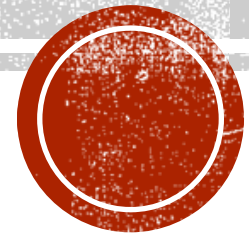
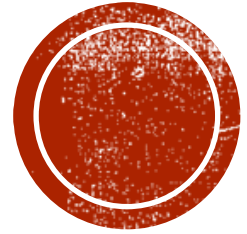


PRIVACY AND CONFIDENTIALITY OF MEDICAL INFORMATION





THE LEGAL CONCEPT OF PRIVACY



CHARTER OF FUNDAMENTAL RIGHTS AND FREEDOMS (ART. 10)

- Everyone has the right to preserve his dignity, honor, reputation and protect his name.
- Everyone has the right to protection against unauthorized intrusion into private and family life.
- Everyone has the right to protection against unauthorized gathering, publication or other misuse of his personal data



PRIVACY

- The right not to be part of the public
 - The right to "personal area"
 - The right to withhold information about yourselves
 - The right to decide if and how should be facts from his personal privacy revealed to others (Pavlík),
 - United States: Right to be let alone
- The right to privacy extends to every individual, regardless of age or legal capacity



PERSONALITY

- Life
- Expressions of a personal nature
- Dignity
- Privacy
- Seriousness, honor
- The right to live in a favorable environment
- Health
- Dignity



SPECIFIC REGULATIONS IN HEALTHCARE

- The patient has the right during the providing of health services to:
 - esteem, decent treatment, courtesy and respect for privacy during the provision of health services,
 - reject the presence of persons who are not directly involved in providing of health services,
 - know the names of healthcare professionals and students



THE RULES OF THE CIVIL CODE

- No person shall intervene in the privacy of another, unless...
 - Legal reason,
 - Permission
- Without permission you cannot:
 - disrupt Private Spaces of a man,
 - watch his private life,
 - capture audio or video recording,
 - use the images recorded about the private life of a person by a third party,
 - spread such records of his private life.



PROTECTING HUMAN APPEARANCE



Capture the human appearance by any way, so that it is possible to determine his identity, is possible only with his permission.



Spread human appearance is possible only with his permission.



HOW TO OBTAIN A CONSENT



In Writing

Orally

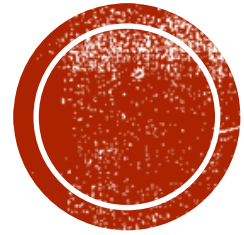
Tacitly



WHAT CAN HAPPEN TO YOU?

- Civil liability
 - Refrain from action and eliminate results
 - Undo the harm and mental suffering in the form of an apology or compensation
- Penalty for breaching of confidentiality by a healthcare professional who illegally disclosed, told or gave access to a personal data obtained in connection with the performance of practice to a third party and thus caused serious harm to the rights of the patient:
 - Imprisonment (1-8 years); prohibition of activity; fine
- Disciplinary responsibility within the faculty
 - Warning; Conditional exclusion; Exclusion from studies





CONFIDENTIALITY OF A HEALTHCARE PROFESSIONAL

(Medical secret)

PRIVACY CONTRA CONFIDENTIALITY

Privacy

- Protection from identifying and collecting personal data
- Protection against unauthorized access to information
- Protection from capturing photographs, recordings and records

Confidentiality

- Preventing the spread of information to which the medic gained access
- Even if you obtained that information legally



“MEDICAL SECRET”

- From the perspective of the law :
 - Confidentiality of a healthcare professional
 - Confidentiality of a healthcare provider
- Much, **MUCH(!)** higher standards of confidentiality than other professions
- Break only in cases precisely defined by the Law



WHEN IS IT POSSIBLE TO BREACH A CONFIDENTIALITY?

Consent of a patient

Providing follow-up services

Protection of your rights

Communication of data for the purpose of criminal proceedings

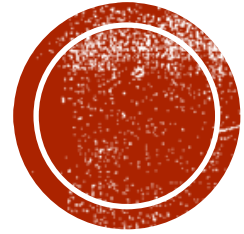
Fulfilling the duty to thwart or report the offense



CONFIDENTIALITY CONCEIVED IN VERY BROAD TERMS

- All facts with which healthcare professionals meets
 - Diagnosis
 - Medical procedure
 - Information about relatives (family history)
 - Any information regarding patient





HANDLING MEDICAL DOCUMENTATIO N



MEDICAL DOCUMENTATION

- What do you imagine under it?
- Writing doctor into papers?
- Is it really just a paperwork?
- It would be impossible to cure anyone rationally in practice without medical documentation!
- Medical documentation contains a lot of confidential data and therefore deserve special protection and treatment!



