

Disclosing confidential information about patients (including where patients may not be fit to drive): draft guidance for GOC registrants

Overview

Some registrants and members of the public have requested more clarity about when to disclose confidential information in the public interest. We have therefore developed draft guidance on disclosing confidential information which covers the following:

1. General principles of disclosing confidential information, with or without consent
2. What to do when a patient may not be fit to drive as a result of their vision
3. Other disclosures in the public interest
4. Disclosing information in compliance with investigations

We are interested in hearing registrants' and other stakeholders' views on the draft guidance and its potential impact.

Below is a summary of recent research we have undertaken showing that, in particular, registrants are not confident in what to do if a patient's vision means they may not be fit to drive (the full research report can be downloaded from the 'Related' box at the bottom of this page):

NB: If you are a stakeholder body or organisation, and are not able to respond to the online survey, you can find a PDF copy of the consultation questions in the 'Related' box at the bottom of this page, along with a copy of the draft guidance.

Why we are consulting

Our purpose is to protect the public. It is therefore vital that patients and the public have a strong input into our work to give us a viewpoint from the people that the GOC is in place to protect.

We focus on the evidence and reasoning given in consultation responses, making primarily qualitative analysis of the responses. Decisions are never made on strength of numbers. Our decisions are made on the basis of the strength of the arguments put to us and how well they match with our core principles.

We will publish feedback after the consultation giving the outcome and how we will implement the policy changes.

Privacy Statement

The information you provide to us, the GOC (as data controller), will be processed and used in line with our statutory purpose under the Opticians Act as a public task in order to set standards for optical education and training, performance and conduct. For more information regarding how we

process your data please see the full privacy statement on our **website**

<https://www.optical.org/en/about_us/data-and-information/privacy-statement.cfm> .

Right to Erasure

Article 17 of the General Data Protection Regulations provides data with the right to erasure; this is known as the right to be forgotten. Right to erasure requests should be sent to the Data Protection Officer (**FOI@optical.org**) and will be responded to within one calendar month of receipt.

Data Controller

We are registered as a data controller with the Information Commissioner's Office, registration number Z5718812. We are committed to maintaining robust information governance policies and processes to ensure compliance with relevant legislation. Any information you supply will be stored and processed by us or on our behalf, by approved and verified third parties, in accordance with the General Data Protection Regulations and Data Protection Act 2018.

Introduction

It is helpful for us to know a little bit about you.

1 What is your name?

2 What is your email address?

If you enter your email address then you will automatically receive an acknowledgement email when you submit your response.

3 Are you responding on behalf of an organisation?

(Required)

Please select only one item

Yes No

Tell us who you are

Knowing who you are helps us to ask you the right questions.

4 Which category best describes you?

(Required)

Please select only one item

- Member of the public Optical patient Optometrist Dispensing Optician
 Student - optometry Student - dispensing
 Medical doctor - general practitioner (GP) Medical doctor - ophthalmologist
 Medical doctor - other Other (please specify below)

If you have selected 'other', please specify.

Organisation details

5 On behalf of which organisation are you responding?

6 Which of the following categories best describes your organisation?

(Required)

Please select only one item

- Optical business registrant Other optical employer Patient interest group
 Charity/not-for-profit organisation
 Education/training provider - undergraduate/pre-registration
 Education/training provider - postgraduate/CET Optical professional body
 Optical defence/representative organisation Optical insurer
 Commissioner of optical care Healthcare regulator Other (please specify below)

Patients and the public: your expectations

We produce standards and guidance on the ways that opticians should behave when they are providing care or services to you.

It is important that the standards and guidance we produce are in line with what you would expect from your optician, so the questions on this page will ask about your expectations.

7 Would you expect your optician to share personal information about you with your GP?

When we say 'personal information', we mean:

- your name, address and contact details
- any information they hold about your health (including your eyesight)
- any information about your personal life or circumstances

Please select only one item

Yes, always Yes, sometimes No, never

Please give reasons for your answer.

8 If your optician thought that your eyesight meant you were not fit to drive, who would you expect them to tell about this? Please select all that apply.

(The DVLA (England, Scotland and Wales) and DVA (Northern Ireland) are the government agencies responsible for registering and issuing licenses to drivers in the UK. They also have the power to decide whether a driver is medically fit to keep driving - if not, they may take that person's driving licence away.)

Please select all that apply

Me My family member/carer My GP The DVLA/DVA

Please give reasons for your answer.

Patients and the public: the guidance

The guidance, which you can download **here** [<user_uploads/draftg-1.pdf>](#) or read below, makes opticians aware that they may pass on information about you to certain organisations if there is a 'public interest' reason to do so.

A 'public interest' reason is one where you, or someone else, might be harmed if the optician does not pass on the information.

