

Amendment to ACP Code of Professional Conduct and Ethics (2014)

Section 5 - Use of information about patients for purposes of professional development,
research and related purposes

**5. Using information about patients for purposes of professional development,
research and related purposes**

5.1. The best interests of the patient are paramount and must be protected in all reports of contact with patients made for the purposes of the professional development of the member, of the profession as a whole, and of other professionals, to whom members provide training and support.

5.2. When publishing or orally presenting material about their practice, if including patient material members must ensure that:

5.2.1. Anything that would enable the patient to be identified (either from the information itself, or from that information combined with other information that recipients can access) should be removed or anonymised unless the patient expressly consents to being identified having been made fully aware of the consequences.

5.2.2. Disclosure of information given in the course of psychotherapy should be made with the consent of the patient when it is possible and if clinically appropriate to do so. Where they are unable to take part in decision making and give such consent, a parent or other person with parental responsibility should be asked to give consent (because the patient is legally entitled to expect that, when information is given in the course of a psychotherapy, it is being given for that exclusive purpose);

5.2.3 Where it has not been possible to obtain consent, the author(s) need to provide a written statement to demonstrate and provide evidence that they have given significant consideration to the process of seeking consent and the reasons why this has not been achieved.

5.3. Any consent for the purposes of 5.2.1 or 5.2.2 should be sought a reasonable time before publishing or orally presenting the material (to take account the patient's current views and allow them time to consider their position). General consent given at the start of the psychotherapist-patient relationship is not sufficient to meet this requirement.

5.4. Publishing any audio or video recording of anything said or done by a patient during the course of psychotherapy to any third party will be a highly exceptional course because of the difficulties of preserving patient confidentiality and controlling such information outside the strict confines of the psychotherapy relationship. Publication of such recordings should also only occur with the consent of the patient and then only when the implications have been fully explained and it is clear they are fully understood. Save in exceptional circumstances, there will also need to be robust and legally enforceable measures in place to protect their identity and a legitimate public interest in publishing the recording.