



Patient Confidentiality Standard Operating Procedure

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Patient Confidentiality

The HSE places great emphasis on the need for strictest confidentiality in respect of information relating to patients and clients. Every patient and client in the care of the HSE is entitled to the reassurance that the HSE will not comment on the particular circumstances of their case or engage in public debate on private matters or permit to them being photographed or other media intrusion while in our care without permission. It is for these reasons of patient/client confidentiality that the HSE will not comment on the clinical nature of individual cases.

All personal details (including demographic information) obtained by the HSE is for the purpose of treating a patient/client and that disclosing any info to the media is not compatible with that purpose

However, every institution is entitled to maintain its good name and the HSE has a right to ensure that public confidence is not undermined and that statements which may be detrimental to the interests of public health or that are untrue do not go unchallenged. In the case of allegations which might undermine public confidence the HSE has a duty to clarify the situation and give reassurance to the public.

Traditionally the HSE has used the phrase “We do not comment on individual cases” when asked to comment on the details of a patient in response to issues that have entered the public domain. While this statement is appropriate in a small minority of cases (e.g. legal cases) it may appear that we are not interested in commenting or that it doesn’t suit us to comment and in general is a negative statement that adds no value to the organisation.

The use of a form of words which explains why we are unable to comment on the specifics of an individual case is more appropriate;

“Maintaining a patient's confidentiality is not only an ethical requirement for the HSE, it is also a legal requirement as defined in the Data Protection Acts (1988) and (2003). When a patient or client makes personal information public, this does not relieve the HSE of its duty to preserve/uphold patient confidentiality at all times.”

We then need to give information/ perspective/ context on the service that is the root of the complaint/issue...*“In general terms, and without reference to any individual patient or client,the HSE wishes to confirm/clarify/explain*

The relevant Communications Office should then put forward appropriate information on the normal service/ process/ issue so that a strong response is being offered in relation to the issue but no personal information is being disclosed and patient confidentiality is maintained. The normal media sign off requirements should be followed.

An example is listed below; this is the case of an individual who was looking for a specific treatment and it was covered widely by the national media. The HSE does not comment on his care specifically but explains how we make decisions relating to patients care.

HSE Response

Each stage of a patient's treatment is reviewed by the patient's Consultant and, where any intervention is required; this is assessed by the clinical team in consultation with the patient.

The clinical management, up to and including discharge is planned by the clinical team who assess the patient's ongoing needs and requirements. When required, there is close liaison between hospital and community services to make arrangements for the discharge of patients taking account of the patient's safety and the sustainability of the community supports required. Decisions are always made on an individual patient basis having regard to safety and needs.