Guidance on patient confidentiality
The General Pharmaceutical Council is the regulator for pharmacists, pharmacy technicians and registered pharmacy premises in England, Scotland and Wales. As part of our role, we set the standards which govern the practice of pharmacists and pharmacy technicians.
About this guidance

This guidance should be read alongside the **standards of conduct, ethics and performance** which all pharmacists and pharmacy technicians must apply to their practice. This document gives guidance on standards 3.5, 3.7 and 3.8 of the standards of conduct, ethics and performance, which say:

- You must respect and protect people’s dignity and privacy. Take all reasonable steps to prevent accidental disclosure or unauthorised access to confidential information. Never disclose confidential information without consent unless required to do so by the law or in exceptional circumstances.

- You must use information you obtain in the course of your professional practice only for the purposes you were given it, or where the law says you can.

- You must make sure you provide the appropriate levels of privacy for patient consultations.
The status of this guidance

This document gives guidance to pharmacy professionals on how to meet the standards on confidentiality. The guidance is not intended to cover every issue and it does not give detailed legal advice. However, it reflects the current law in Great Britain.

You should use your professional judgement in applying this guidance in your own practice. You must make sure that you keep up to date and comply with the law, for example: the Data Protection Act 1998, the Human Rights Act 1998, and the common law duty of confidentiality, and with any NHS or employment policies on confidentiality that apply to your particular area of work.

You must make sure that all staff members you are responsible for are aware of this guidance and appropriately trained in all areas that are relevant to their duties.

If you are not sure about what you should do in a specific situation, you should always ask for advice from your employer, your professional indemnity insurance provider, your professional body or other pharmacy organisation, or get independent legal advice.

We have produced more guidance to help pharmacy professionals apply our standards of conduct, ethics and performance. You can find this on our website. In particular, when reading this guidance you should also see our ‘Guidance on consent’.
1 Duty of confidentiality

1.1 You have a professional and legal duty to keep confidential the information you obtain during the course of your professional practice. Maintaining confidentiality is a vital part of the relationship between a pharmacy professional and a patient. Patients may be reluctant to ask for advice, or give you the information you need to provide proper care, if they believe that you may not keep the information confidential. Your duty of confidentiality applies to everyone whatever their age (See our guidance on consent).

1.2 The duty of confidentiality applies to all information you obtain during the course of your professional practice.

1.3 Confidential information includes:
   - electronic and hard copy data
   - personal details
   - information about a person’s medication (prescribed and non-prescribed)
   - other information about a person’s medical history, treatment or care that could identify them, and
   - information that patients or the public share with you that is not strictly medical in nature.

1.4 Confidential information does not include:
   - anonymous information – information from which individuals cannot reasonably be identified
   - coded information – information from which individuals cannot reasonably be identified, but which enables information about different patients to be distinguished (for example to identify drug side effects)
   - information that is already legitimately in the public domain.
2 Protecting information

2.1 It is essential that you take steps to protect the confidential information you are given in the course of your professional practice. You must:

- take all reasonable steps to protect the confidentiality of information you receive, store, send or destroy
- store hard copy and electronic documents, records, registers, prescriptions and other sources of confidential information securely. Do not leave confidential information where it may be seen or accessed by patients, the public or anyone else who should not have access to it
- take steps to prevent accidental disclosure of confidential information
- not discuss information that can identify patients where the discussions can be overheard by others not involved in their care
- not disclose information on any websites, internet chat forums or social media that could identify a patient
- make sure that everyone who works in your pharmacy knows about their responsibility to maintain confidentiality
- raise concerns with the person with responsibility for data control where you work, or with any other appropriate authority, if you find that the security of personal information on the premises where you work is not appropriate
- continue to protect a person’s confidentiality after they have died, subject to disclosures required by law or when it is in the public interest (see below).
3 Disclosing confidential information

3.1 Decisions about disclosing confidential information can be complex. In most situations you do not have to disclose information immediately. However, there will be limited situations where to delay is not practical, for example if this may cause risk to another person. You should take the necessary steps to satisfy yourself that any disclosure sought is appropriate and meets the legal requirements covering confidentiality.

3.2 Maintaining confidentiality is an important duty, but there are circumstances when it may be appropriate to disclose confidential patient information. These are:

- when you have the patient’s consent, or
- when the law says you must, or
- when it is in the public interest to do so

3.3 In the course of your professional practice you may receive requests for confidential patient information from a variety of people (for example a patient’s relative, partner or carer) or organisations (for example the police or a healthcare regulator). You should make decisions about disclosing information on a case-by-case basis and fully consider all relevant factors.

3.4 If a patient with capacity refuses to give consent for information to be shared with other healthcare professionals involved in providing care, it may mean that the care they can be provided is limited. You must respect their decision, but inform the patient of the potential implications on their care or treatment.

