

Responsible Officer and Appraisal Networks Information Sheet 33

DISCLOSURE OF APPRAISAL INFORMATION TO THIRD PARTIES (v1.0, Oct 2019)

On receiving a request to disclose information from a doctor's appraisal to a third party a responsible officer must decide whether to comply. It is helpful to consider the principles by which to make this decision.

- Information from a doctor's appraisal is confidential to the doctor and the appraiser, with access by the responsible officer as necessary to discharge their regulatory functions, and by others, e.g. police or the courts, only under specific circumstances.
- Doctors must have confidence in the confidentiality of their information to engage fully and openly with appraisal. Also, legal and statutory agencies must have access to necessary information to protect the public and uphold the law. Every designated body must define their arrangements for access to appraisal information. For NHS England/Improvement this is contained in the Appraisal Documentation Access Statement. This may be useful to other designated bodies developing their own statements.
- Information disclosed cannot be 'un-disclosed': even if a short timescale is presented by the requesting agency the need for this should be understood. It is better to withhold until the necessity for disclosure is clear, possibly even to the point of requiring court instruction.
- The request should be clarified as this may lead to withdrawal or reduction of the information being sought. For example, disclosure may be justifiable if specific information is being sought but not if a non-specific 'information sweep' is being performed. Investigation of a serious offence or the fact that the doctor has been charged might warrant disclosure compared to a lesser offence or where the investigation is at a preliminary stage.
- Preferred practice is that a responsible officer should confer with colleagues before disclosing. Suitable sources of advice include: local data controller, Caldicott Guardian, legal team, local fellow responsible officers, higher level responsible officer, indemnity organisations.
- Where possible the doctor should be informed when information is shared about them. On occasion this is not possible, e.g. if there is a risk that doing so may jeopardise a criminal investigation. Again, the responsible officer is encouraged to consider this carefully.
- It is good practice that the responsible officer is directly involved in these decisions and that there is a record of the decision-making process.

<https://www.england.nhs.uk/medical-revalidation/appraisers/access-statement/>

This information sheet is relevant to all designated bodies in England.

These information sheets are written on an ad hoc basis, on issues of relevance to responsible officers and their teams, medical appraisers and doctors.

The latest version of all ROAN Information Sheets is available online via our SharePoint site. Contact england.revalidation-pmo@nhs.net for access.

