

# **The balance between confidentiality and public safety.....an AME perspective.**

**Dr Kevin Herbert. UK AME 10187  
Chairman Association of Aviation Examiners.  
President European Society of Aerospace Medicine.**

# Definitions

- Confidential.

‘Intended to be kept secret’

- Confidentiality.

‘Is a set of rules or a promise that limits access or places restrictions on certain types of information.’

- Secrecy.

The action of keeping something secret or the state of being kept secret.

# My AME practice

- AME practice in the UK, since 1999.
- Medical Information stored on 'AME on-line' system at the CAA.
- Direct entry onto system including scanned documents, submission of electronic documents.
- Access to named AME, and CAA medical staff (including administrative and IT).

# AME on-line (AoL)

PLD 2000

File Edit View Maintenance Process AME Window Help

Welcome kevin.herbert to the AME Online System

Welcome kevin.herbert to the AME Online System

System Status

PLANNED MAINTENANCE THIS SUNDAY 22nd. AME Online will be down between 1200 and 1600.  
DO NOT logon during this period. Any work loaded during this time will be lost.

DATE	Status
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Examinations In Progress

CAA Ref	Name	Started	Date In	Stage	Service Group : Service Type
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Find Applicant Select Exam Close

09:52:59-Ready kevin.herbert on PLD2000 via LGW 23/11/2015 09:53

# Regulation

- As a doctor. The General Medical Council (GMC)
- 'Good Medical Practice' 2013
- 'Confidentiality' 2009
- As an AME. The UK Civil Aviation Authority.

# GMC Confidentiality 2009

8. Confidentiality is an important duty, but it is not **absolute**. You can disclose personal information if:

- (a) it is required by law (see paragraphs 17 to 23)
- (b) the patient consents – either implicitly for the sake of their own care (see paragraphs 25 to 31) or expressly for other purposes (see paragraphs 32 to 35)
- (c) it is justified in the public interest (see paragraphs 36 to 56).

# Consent

(31) **Declaration:** I hereby declare that I have carefully considered the statements made above and that to the best of my belief they are complete and correct and that I have not withheld any relevant information or made any misleading statement. I understand, that if I have made any false or misleading statement in connection with this application, or fail to release the supporting medical information, the Licensing Authority may refuse to grant me a medical certificate or may withdraw any medical certificate granted, without prejudice to any other action applicable under national law.

**CONSENT TO RELEASE OF MEDICAL INFORMATION:** Please read the statement below in relation to disclosure of information. The CAA takes the security of your personal information very seriously. Information is only disclosed to persons who are subject to a duty of confidentiality and where there are sufficient security measures in place to protect personal data. If you do not consent to the disclosure of information as described below, you may make representations to [medicalweb@caa.co.uk](mailto:medicalweb@caa.co.uk).

In submitting this application, I am consenting to the disclosure to third parties of all information which I have provided to the CAA and that relates to me. I understand that information would only be disclosed to third parties by the CAA for regulatory purposes. This may include providing information to other medical professionals. Administrative workers and/or IT workers who are assisting the CAA with its regulatory functions may also be given access to personal information in the course of their professional duties.

My attention has been drawn to the CAA Medical Department's Fair Processing Notice which is published on the CAA's website .

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Date

-----  
Signature of applicant

-----  
Signature of AME (Witness)

