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## **General Medical Council (GMC) response to the Equality and Social Justice Committee's Inquiry into data justice**

Dear Jenny,

Thank you for writing to us with the Committee's inquiry into data justice and doctors' roles in data security and handling patient data. Our Director of Strategy and Policy, Shaun Gallagher, has asked me to respond to this query on behalf of the General Medical Council, in my role as GMC Head of Wales.

We do not provide doctors with training on data and information governance. Our role as regulator is to set the outcomes of medical education and training, and not to deliver specific training content – that is provided by medical schools and medical royal colleges.

Below we have highlighted relevant parts of our guidance related to data protection and confidentiality. You will also find some information on what we expect from medical graduates with regards to data security. We have also included information on our Outreach offer for health boards and medical schools across the UK.

### **Ethical guidance**

Confidentiality is an important legal and ethical duty that underpins confidence in patients' trust in doctors. We publish detailed guidance on when it is and is not appropriate to disclose confidential patient information. This can be found in paragraph 9 of the ethical guidance for doctors on [Confidentiality: good practice in handling patient information](#).

The main principles of this guidance can be found at paragraph 8. We have drawn together the most relevant provisions for this inquiry below:

*8a. Use the minimum necessary personal information. Use anonymised information if it is practicable to do so and if it will serve the purpose.*

*8c. Be aware of your responsibilities. Develop and maintain an understanding of information governance that is appropriate to your role.*

*8h. Support patients to access their information. Respect, and help patients exercise, their legal rights to be informed about how their information will be used and to have access to, or copies of, their health records.*

At paragraph 131 we outline the right patients have to access their own health records, subject to certain safeguards. Doctors should respect, and help patients to exercise, their legal rights to have access to, or copies of, their health records. The Information Commissioner's Office (ICO) gives guidance on what fees you may charge.

Our guidance also notes that appropriate information sharing is an essential part of the provision of safe and effective care. Patients may be put at risk if those providing their care don't have access to relevant, accurate and up-to-date information about them (see paragraph 2). This is of particular relevance in the context of e-prescribing, which is a key focus of the Committee's inquiry on data justice.

In our guidance on [Good practice in prescribing and managing medicines and devices](#) we are clear doctors should only prescribe medicines if they have adequate knowledge of the patient's health and are satisfied the medication serves their needs. Doctors must consider whether they have sufficient information to prescribe safely, for example, if they have access to the patient's medical records and can verify relevant information and whether they can share it appropriately after an episode of care (see paragraph 20). We go on to outline the relevant factors for doctors to consider in deciding whether they have sufficient information about their patient to prescribe a treatment at paragraphs 27-33.

We also outline how doctors must contribute to the safe transfer of patients between healthcare providers and between health and social care providers by sharing information after the provisions of care at paragraphs 53-8.

Our guidance provides a framework for decision-making. Doctors are expected to be familiar with and follow our ethical guidance and be able to explain any serious or persistent failure to follow it.

### **Outreach support**

Our Liaison Advisors hold sessions on our guidance with medical students and doctors across the UK. Liaison Advisors who cover Wales offer sessions on Patient (Clinical) Record Keeping to health boards. The session is designed to help increase doctors' knowledge of issues around record keeping in medical practice. This covers patient confidentiality, rules around data protection, and patients' access to records.

## Medical education and training

We set the standards for medical education providers so their trainee doctors and graduates meet the generic professional capabilities, and attain the outcomes expected of them.

We set out standards around information governance to ensure that doctors are able to ensure the necessary safeguards for, and appropriate use of, patient and personal information.

### What we expect from graduates

[Outcomes for graduates](#) sets out the knowledge, skills and behaviours that new UK medical graduates must be able to show, which serves as a basis for medical schools to develop their curricula and programmes of learning.

In relation to maintaining data security, we expect the following from graduates:

#### *Outcome 1: professional values and behaviours*

4. Legal responsibilities: we expect newly qualified doctors to demonstrate knowledge of the principles of the legal framework in which medicine is practised in the jurisdiction in which they are practising and have awareness of where further information on relevant legislation can be found.

#### *Outcome 2: professional skills*

19. Using information safely and effectively- newly qualified doctors must be able to use information effectively and safely in a medical context, and maintain accurate, legible, contemporaneous and comprehensive medical records. They must be able to (among other things):

- b. Apply the requirements of confidentiality and data protection legislation and comply with local information governance and storage procedures when recording and coding patient information;
- c. Explain their professional and legal responsibilities when accessing information sources in relation to patient care, health promotion, giving advice and information to patients, and research and education.

### Medical Licensing Assessment

From 2024/2025 onwards, all graduates from UK medical schools will undertake the Medical Licensing Assessment as part of their degree, which will set a common threshold for safe medical practice.

This means that all UK medical students will be assessed on using and recording information safely and effectively before graduating.

## Postgraduate training

Our [Generic Professional Capabilities framework](#) sets out the essential generic capabilities needed for safe, effective and high-quality medical care in the UK. This document contains educational outcomes, which are based on the professional responsibilities of doctors, that are incorporated into postgraduate curricula.

In relation to data security, we expect the following outcomes:

### *Domain 2: Professional skills*

#### Practical skills

Doctors in training must be:

- able to demonstrate a clear and appropriate knowledge of the legal aspects of digital and written records;
- able to demonstrate an appropriate knowledge of information governance, data protection and storage;
- able to demonstrate appropriate IT skills, including word processing and data collection.

### *Domain 3: Professional knowledge*

#### National legislative requirements

Doctors in training must be aware of their legal responsibilities and be able to apply in practice any legislative requirements relevant to their jurisdiction of practice, for example:

- data protection and confidentiality.

I hope the information set out above is of some help but please do get in touch with us at [GMCWales@gmc-uk.org](mailto:GMCWales@gmc-uk.org) if you have any further questions.

Kind regards,

Gethin Matthews-Jones



Head of GMC Wales