

Confidentiality and disclosure

Key

- R** A **right** you have as a user of a service
- E** An **expectation** you should have as a user of a service, based on best practice and professional standards
- A** This is **advice** on how to get the most out of your services

How will my personal information be handled?

You have the right to privacy and confidentiality and to expect the NHS to keep your confidential information safe and secure.¹ **R** You have a right to see your patient records.

You should be asked for consent before your HIV clinic shares the fact you have HIV with other healthcare professionals outside your HIV healthcare team. You can also ask for copies of any letters about your health that are sent to other doctors.¹ **R**

The personal information you provide to the local authority to apply for support services will be treated confidentially. This information will only be shared with people who need to know it in order to provide you with services.² **R**

Some types of personal information are considered 'sensitive' under the law. This includes information about your physical or mental health, sexual life, ethnic origins, political views and any criminal offences.³ **R** Before your local authority uses any of this information, they will need to ask your permission. They cannot assume that you give consent to use it.

Make sure you let the local authority know if there are people involved in your care who you don't want to know about your HIV status. For example, if you have a support worker helping you in the home and you'd rather not have them know your status, say this to the local authority.

[1] NHS Constitution <http://www.nhs.uk/choiceintheNHS/Rightsandpledges/NHSConstitution/Pages/Overview.aspx>

[2] English Common Law; Data Protection Act <http://www.legislation.gov.uk/ukpga/1998/29/contents>

[3] Data Protection Act 1998 <http://www.legislation.gov.uk/ukpga/1998/29/contents>

Can I get support with telling my partner/s about my HIV?

After you are diagnosed with HIV, you will be offered support with telling your current and previous partners about your HIV status.¹ **E** This is called 'partner notification' or sometimes 'contact tracing'. This can be done in a number of ways. Your HIV clinic can work with you until you feel ready and able to tell your partner/s that you are HIV positive. They can contact your partner/s on your behalf (anonymously if you want) with your permission. Or you might come to an agreement with your clinic that if you haven't been able to tell your partner/s by a certain date, they will do it for you (again, this can be anonymous).

Partner notification is not only for newly diagnosed people. You can also get support at any time with telling any new partners you have that you are living with HIV.¹ **E**

HIV support organisations are also able to provide emotional support and practical guidance on how to talk to partners about HIV. You can find local HIV services by asking at your HIV clinic or searching online:

- <http://www.lifewithhiv.org.uk/organisations>
- <http://www.aidsmap.com/e-atlas>

The **MyHIV** <http://www.myhiv.org.uk/> website is another source of support. It includes a confidential forum where you can talk to other people living with HIV about the issues and concerns you have, including telling partners about your HIV.

[1] BHIVA Standards of Care – Standard 7 - Sexual health and identification of contacts at risk of infection. <http://www.bhiva.org/standards-of-care-2012.aspx>

Do I need to tell my GP that I have been diagnosed with HIV?

It's a good idea to tell your GP about your HIV diagnosis. **A** HIV is a long-term condition and GPs can help you manage your health. It is also important that GPs know what medication you are on so that they don't prescribe anything that interacts with it. **A**

However, you do not have to tell your GP. You also don't have to tell them immediately after diagnosis – you can wait until later. You can also register with a new GP if you don't feel comfortable disclosing to your current one. (For more information see **Primary Care** <http://msd-hiv.qa.bigpink.net/my-gp> information).

Will my GP tell anyone else about my HIV status?

Your GP is not to tell anyone about your HIV status without your consent.¹ **R** This includes people who work for other parts of the NHS, your employer or children. But as your HIV status will normally be recorded in your patient notes, people working in the GP practice may be able to see this. You can ask your GP how they plan to record your HIV status and who will be able to see it.

The NHS uses two different kinds of consent: 'explicit' and 'implied'. Explicit consent means you have been asked and given your agreement for your personal information to be shared for a particular reason. For example, your GP may be asked to provide information about your health for an application for housing or welfare benefits, and will check with you before sending it over.

Implied consent refers to situations where your actions show that you give consent to share personal information. For example, if your GP suggests a referral to another specialist and you agree, they may assume you consent for your details to be passed on to that specialist. If you are worried about your GP assuming implied consent to share your HIV status, have a conversation about it. Make it clear when you want to be asked explicitly for your consent to have your information shared. 

You also have a right to receive a copy of any letter your GP sends another doctor about your care.¹ 

[1] Handbook to NHS Constitution, March 2013.

<http://www.nhs.uk/choiceintheNHS/Rightsandpledges/NHSConstitution/Pages/Overview.aspx>