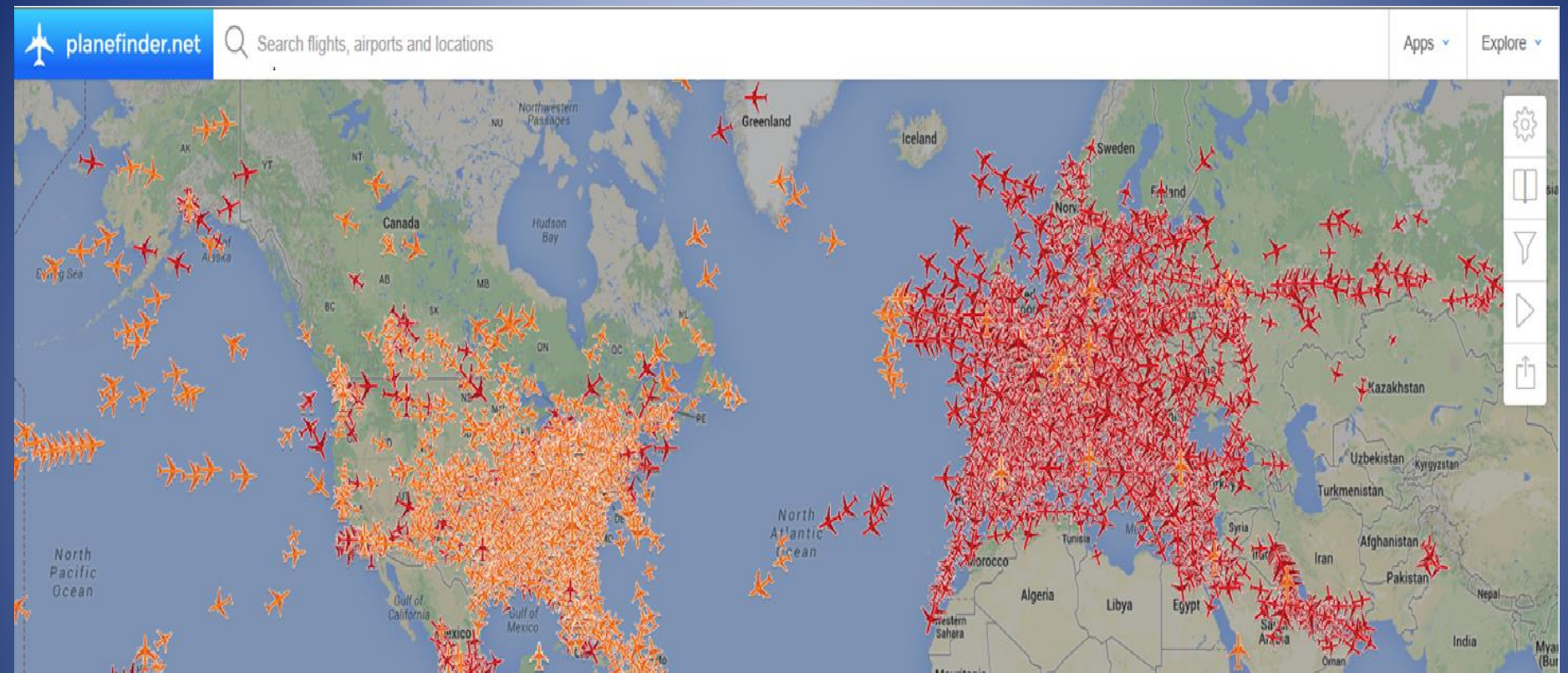


**The truth, the whole truth.....**





# The reality..



**‘Atypical employment contracts’**  
**‘No fly. No pay’**  
**‘Pay to fly’**

**Walking a tightrope?**







**Pilot's all-  
purpose  
visual acuity  
chart.**

**D O**

**N O T**

**T E L L**

**Y O U R**

**A M E A N**

**Y T H I N G**

# And when the AME shares information inappropriately?



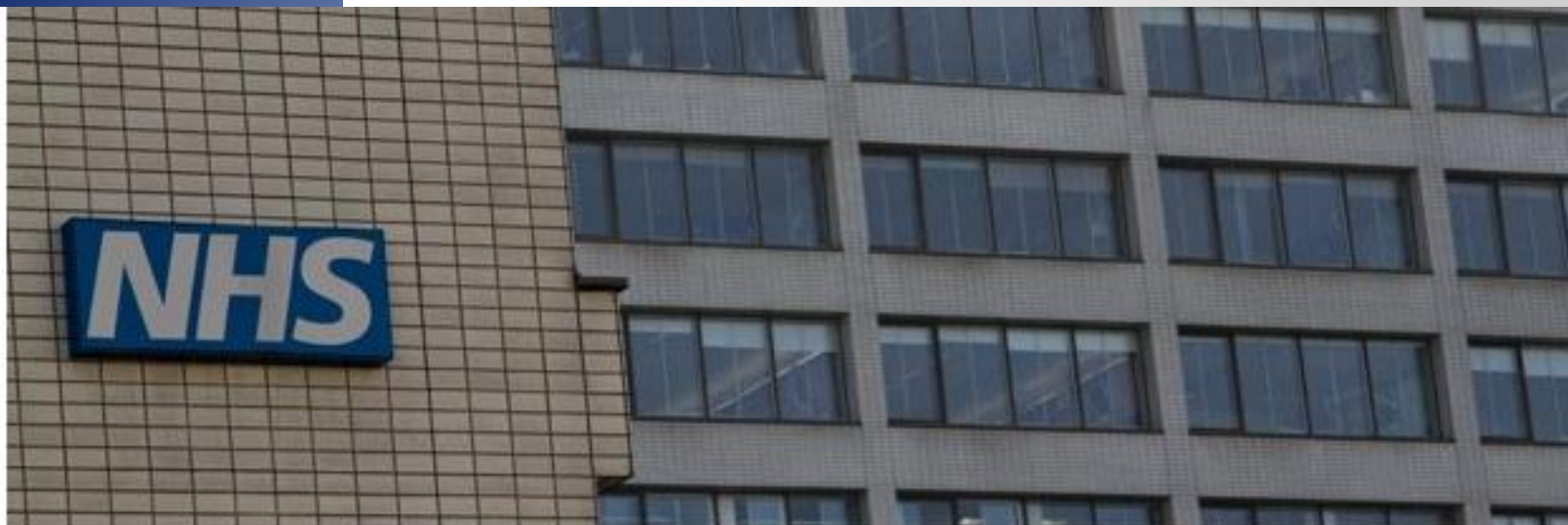
# GMC





**And when they don't share information at all?**





Frances Gibb Legal Editor

Last updated at 12:01AM, November 27 2015

A woman is suing doctors who failed to warn her that her father suffered from a hereditary brain disease before she gave birth to her own child.

The woman later discovered that she had the same Huntington's gene as her father. Her daughter, who is now five, has a 50 per cent chance of inheriting the incurable degenerative disease.

The woman, in her 40s, maintains that she would never have given birth if she had known about her father's condition. He did not want to tell her because he feared that she would kill herself or have an abortion.

In

**Ms M only found out about her father's condition when his doctor let it slip**

Corbis

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Last upda



# Will more rules work?



# GMC guidance

## GPs to report drivers unfit for the road



Graeme Paton Transport Correspondent  
Published at 12:01AM, November 25 2015

GPs have been told to inform the licensing agency of patients who continue to drive despite suffering from poor eyesight and blackouts.

New guidance from the General Medical Council says that doctors have a duty to warn the authorities if patients get behind the wheel

New guidance from the General Medical Council says that doctors have a duty to warn the authorities if patients get behind the wheel against medical advice  
Times Newspapers Ltd

# Shared understanding

- Different states, difference approaches (and definitions?) to confidentiality.
- Does it matter as long as pilot/AME know where the balance sits?
- Would a consistent EU 'duty' be helpful?
- Confidentiality underpins the entire clinical process.
- Consent to disclosure is the preferred option.
- The threshold for breaching confidentiality is high.



A question of balance.

**TRUST**

**TRUST**

**TRUST**



**THANK YOU.**