

# Policy on privacy and confidentiality

## POLICY STATEMENT

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*All personal health information is held under strict legal and ethical obligations of confidentiality. Information given in confidence should not be used or disclosed in a form that might identify a patient without his or her consent. There are a number of important exceptions to this rule which are described later, but patients should be involved in decisions about the use of their personal health information in most circumstances.*

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## PURPOSE AND SCOPE

All staff needs to be aware of their responsibilities for safeguarding confidentiality & preserving information security. All patient information must be treated with complete confidentiality and MUST NOT be divulged to anyone who does not have the right to access. Access to information on patients is restricted to those who have been given permission by the patient, except in specific circumstances laid out in this policy and the associated guidelines.

## DEFINITIONS:

Information refers to ALL information including that held on paper, in manual form & electronically.

## PATIENT IDENTIFIABLE INFORMATION

- Patient's name;
- Patient's address;
- Patient's date of birth;
- A picture, photograph, video, Investigation reports or other images of the patient
- Anything else that may be used to identify a patient directly or indirectly. For example, rare diseases, drug treatments or statistical analyses which have very small numbers within a small population may allow individuals to be identified;
- PID Number or any other registration number used for services
- A combination of items increases the chance of patient identification.

## **PROCESS**

The principles to which staffs in Medical Tourism (Pvt) Ltd are expected to work in relation to patient confidentiality are:

- Justify the purpose for using confidential information
- Only use it when absolutely necessary
- Use the minimum that is required
- Access should be on a strict 'need to know' basis
- Everyone must understand his or her responsibilities
- Understand and comply with the law

## **PROTECTING PATIENT INFORMATION**

- Record patient information accurately.
- Keep patient information physically secure.
- Follow guidance before disclosing any patient information e.g. as outlined in this policy.
- Ensure that best practice is followed for confidentiality in respect of access to all patient information in any form e.g. paper records, electronic data, emails, faxes, surface mail, conversations which can be overheard or phone calls.

## **SHARING INFORMATION OF PATIENTS TO THIRD PARTIES.**

Patients must be informed about the need to disclose information. E.g. between members of care teams and between different healthcare providers, and other ways that Medical Tourism (Pvt) Ltd uses their information such as payments to third parties. Information could be shared for legal & regulation requirements.

Patients should also be informed about other uses, which provide benefits to society E.g. health surveillance, disease notification, medical research, education and training. As far as possible information should be limited to essential data required.

## **EDUCATING PATIENTS ON SHARING INFORMATION**

Patients can be given information in a range of ways including leaflets, one to one discussion with them, etc, ensuring that any special language or other requirements are met appropriately.

In order to inform patients effectively, staff should:

- Check that patients have received understand the information. (Leaflets, educational audio visuals can be use).
- When there is a requirement to share patient's information with another party inform & obtain permission from the patient. Permission could be verbal or written. e.g- health status updates to the insurer, Inquiries over the phone by well wishes, transferring to another facility.
- The patients should be educated on how their information is used and the possible consequences of their decision;
- Answer any queries personally or direct the patient to others who can answer their questions or provide other sources of information;
- give information about and facilitate the right of patients to have access to their health records

### **RESTRICTIONS ON USING PARIENT'S INFORMATION**

Patients have different needs and values – this must be reflected in the way they are treated.

Staff must:

- Obtain patient's informed consent before using their personal information in ways that do not directly contribute to, or support the delivery of, their health care such as use of their email addresses and mobile phone numbers for short message services(SMS)
- Respect and record patients' decisions to agree to or restrict the disclosure of information, wherever possible
- Communicate effectively with patients to ensure they understand what the implications may be if they choose to agree to or restrict the disclosure of their information. For example, clinicians cannot treat patients safely, nor provide continuity of care, without having relevant information about a patient's condition and medical history
- When requested by the patient to restrict disclosure of personal information-the Medical Tourism (Pvt) Ltd team should respect it.

### **OBTAINING CONSENT FROM PATIENTS ABOUT USE OF THEIR INFORMATION**

Information related to a patient could be obtained with clear explanation of its included use by the staff.

- Written consent is required in following situations:
  - When patient's information is shared with a third party.
  - Insurance, transferring out to another facility.
  - Health authority for surveillance & notification data.
  - When health records, Images, videos related are used on research on educational purposes when patient identity could be possible.
- Implied consent or verbal consent is adequate in following situations:
  - When introducing new team members to the health care team.
  - Verbal update on health status to a third party.

Requirements for consent should be considered against each of the following criteria:

- Some circumstances, the law requires clinicians to disclose information irrespective of the views of a patient, e.g. if patients contract certain notifiable diseases. (The patient be told about the disclosure.) Staff with disease that affect perform engaging lives of others.
- To protect patient's vital interests. E.g. where a health professional is concerned that a child or vulnerable adult may be at risk of death or serious harm. Professionals who have such concerns should draw them to the attention of the relevant authorities.
- In the interest of the public. An example might be the disclosure of information to the police to help in the prevention or detection of a serious crime. Both the law and professional standards specifically allow for information to be disclosed in this way.
- Children and adults who are unable to consent in situations where a patient is unable to give consent, e.g. children (under age of 18), adults with incapacity or critically ill. In such cases can give consent on their behalf or a guardian/ patient of children under age of 18.

The clinician in charge must balance the considerations for and against disclosure in the interests of the patient and third party. Justify and record each decision to disclose or withhold. Decisions should be taken on a case by case basis in the light of best available information and the hospital medical director should be kept informed immediately. Wherever possible the patient should be informed what information has been disclosed and to whom.

## **PATIENTS' RIGHTS TO ACCESS THEIR PERSONAL HEALTH RECORDS**

Patients (or their parents or legally appointed representative) have the right to see and get a copy of personal health information held about them. Such cases should be reported to relevant hospital medical director for necessary action. Rare exceptions include occasions where the clinician in charge documents that access to the record could cause serious harm to the patient's or someone else's physical or mental health or could identify someone else or is subject to legal restrictions.