



CDA Position on Personal Data Protection

Dental Records - Confidentiality, Transfer and Third Party Access

Dental records are collections of sensitive personal patient information compiled to allow dentists and other dental health care providers to provide dental treatment, provide continuity of care and maintain optimal standards of care. Original dental records compiled by a dentist are the legal property of the dentist.

Patients have a legal right to examine and copy their records and to control the use and dissemination of the information contained in their records. Dentists require patients to provide complete, accurate and intimate health details in order to provide safe and effective treatment. Therefore, ownership of original dental records obligate the security and confidentiality of this information contained therein which may be developed only with the permission of the patient except when otherwise required by law.

Patients have the right to control disclosure of their dental records to others. Release of information must be informed; must be specific and for a one time event; must afford the patient an opportunity to review that information requested and being released prior to the transfer and with an opportunity to withdraw prior consent; must not be used for any purpose other than the primary and specific use requested; and must be with the patient's permission, preferably in writing.

Patients are entitled to receive dental care in a confidential setting free of third party intrusion. Release of patient information to third parties must adhere to the basic principles of confidentiality and patient rights outlined above with the intention of enabling patients to review any and all third party benefits to which they may be entitled. Patients may be unaware of the information third parties may have access to under broad based consents to release dental records and the scope of this information may exceed the needs of third party to determine benefits. It becomes the responsibility of the dentist and other dental health care providers to protect the confidentiality and privacy of their patients.

Where a third party (e.g. government agency, Canada Revenue Agency, dental association or insurance company) has received patient permission to use information from the patient's dental records for financial audits, all patient identity and unrelated information (e.g. health history, personal information) shall first be removed from the records. No third party can demand access to patient dental records (including financial records) except with specific patient consent in writing, by legal statute or by court order.

Approved
CDA Board of Directors
November 2007