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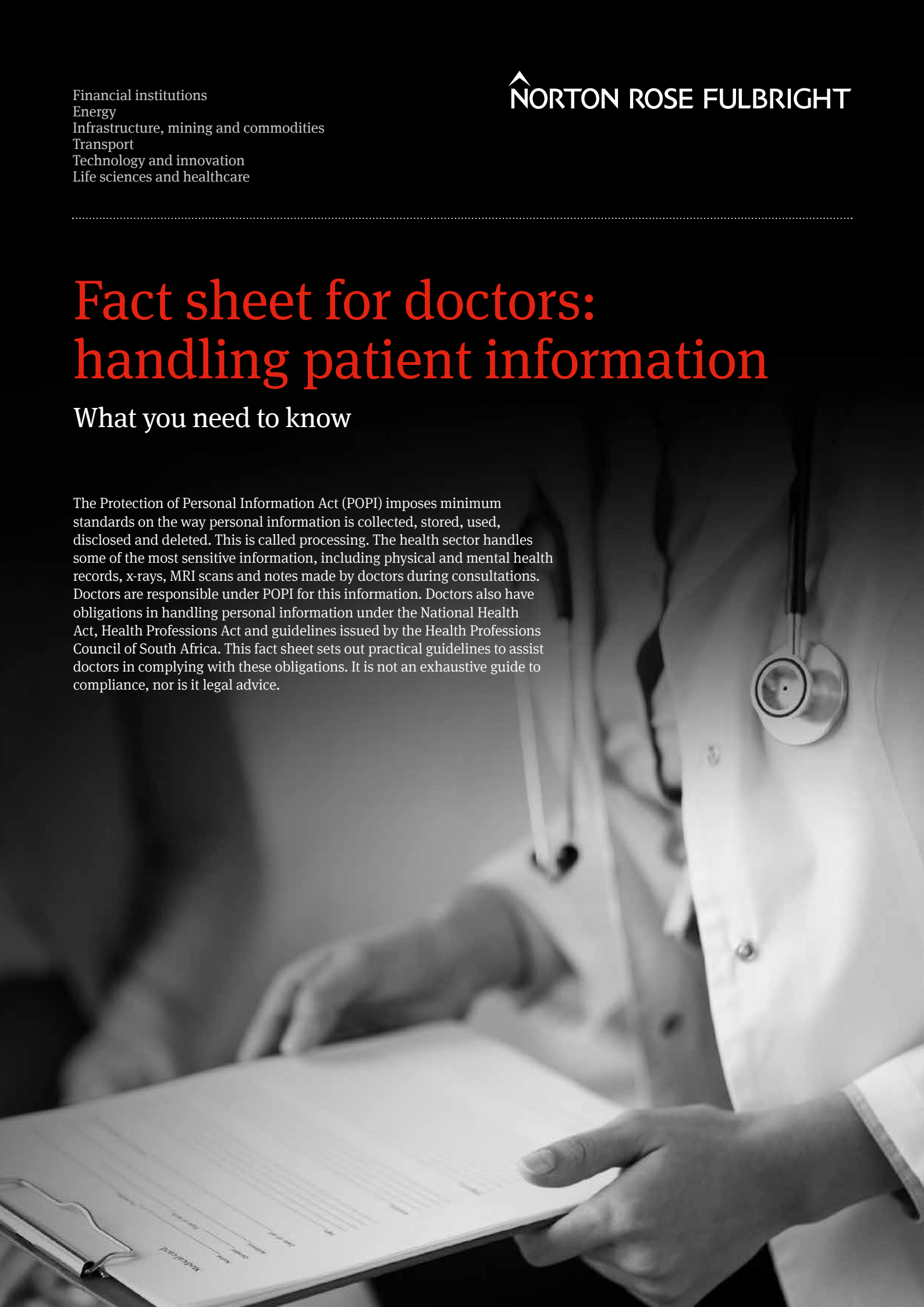
Fact sheet for doctors: handling patient information

What you need to know

The Protection of Personal Information Act (POPI) imposes minimum standards on the way personal information is collected, stored, used, disclosed and deleted. This is called processing. The health sector handles some of the most sensitive information, including physical and mental health records, x-rays, MRI scans and notes made by doctors during consultations. Doctors are responsible under POPI for this information. Doctors also have obligations in handling personal information under the National Health Act, Health Professions Act and guidelines issued by the Health Professions Council of South Africa. This fact sheet sets out practical guidelines to assist doctors in complying with these obligations. It is not an exhaustive guide to compliance, nor is it legal advice.



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Collection of information

Only collect information that you need for a specific purpose (i.e. treating patients).

Ensure that the patient is aware of the purpose for which the information is collected and who the information will be shared with.

Ensure that there are notices in areas where CCTV cameras are used.

Storage of information

Keep both physical and electronic information secure.

Control access to physical files through access cards and locking files in a secure filing cabinet or vault.

Ensure electronic information is secure with password protection, up to date antivirus software and firewalls. USBs, mobile phones and computer connections used to transfer information or store health records should be secure (for example, use encrypted USBs or allow access to records only through secure mobile applications).

Train staff in the proper handling of health records.

Retention of information

Ensure that the information is relevant and up to date.

Have a records policy that sets criteria for keeping information, or where appropriate, the specific retention periods for certain categories of information.

Handling patient information

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Destruction and deletion of information

If you are no longer authorised to keep the personal information contained in health records, ensure that it is disposed of securely.

Physical records could be shredded, pulped or burned.

Electronic records could be deleted, meaning that a person without special technical IT skills would not be able to access or re-create the deleted records. If practical, electronic records should be destroyed by formatting the hard drive.

Sharing of information

All information relating to a patient's health and treatment is confidential. You must have the informed consent of your patient to disclose this information to another person. Exceptions apply where, for example, you seek the specialist advice of another medical professional during the course of treatment or in corresponding with a medical scheme regarding payment. If your patient is a child, you would need the consent of the child's parent or legal guardian.

De-identified information may be shared for statistical, research, or academic purposes.

Ensure that contracts with service providers such as waste disposal companies, laboratories or IT service providers include POPI compliant clauses.

Requests for access to information

Your patients have rights to see their personal information.

You must allow a patient to see their information on receipt of a valid request in the manner prescribed in your privacy policy, provided that there are no lawful reasons to refuse access.

Patients can require that their personal information be corrected or deleted. You may refuse to do so where the information is your professional opinion but you must make a note of the challenge on the relevant record.