

Policy for Data Protection and Health and Social Care Legislation on the Care of Patients Living with HIV

Policy Statement

Auckland Surgery is committed to maintaining the confidentiality, privacy, and dignity of all patients, particularly those living with HIV. In line with data protection laws and health and social care legislation, this policy outlines the procedures and practices we follow to ensure that a patient's HIV status is shared only when necessary for their medical care, and that all data is handled in accordance with current legal requirements, including the General Data Protection Regulation (GDPR) and the Data Protection Act 2018.

Objective

The objective of this policy is to ensure that the HIV status of patients is managed with the highest standards of confidentiality and respect for patient rights. It is designed to maintain compliance with relevant data protection legislation while ensuring that patients receive the care they need in a safe, respectful, and lawful manner.

Policy Details

1. Confidentiality of HIV Status

- Alerts about a patient's HIV status will never be placed on patient notes or in any area where they may be accessed or overheard by individuals who are not directly involved in the patient's care.
- No patient's HIV status will be discussed in public or in situations where it can be overheard, including during ward rounds or in waiting areas.

2. Sharing HIV Status Within the Practice

- Staff will only share a patient's HIV status with colleagues when it is necessary for the patient's care at that time. The patient's explicit consent will be sought before sharing any information, or staff will ensure that the patient would reasonably expect their HIV status to be shared for medical purposes.
- HIV status will not be shared during any handovers, referrals, or discussions unless it is directly relevant to the patient's care, and explicit consent has been given by the patient or it is clear that the patient expects such sharing.

3. HIV Status in Referrals

- HIV status will only be mentioned in referrals if it is directly related to the patient's ongoing care. Explicit consent from the patient will be obtained, or we will ensure that the patient would expect their HIV status to be shared for this purpose.

84A Auckland Road, London, SE19 2DF

Tel. 020 8653 5146

www.aucklandsurgey.co.uk

Review date: 10.04.25

4. Family and Friends

- Staff will not discuss a patient's HIV status or medication with family members, friends, or others unless the patient has given explicit permission for this information to be shared.
- This includes any casual or inadvertent discussions that might occur in public or semi-public settings such as waiting rooms or reception areas.

5. HIV Status Sharing with Sexual Health Services and Clinics

- Sexual Health Services and HIV clinics will only share a patient's HIV status with Auckland Surgery (or other healthcare providers) with the patient's explicit consent.
- Where sexual health services are integrated into a larger healthcare trust or organisation, a separate privacy notice will be provided to patients, clearly outlining how their HIV-related information is used and shared.

6. Summary Care Record

- A patient's HIV status will only be added to their Summary Care Record (or Shared Care Record) with the patient's explicit consent. This includes cases where information needs to be shared with other healthcare providers for continuity of care.

7. HIV Status and Law Enforcement

- When a patient is in police custody or accompanied by a prison officer or other escort, their HIV status will not be discussed in front of these individuals. Staff will ensure that HIV-related information is not shared with any law enforcement officers or escorts unless required by law, and the patient's consent has been obtained.

8. Training and Awareness

- All staff will be trained regularly on data protection, confidentiality, and the specific needs of patients living with HIV. This training will include handling HIV-related information in accordance with relevant legal and regulatory frameworks, ensuring that all patient data is processed and shared lawfully.

9. Data Protection Compliance

- This practice complies with GDPR, the Data Protection Act 2018, and all applicable health and social care legislation in relation to patient data. Patient information, including HIV status, will be handled and stored securely, ensuring that unauthorised access is prevented.

84A Auckland Road, London, SE19 2DF

Tel. 020 8653 5146

www.aucklandsurgery.co.uk

Review date: 10.04.25

Responsibilities

- The Practice Manager will ensure that this policy is implemented and that staff are regularly trained in confidentiality and data protection practices.
- Clinical and administrative staff are responsible for maintaining the confidentiality of patients' HIV status and ensuring that the policies and procedures set out in this document are followed.

Monitoring and Review

This policy will be reviewed annually to ensure compliance with current data protection laws and health and social care legislation. Any incidents of non-compliance or concerns raised by staff or patients will be addressed promptly. The policy will be updated as necessary to reflect changes in legislation or guidance.

Conclusion

Auckland Surgery is committed to upholding the highest standards of patient confidentiality and ensuring that sensitive information, including HIV status, is handled in accordance with the law. We aim to create a safe environment where patients' rights are respected, and where they can access the care they need without fear of discrimination or unauthorised disclosure of their medical information.