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to day basis.

Notes Section

3. Respecting Confidentiality

The Blue Book sets out the rules on patient confidentiality and it stipulates that Patients have a right to expect that information about them will be held in confidence by their doctors. Confidentiality is central to trust between doctors and patients. Without assurances about confidentiality, patients may be reluctant to give doctors the information they need in order to provide good care (GMC:1993)

This has also been confirmed judicially in *Hunter v Mann* [1974] QB 767- and *W v Egdell* [1990] Ch 359 (CA); *X v Y* [1988] where it was confirmed that:

In common with other professional men. the doctor is under a duty not to disclose [voluntarily] without the consent of his patient information, which he, the doctor, has obtained in his professional capacity, save in very exceptional circumstances.

The only circumstance in which a clinician may breach this is where there is competing public interests:

Rarely, cases may arise in which disclosure in the public interest may be justified, for example, a situation in which the failure to disclose appropriate information would expose the patient, or someone else, to a risk of death or serious harm.

In the case of *x v Y* one or more of the employees of the claimant health authority supplied information to a report (defendant 1) of a national newspaper (defendant 2) identifying two doctors who had AIDS, yet were still practicing medicine. This information was obtained from confidential medical records held by the hospital. The claimants subsequently obtained an order restraining publication or other use of the information received. Despite the existence of the order, the second defendants published an article written by defendant 1 entitled *Scandal of Docs with Aids*. It was clear that the follow-up article intended to publish the names of the doctors. The claimants applied to the court for an injunction restraining publication of anything which purported to name the doctors, and for the defendants to disclose their sources. The question was whether the second defendants had a public interest in publication.

Rose J was forceful in viewing the public interest in maintaining confidence in the circumstance of AIDS as a significant and fundamental one. The judge was clear about the implications of allowing such breaches of confidence as contemplated

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[1990] AC 1

Notes Section

W v Egdell [1990] Ch 359 (CA); Whitehouse v Jordan [1981] 1 WLR 246, HL; X v Y [1988]

Data Protection Act 1998

Public Interest Disclosure Act 1998

The Human Rights Act 1988

Wicks E, (2001), The Right To Refuse Medical Treatment Under The European Convention on Human Rights, Medical Law Review 9(17)

Brazier M, (1992), Medicine Patients and the Law, 2nd Edition

Dickenson D (2002) (ed.), Ethical Issues in Maternal-Fetal Medicine, Cambridge University Press,

Dimond B ,(2005) Legal Aspects of Nursing, Fourth Edition, Longman Press: London

Johnstone M (1999) Moral Principles & moral rules, in bioethics: A nursing perspective.

McHale J & Tingle J (2000) Law and Nursing 2nd Edition Butterworth-Heinman

zasz TS, Law Liberty and Psychiatry: An Inquiry into the Social Uses of Mental Health Practices, 1974, London: Routledge and Kegan Paul

hiroux J.(2000).Basic principles: Individual freedom,& their justification in ethics: Theory & Practice.

Tschudin V(1992) Making Ethical Decisions in ethics in nursing: The caring relationship, 2nd Edition London: Butterworth Heinemann

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