Data security: How not to become the next Ashley Madison

By Naz Haque, UK

At the heart of the relationship between a dentist and a patient lies trust and respect. Unless you have been hiding under a rock, I am sure you have heard of the Data Protection Act (DPA) 1998 and patient confidentiality, both of which exist to support these relationships. Recent events, such as the Sony or, more currently, the Ashley Madison breach, have brought to public awareness the importance of securing one’s data.

Data security and governance is a very tricky area. I must make it clear I am not a lawyer, and practices should make their own decisions about specific aspects of Care Quality Commission (CQC) compliance. I am a highly experienced information technology professional with a good understanding of data protection and other relevant legislation. All interpretations provided here are my own.

Even if a dental practice has not embraced the digital age and all records and correspondence are in ink and paper based, the practice still has a number of responsibilities regarding data security. As dental practices collect patient details, they must register with the Information Commissioner’s Office (ICO). Dental records must be stored safely and securely for a number of years (up to six years for the National Health Service; NHS) and kept for a maximum of 30 years (Department of Health).

Aside from the General Dental Council, NHS and CQC governing bodies in the UK, there are a number of legislative acts, the DPA being the most well known, that require dental record storage, such as the Consumer Protection Act 1987, under which an action could arise for a defective product, which an action could arise for a defective product (such as retainers or aligners), which relates to custom-made devices. All interpretations provided here are my own.

Even if a dental practice has not embraced the digital age and all records and correspondence are in ink and paper based, the practice still has a number of responsibilities regarding data security. As dental practices collect patient details, they must register with the Information Commissioner’s Office (ICO). Dental records must be stored safely and securely for a number of years (up to six years for the National Health Service; NHS) and kept for a maximum of 30 years (Department of Health).

The ICO can issue monetary penalty notices, requiring organisations to pay up to £500,000 for serious breaches of the DPA occurring on or after 6 April 2010. If you have reservations, there are a number of solutions to protect practices from these risks. Clients at Dental Focus expect us to take care of online compliance and provide guidance on keeping up-to-date and resolving these issues. Make sure your data is secured and protected before it is too late.