Example: If your eyesight is not good enough to keep driving, but you do not stop driving when the optician tells you to, you might be involved in an accident and hurt yourself or others. To avoid this happening, the optician can tell someone like your GP or the DVLA/DVA that your eyesight is no longer good enough to drive.

NB: If you need the guidance in an alternative format, please contact our Communications team at communications@optical.org.

9 Do you think it is reasonable that an optician can pass on information about you when there is a 'public interest' reason?

Please select only one item

Yes No Not sure

Please give reasons for your answer.

10 Would this put you off visiting the optician, or giving them information about your health?

Please select only one item

Yes No Not sure

Please give reasons for your answer.

Draft guidance - general

You will need to read the guidance to answer the questions on this page. You can download it **here** [<user_uploads/draftg-1.pdf>](user_uploads/draftg-1.pdf) , or read it below.

11 Is the guidance presented in a way that is clear, accessible and easy to use?

Please select only one item

Yes No

Please explain your answer, with reference to the guidance where possible.

12 Is anything missing, incorrect or unclear in the guidance?

Please select only one item

Yes No

Please explain your answer, with reference to the guidance where possible.

13 Do you think the guidance will help to protect patients and the public?

Please select only one item

Yes No Not sure

Please explain your answer, with reference to the guidance where possible.

Medical doctors: your expectations

It is helpful for us to gain a greater understanding about the relationship between healthcare professionals, particularly when it comes to information-sharing. This will help us to ensure that the positions set out in our guidance are appropriate and proportionate.

14 Would you expect an optometrist or dispensing optician to tell you if they considered that one of your patients was not fit to drive as a result of poor eyesight or other vision problems?

Please select only one item

Yes No Not sure

Please give reasons for your answer.

15 Do you receive, or have you ever received, information from optometrists or dispensing opticians about your patients' general eye health and/or fitness to drive?

	Yes, often	Yes, sometimes	Yes, rarely	No, never	Not sure/don't remember
General eye health <i>Please select only one item</i>	<input type="radio"/>				
Fitness to drive <i>Please select only one item</i>	<input type="radio"/>				

Using the guidance

The draft guidance is intended to help our registrants (optometrists, dispensing opticians and optical businesses) in situations where they need to consider the professional requirement to maintain confidentiality alongside the need to ensure public protection and, in particular, what they should do when there may be public interest reasons to pass on confidential information to a third party.

We are interested in your views on the draft guidance. For ease of reference, you can download it **here** [<user_uploads/draftg-1.pdf>](#) (PDF format) or view it below. If you require an alternative format, please contact our Communications team at communications@optical.org.

16 Is the guidance presented in a way that is clear, accessible and easy to use?

Please select only one item

Yes No

Please explain your answer, with reference to the guidance where possible.

17 Is anything missing, incorrect or unclear in the guidance?

Please select only one item

Yes No

Please explain your answer, with reference to the guidance where possible.

18 Does the new supplementary guidance make clear what the GOC expects of its registrants?

Please select only one item

- Yes No Not sure

Please explain your answer, with reference to the guidance where possible.

19 Will the guidance help registrants to understand when and how to apply their professional judgement to override patient confidentiality and consent, i.e. when there is a duty to protect the public from risk of harm?

Please select only one item

- Yes No

Please explain your answer, with reference to the guidance where possible.

20 Is the supplementary guidance sufficiently flexible to accommodate any differences in practice within the optical sector (for example, differences in the nations of the UK or in how optical care is provided)?

Please select only one item

Yes No Not sure

Please explain your answer, with reference to the guidance where possible.

21 Are there any specific issues or barriers which might prevent registrants from using the guidance?

Please select only one item

Yes No

Please explain your answer, with reference to the guidance where possible.

22 Would any further supporting activities be beneficial to registrants in implementing the guidance?

Please select only one item

Yes No Not sure

Please explain your answer, with reference to the guidance where possible.

Disclosing information to the DVLA/DVA

You can download the guidance [here](#) <user_uploads/draftg-1.pdf> , or click [here](#) <user_uploads/draftg-1.pdf> to view it in a pop-up window.

Background

The Driver & Vehicle Licensing Agency (DVLA) in England, Scotland and Wales and the Driver & Vehicle Agency (DVA) in Northern Ireland are the government agencies which register and license drivers in the UK. As part of their role, they are also legally responsible for setting the vision standards required to hold a driving licence and deciding if a person is medically fit to drive. The licenceholder has a legal responsibility to notify the DVLA/DVA of any medical condition that may affect safe driving, including where they have received advice from an optometrist that they fall below the vision standards required for safe driving.

As the two professions with the legal dispensation to test sight under the Opticians Act, doctors and optometrists may find themselves in a position where they consider a patient to fall short of the vision standards required for safe driving, but the patient does not fulfil their duty to inform the DVLA/DVA of this. The General Medical Council (GMC) provide guidance for doctors on how to manage such situations when they arise, and the DVLA have previously indicated that a publication from the GOC on the matter of vision and safe driving would be useful to provide clarity to the sector, and help ensure a consistent approach across the regulated professions.

