

Disclosing medical information to the customer

Whilst this guidance relates to the rules to be followed in providing personal information to a person other than the customer him/herself there are also particular conditions to be applied when considering providing personal medical information directly to the customer.

The Data Protection Act 1998 states that certain medical information can be withheld if disclosing the information would be likely to cause **serious** harm to the physical or mental health of the customer (e.g. a malignancy, progressive neurological disease or major mental illness of which the customer is unaware). **The decision on whether to withhold the information from the customer must not be made without first consulting an appropriate health professional** i.e. the professional currently or more recently caring for the customer.

The Data Protection (Subject Access Modification) (Health) Order 2000, allows DWP to continue its current approach of using its own properly qualified and suitably experienced doctors to make a decision on whether to disclose “sensitive personal data”. This will help to reduce any delay in tracing the customer’s GP and ensure that we meet the 40-day deadline when responding to a Subject Access Request from the customer.

In all cases a decision must be made on an individual basis.

If you are satisfied **beyond doubt** that the customer has already seen or is otherwise aware of the information, it can be disclosed without the file or papers being seen by a health professional.

Additionally, the file does not need to be seen by a health professional if:

- they have been consulted prior to receiving the request and an opinion obtained in writing that the material does not contain “harmful” information **and**
- that opinion is less than six months old **and**
- there has not been a change in their circumstances.

If you are in any doubt pass the file/records/papers to the relevant medical professional for their advice on whether to disclose or withhold the “harmful” medical information.

Further guidance can be found in the [Subject Access Request Guide](#).