dh.gov.uk](http://www.dh.gov.uk).*

- You may find it helpful to make reference to the NHS Code of Practice on Confidentiality (covers England and Wales) and NHS Scotland Code of Practice on Protecting Patient Confidentiality both of which would be applicable to your registrants.

We hope that you find our comments useful. Should you wish to discuss any of the matters we have raised please do not hesitate to contact us.

Yours sincerely

Priya Sejpal  
Professional Ethics Pharmacist