23 Will the guidance give registrants more confidence to report directly to the DVLA/DVA, where appropriate?

Please select only one item

Yes No

Please explain your answer, with reference to the guidance where possible.

Impact

You can download the guidance **here** <user_uploads/draftg-1.pdf> , or click **here** <user_uploads/draftg-1.pdf> to view it in a pop-up window.

24 Overall, do you expect that the guidance will be beneficial to, or have a positive impact on protection of patients and the public?

Please select only one item

Yes No Not sure

Please explain your answer, with reference to the guidance where possible.

25 Overall, do you expect the guidance will be beneficial to, or have a positive impact on individual GOC registrants (optometrists and dispensing opticians)?

Please select only one item

Yes No Not sure

Please explain your answer, with reference to the guidance where possible.

26 Are there any aspects of the guidance that could have an adverse or negative impact on any group of patients, the public, GOC registrants or others?

Please select only one item

Yes No

Please explain your answer, with reference to the guidance where possible.

27 Are there any aspects of the guidance that could discriminate against stakeholders with specific characteristics? Please consider age, sex, race, religion or belief, disability, sexual orientation, gender reassignment, pregnancy or maternity, caring responsibilities or any other characteristics.

Please select only one item

Yes No Not sure

Please explain your answer, with reference to the guidance where possible.

Other comments

You can download the guidance **here** [<user_uploads/draftg-1.pdf>](#) , or click **here** [<user_uploads/draftg-1.pdf>](#) to view it in a pop-up window.

28 Are there any other comments you wish to make in relation to the supplementary guidance?

29 Is there anything further that we could do to promote the issue of vision and safe driving?

Please select only one item

Yes No Not sure

Please explain your answer.

Publication

We need to know whether you would like us to be able to publish your response, either on this consultation hub or as part of the overall consultation report.

30 Can we publish your response?

(Required)

Please select only one item

Yes Yes, but please keep my name and my organisation's name private No

Equality, Diversity and Inclusion

Equality, Diversity and Inclusion

We welcome consultation responses from everyone, regardless of age, disability, gender reassignment, race, religion or belief, ethnicity, sex, sexual orientation, marriage and civil partnership, pregnancy and maternity.

We don't want anybody to miss out or be disadvantaged because of the way we work and we try hard to make sure this doesn't happen. The following questions help us to understand who we are reaching with our surveys, so that we can make sure that everybody has the opportunity to get involved.

You do not have to answer these questions (just click 'Continue' at the bottom of this page if you don't want to). but we would be grateful if you did. Your answers to these questions will be treated as confidential and held securely in line with data protection requirements. They will not be considered or published alongside your name or anything else that might identify you.

For more information about how we use information like this across the General Optical Council, please visit the **Equality, Diversity and Inclusion section**

<https://www.optical.org/en/about_us/equality-and-diversity.cfm> of our website.

31 Gender

Please select only one item

Male Female Prefer not to say

32 Age

Please select only one item

16-24 25-34 35-44 45-54 55-64 65+
 Prefer not to say

33 Sexual orientation

Please select only one item

Bisexual Heterosexual/Straight Gay/Lesbian/Homosexual Other
 Prefer not to say

34 Disability

The Equality Act 2010 defines disability as a physical or mental impairment which has a substantial long-term effect on a person's ability to carry out normal day-to-day activities. Do you consider yourself to have a disability?

Please select only one item

Yes No Prefer not to say

35 Gender identity

My gender identity is different from the gender I was assigned at birth.

Please select only one item

Yes No Prefer not to say

36 Pregnancy/maternity

Are you pregnant, on maternity leave, or returning from maternity leave?

Please select only one item

Yes No Prefer not to say

37 Ethnicity

Please select only one item

- White - English/Welsh/Scottish/Northern Irish/British White - Irish
 White - Gypsy or Irish Traveller White - Other (please specify)
 White and Asian White and Black Caribbean White and Black African
 Any other mixed/multiple ethnic background (please specify) Indian/Indian British
 Pakistani/Pakistani British Bangladeshi/Bangladeshi British
 Chinese/Chinese British Any other Asian background (please specify)
 African/African British Caribbean/Caribbean British
 Any other Black background (please specify) Arab/Arab British
 Any other ethnic group (please specify) Prefer not to say

If you have selected 'other', please specify.

38 Marital status

Please select only one option.

Please select only one item

- Civil partnership Divorced/legally dissolved Married Partner
 Separated Widowed Single Not stated Prefer not to say

39 Carer responsibilities

Do you perform the role of a carer?

Please select only one item

- Yes No Prefer not to say

40 Religion/belief

Please select only one item

- No religion Buddhist Christian Hindu Jewish Muslim
 Sikh Any other religion/belief (please specify) Prefer not to say

If you have selected 'other', please specify.