3.5 You must respect the wishes of a patient with capacity who does not consent to information about him or her being shared with others, unless the law says you must disclose the information or it is in the public interest to make such a disclosure.
3.6 If you decide to disclose confidential patient information you should:

- code the information, or make it anonymous, if you do not need to identify the patient

- get the patient’s consent to share their information. But you do not need to do this if:
  - disclosure is required by law
  - the disclosure can be justified in the public interest,
  - to do so is impracticable, would put you or others at risk of serious harm, or would prejudice the purpose of the disclosure

- disclose only the information needed for the particular purpose

- make sure that, if you disclose confidential information, the people receiving the information know that it is confidential and is to be treated as such

- make appropriate records to show:
  - who the request came from
  - whether you obtained the patient’s consent, or your reasons for not doing so
  - whether consent was given or refused, and
  - what you disclosed

- be prepared to justify your decisions and any actions you take

- release the information promptly once you are satisfied what information should be disclosed and have taken all necessary steps to protect confidentiality.
3a Disclosing information with consent

3.7 You should get the patient’s consent to share their information unless that would undermine the purpose of disclosure (see Section 3b).

3.8 Make sure the patient understands:

- what information will be disclosed
- why information will be disclosed
- who it will be disclosed to
- the likely consequences of disclosing and of not disclosing the information.

3.9 When the reason for sharing confidential patient information is for a purpose that the patient would not reasonably expect, you must get their explicit consent before disclosure.

3.10 If you are not sure whether you have the patient’s consent to share their information, you should contact them and obtain their consent.
3b Disclosing information without consent

3.11 You should make every effort to get consent to disclose confidential information. However, if that would undermine the purpose of disclosure (for example when there is risk to others) or is not practicable, you should use the guidance in this section.

3.12 Before you disclose information without the consent of the patient, you should:

- be satisfied that the law requires you to disclose the information or that disclosure can be justified as being in the public interest
- ask for clarification from the person making the request if you are unsure about the basis for the request for confidential information
- ask for the request in writing.

3.13 If necessary get advice from a relevant body, for example your indemnity insurance provider, union, professional body or other pharmacy organisation, or an independent legal advisor.
Disclosures required by law

3.14 There are circumstances when the law may require you to disclose information that you hold. These circumstances include when a person or body is using their powers under the law to ask for the information, for example:

- the police or another enforcement, prosecuting or regulatory authority
- a healthcare regulator, such as ourselves or the GMC
- an NHS counter-fraud investigation officer
- a coroner or procurator fiscal, judge, or relevant court which orders that the information should be disclosed.

3.15 These individuals and organisations do not have an automatic right to access all confidential patient information. You must be satisfied they have a legitimate reason for requesting the information.

3.16 If necessary get advice from a relevant body, for example your indemnity insurance provider, union, professional body or other pharmacy organisation or an independent legal advisor.
Disclosures made in the public interest

3.17 These decisions are complex and must take account of both the patient and public interest in maintaining or breaching confidentiality.

3.18 You may disclose confidential information when you consider it to be in the public interest to do so, for example if the information is required to prevent:

- a serious crime
- serious harm to a patient or third party, or
- serious risk to public health.

3.19 You must carefully balance the competing interests of maintaining the confidentiality of the information and the public interest benefit in disclosing the information.

3.20 You must consider the possible harm that may be caused by not disclosing the information against the potential consequences of disclosing the information. This includes considering how disclosing the information may affect the care of the patient and the trust that they have in pharmacy professionals.

3.21 If necessary get advice from a relevant body, for example your indemnity insurance provider, union, professional body or other pharmacy organisation, or independent legal advisor.
4 Other sources of information

The Information Commissioner’s Office
Phone: 0303 123 1113 or 01625 545745

Head Office,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire SK9 5AF

Scotland Office,
45 Melville Street,
Edinburgh EH3 7HL

Wales Office,
2nd Floor Churchill House,
Churchill Way,
Cardiff CF10 2HH

Email: casework@ico.gsi.gov.uk
Website: www.ico.gov.uk
More information

If you would like copies of this document in Welsh, please go to www.pharmacyregulation.org/standards/guidance where you can download a PDF. If you are seeking this document in other formats, please contact our communications team:
Email: communications@pharmacyregulation.org

If you have questions or comments about the content of this guidance, please contact our Standards Team:

Standards Team
General Pharmaceutical Council
129 Lambeth Road
London
SE1 7BT
Phone: 0203 365 3460
Email: standards@pharmacyregulation.org

We have also produced guidance on other topics that you may find useful:
www.pharmacyregulation.org/standards/guidance