

PRESS RELEASE



For immediate release: Friday, 08 April 2011

MAILSHOT WARNING TO DOCTORS

Doctors are being warned not to misuse patient information when sending out mailshots.

The UK-wide medical defence organisation MDDUS is reminding GPs they could be risking their professional registration and face court action, with an unlimited fine, if they breach the Data Protection Act 1998.

MDDUS has noticed an increase in calls and cases where patients have been mailshotted by practices they no longer attend.

Dr John Holden, a senior medical adviser at MDDUS, warns: "When recording patients' names and addresses, they will likely expect that their data will be taken solely to provide them with medical care or to inform them of services your practice provides.

"The data should only be used for these purposes and not to inform patients of non-medical products, meetings or services. Care should also be taken only to contact patients who are currently registered with the practice."

This is set out in the Data Protection Act which states: *"Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes. Personal data shall be accurate and, where necessary, kept up to date."*

Dr Holden says: "The boundaries of what is, and is not, confidential can seem simple - however greater care needs to be taken when dealing with patient details.

"Doctors need to be aware not only of the GMC guidance on confidentiality but of the Data Protection Act itself. The Information Commissioner gives clear guidance on the use and disclosure of data.

"Failure to comply with the requirements of both could place your registration at risk or result in a prosecution. A person found guilty is liable to a fine of up to £5,000 if the case is heard by magistrates or a sheriff, or an unlimited fine on conviction in the Crown Court or High Court."

Dr Holden also advises GPs to take care when patients leave their practice and ensure that checks are in place to prevent them being sent unsolicited mail. Where the health service or a patient indicates that they have moved on to another practice, their record must be clearly marked in a way that will ensure they are not contacted further.

He explains: "Sending flyers or practice information to patients who have moved on by using the information you held on them would not be regarded as acceptable."

Practices are advised to ensure all staff are clear about what data can be taken from patients, who can use it, and for what purposes.

- Further information can be found on the website of the Information commissioner:
http://www.ico.gov.uk/for_organisations/data_protection/the_guide.aspx

Ends

For further information contact Colin Calder on 0141 616 2677 or 07850 510881.

Note to editors

MDDUS (The Medical and Dental Defence Union of Scotland) is a medical and dental defence organisation providing access to professional indemnity and expert medico- and dento-legal advice for doctors, dentists and other healthcare professionals throughout the UK. For further information on MDDUS go to www.mddus.com.