



**Royal
Pharmaceutical
Society**
of Great Britain

Law and Ethics Bulletin

Metropolitan police investigations and release of patient confidential data

The Metropolitan Police is currently investigating a serious major crime, which may have implications nationally. It is possible that individual pharmacists in a number of areas across the country may be approached by the Metropolitan Police in respect of patient confidential information they hold regarding the supply of particular prescription items. Before any patient confidential information is supplied, the investigating officers should serve on the individual pharmacist the relevant authority in the form of a request under Section 29(2) of the Data Protection Act 1998, which should be signed by an officer of Inspector rank or above.

Investigating officers from the Metropolitan Police have been in contact with senior members of staff from the Society and can confirm that the information which may be requested is justified and its release is in accordance with Society guidelines.

Disclosure of patient confidential information must comply with legislation and the pharmacists' Code of Ethics. The Code of Ethics states that you must ensure that you do not disclose confidential information without consent, apart from where permitted to do so by the law or in exceptional circumstances.

The Society's Professional Standards and Guidance for Patient Confidentiality, outlines the circumstances in which a pharmacist may disclose information without a patient's consent. You are advised to read this document in full. Section 4.2.4, in particular, applies in the circumstances described above. It states that information can be disclosed without patient consent:

"To a police officer or NHS fraud investigation officer who provides in writing confirmation that disclosure is necessary to assist in the prevention, detection or prosecution of serious crime."

The request to disclose such information must be made in writing, stating the purpose for which the information is required.

When faced with requests from the police or a NHS fraud investigation officer you should as a matter of good practice, consider whether there are any alternative sources for the information being requested that would not cause a breach of trust between you and the patient. You should also discuss the matter with the person making the request and be satisfied that without disclosure, the investigation would be delayed or prejudiced.

If you decide to reveal confidential information without obtaining consent you must be prepared to justify your decision and any action you take.

The decision to disclose patient confidential details remains with the pharmacist who consents to the release of the data and patient confidential information may only be disclosed without the patients' consent in one of the above circumstances. A copy of any written request for disclosure provided by the police under Section 29(2) of the Data Protection Act 1998 should be retained in the pharmacy in the event of any query.

If you are approached by the Metropolitan Police during the course of this investigation and have any concerns about disclosure of patient confidential information, please contact the Society's legal and ethical advisory service on 020 7572 2308 for further guidance.