

Patient confidentiality in sexual health services

1. This note provides an update on the policy and practice on sharing patient information relating to sexually transmitted infections (STIs) obtained in self-referral open-access sexual health services, integrated sexual health services and contraceptive services.
2. Following the Health and Social Care Act 2012, in England the NHS Trusts and Primary Care Trusts (Sexually Transmitted Diseases) Directions 2000 apply only to the few remaining NHS hospital trusts and they do not apply to NHS Foundation Trusts or the wider range of services that now provide STI testing and treatment. The 2000 Directions will cease to have effect once the remaining trusts become Foundation Trusts. However, our policy remains unchanged in that people should continue to use the sexual health services mentioned in paragraph 1 with assurance that information on STI testing, diagnosis and treatment will be not be included in their shared patient records without their consent.
3. The Directions do not directly address how patient information and records are retained. Nor do they prohibit the sharing of patient data for public health purposes under the Health Service (Control of Patient Information) Regulations 2002, or local authorities from receiving anonymised patient information for the purposes of cross-charging. In practice, most NHS sexual health services maintain separate patient records (or their electronic equivalent) which remain within the service. Information is not shared with other NHS services, including the person's GP and information about attendance, STI testing or treatment is not recorded in a patient's shared NHS records. This practice encourages people to use sexual health clinics and get tested and treated for STIs without fear that very personal information will be shared with their GP or other NHS services. This is best practice and the Department of Health therefore recommends that it be maintained. Information obtained in integrated sexual health services (providing STI and contraceptive services) and contraceptive services will be shared within the integrated team.
4. To ensure patients with diagnosed HIV are treated safely and appropriately across the NHS, information for people receiving HIV treatment and care services is, with their consent, shared with other healthcare professionals, including their GP. However information about an HIV patient's use of NHS sexual health clinics for STI testing and treatment would not be disclosed without their consent.
5. Given the limitations of the current Directions, in that they apply only to the remaining NHS hospital trusts, DH is committed to working with key stakeholders to explore other existing legislation/law which supports maintaining separate records for people using

self-referral sexual health services for STI testing and treatment. DH will then consider the need for further guidance setting out the legal position.

September 2015