EXAMPLE OF A DATA IN A MEDICAL DOCUMENTATION

- Mrs Hancock was treated in her teens with anorexia, she underwent two abortions by her request and is HBsAg positive and has now been diagnosed with cervical cancer; she lives with her mother, who is on a disability pension due to schizophrenia and a sister who is a prostitute. Her father shot himself when she was little.



REMEMBER!
MEDICAL DOCUMENTATION
ALWAYS CONTAINS
SENSITIVE PERSONAL
DATA!!!



MAINTENANCE OF A MEDICAL RECORDS

Conditions for maintenance of a medical records are set by the law and the decree of the Ministry of Health

Medical documentation can be kept

- In a paper form
- In an electronic form
- In a combined paper and electronic form



MEDICAL DOCUMENTATION

- The law imposes to keep medical records conclusively truthfully and legibly! The information in it must be continuously and promptly updated
- It always must be clear who carried which notation!



ACCESS TO A MEDICAL DOCUMENTATION



Especially healthcare professionals who provide health care services directly to a patient.



Furthermore persons specified by law (there are many of them, for example inspecting physicians of a health insurance, employees of specified offices, forensic experts, etc.)



Patient himself has also access to a medical documentation, his legal representative or guardian or any other person specified by the patient.



STUDENTS AND A MEDICAL DOCUMENTATION

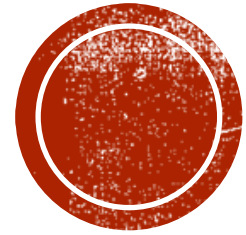
- Persons practicing for the profession of a medical professional may inspect the medical documentation to the extent strictly necessary for teaching.
- The patient may prohibit access to his medical documentation to students.



SANCTIONS

- The Health Services Act imposes penalties for improper management of medical documentation.
- The unauthorized disclosure of the information contained in the medical documentation is always a violation of the mandatory confidentiality



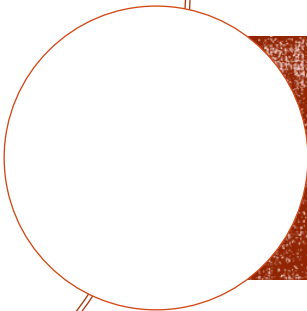


COMMUNICATION WITH FAMILY MEMBERS AND PUBLIC AUTHORITIES

INFORMATION REQUESTS ABOUT THE HEALTH STATUS OF A PATIENT BY PERSONS OTHER THAN THE PATIENT



Family members



Public authorities (for example, the Police of Czech Republic, courts, various administrations, etc.)



FAMILY OF A PATIENT

- Caution! Fully competent patient decides on the disclosure of information about his health condition by himself, even towards the family members of the patient (persons close).
- A patient may designate any person (even unrelated) who may receive information about his health and vice versa, without his consent it is not possible to disclose confidential information even to persons close to the patient.
- The exception is if the patient's condition requires that these people have to care about the patient, or it is necessary to protect their health.
- In a case of a patient who is not fully sui juris, the right to decide on disclosure of information about the health of this patient to third parties has fundamentally his legal representative or guardian (determined by a court).



DISCLOSURE OF HEALTH INFORMATION

- Information about health of a patient are being given by the attending medical personnel!
- Students of medical faculties do not give any information about health of patients to anyone, even family members of the patient!



INFORMATION ON PATIENTS' HEALTH REQUESTED BY PUBLIC AUTHORITIES

- Compulsory confidentiality of healthcare professionals is required by law and has great social significance
 - Remember the right to privacy
- Public authorities, including the police and the courts, can require information about health of a patient only in cases determined by a law.
 - For an example it is not enough that a policeman comes to the hospital and asks about the patient's health condition (typically at injuries caused by the other person).



OBLIGATION TO NOTIFY

- In certain cases there is the so-called notification obligation when everybody (not only a healthcare professional) has to notify the Police of the Czech Republic upon the fact that a crime of cruelty or wilful grievous bodily harm (a serious injury) was committed.
- In certain cases of children patients it is necessary to inform the authority of social and legal protection of children.
 - Such as underage drinking, abuse of addictive substances, or when there is suspicion that a crime endangering health or life, human dignity or moral development was committed on them.
- At the hospital, however, this reporting obligation should be primarily met by the attending healthcare professionals, not students.



REMEMBER!

Not everyone who cares about the health of the patient is entitled to this information!

This also applies to family members of the patient and public authorities.



CONCLUSION

Students should not be providing information about the health status both to the patient and third parties (family members, public authorities and others).



THANK YOU
FOR YOUR
ATTENTION

