

**9 October, 2014**

## **MPS: Consent an issue for practices involved in seven day GP access trial**

The Medical Protection Society (MPS) is encouraging GP practices participating in the government's trial to provide seven day GP access and extended opening hours to be mindful of confidentiality if sharing medical records with other primary care services.

Many patients seeking 'out of hours' appointments at practices involved in the trial are registered elsewhere, and it seems sensible that GPs treating the patient have access to their records. However, this is not as straightforward as it may seem, and a number of members have contacted MPS seeking clarification about their obligations of confidentiality to their patients.

MPS is advising GPs to ensure they have express consent from their patients before allowing access to medical records by other practices and primary care organisations. GPs should ensure they have minimised the risks of sharing confidential information with other healthcare professionals and obtained advice from the local caldicott guardian and area team.

### **Dr Pallavi Bradshaw, Medicolegal Adviser at the Medical Protection Society (MPS) says:**

"Some GP practices who are involved in the government's trial may have not appreciated the need for express consent from individuals before sharing access to medical records. Patients should be given the choice of whether they consent to their records being shared in this way and GPs – as data controllers – have an ethical and legal obligation to abide by those wishes.

"MPS encourages practices that are asked to provide access to records to have clear policies and procedures in place to ensure appropriate sharing and processing of sensitive information and that valid consent has been obtained.

"Healthcare professionals accessing and adding to GP records must ensure they follow ethical guidelines and are responsible for keeping records confidential. The quality of the medical records they add should be sufficient to enable the patient's regular GP to continue with their ongoing care."

### **Dr Bradshaw adds:**

"Locally coordinated schemes and publicity campaigns by practices with the support of NHS England would help inform patients of the benefits of the scheme and ensure that they have a say in who can access their medical information."

Ends

**24 October 2014**

## **UPDATE: MPS reassured by data sharing policies in seven day GP access trial**

MPS is reassured that some local GP practice clusters involved in the government's trial to provide seven day GP access and extended opening hours are implementing data sharing policies. These agreements allow doctors access to medical records held by another practice within the scheme, with the explicit consent of the patient. This complies with both the Information Commissioner's guidance on data sharing and the legal obligations for practices under the Data Protection Act.

GPs who are unsure of their obligations when sharing confidential information with other healthcare professionals should contact MPS or their local caldicott guardian.

Ends

**For further information please contact Shannon Darling, MPS Press Officer at +44 020 7399 1319 or email [shannon.darling@mps.org.uk](mailto:shannon.darling@mps.org.uk)**

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## About MPS

MPS is the world's leading protection organisation for doctors, dentists and healthcare professionals. We protect and support the professional interests of more than 290,000 members around the world. Our benefits include access to indemnity, expert advice and peace of mind. Highly qualified advisers are on hand to talk through a question or concern at any time.

Our in-house experts assist with the wide range of legal and ethical problems that arise from professional practice. This includes clinical negligence claims, complaints, medical and dental council inquiries, legal and ethical dilemmas, disciplinary procedures, inquests and fatal accident inquiries.

Our philosophy is to support safe practice in medicine and dentistry by helping to avert problems in the first place. We do this by promoting risk management through our workshops, E-learning, clinical risk assessments, publications, conferences, lectures and presentations.

MPS is not an insurance company. All the benefits of membership of MPS are discretionary as set out in the Memorandum and Articles of Association.