

Title: Confidentiality of sexual health patients' information – what has history taught us and where do we stand?

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Key words: legislation, confidentiality, sexual health, public health, partner notification

Word count: 300

The rights of patients to access confidential care, without referral from, or sharing of, information with general practitioners or other health care professionals, is a founding principle of sexual health care in England. Indeed, the progressive Public Health (Venereal Diseases) Regulations 1916, described by Harrison in the first edition of the British Journal of Venereal Diseases, continues to influence the way that sexual health care is provided today.

Much of the subsequent legislation relates to maintaining this confidentiality, in the context of a National Health Service (NHS) and changes in the structure of health authorities. For example, amendments over the century include that The NHS (Venereal Diseases) Regulations 1968 allowed the sharing of information on contacts of STIs between different services without requiring patients' consent, and The NHS (Venereal Diseases) Regulations 1974 regulations broadened the coverage from syphilis, gonorrhoea and soft chancre to all STIs.

Forty years later, there was a major shift in the legislative approach, with the repealing of previous regulations in England and the introduction of the Health and Social Care (Safety and Quality) Act 2015. A key component of this legislation seeks to use confidential identifiers (i.e. the NHS number) wherever possible. Following advocacy from professional and patient groups, anonymous access to sexual health services is still possible. However, this is not an obligation, with issues of confidentiality matching other areas of medicine. Linkage to NHS Number, where available and with patient's consent, could improve patient journeys across primary and secondary care and allows for more robust surveillance.

The impact of these most recent changes on services which are becoming increasingly stretched, fragmented and run by private providers has yet to be seen. Novel mechanisms of service delivery, such as eHealth, raise further issues. This is unlikely to be the end of the legislative road ...

¹Web appendix