



Confidentiality: reporting concerns about patients to the DVLA or the DVA

1 In our *Confidentiality* guidance, we advise that:

36 There is a clear public good in having a confidential medical service. The fact that people are encouraged to seek advice and treatment, including for communicable diseases, benefits society as a whole as well as the individual. Confidential medical care is recognised in law as being in the public interest. However, there can also be a public interest in disclosing information: to protect individuals or society from risks of serious harm, such as serious communicable diseases or serious crime; or to enable medical research, education or other secondary uses of information that will benefit society over time.

37 Personal information may, therefore, be disclosed in the public interest, without patients' consent, and in exceptional cases where patients have withheld consent, if the benefits to an individual or to society of the disclosure outweigh both the public and the patient's interest in keeping the information confidential. You must weigh the harms that are likely to arise from non-disclosure of information against the possible harm, both to the patient and to the overall trust between doctors and patients, arising from the release of that information.

53 Disclosure of personal information about a patient without consent may be justified in the public interest if failure to disclose may expose others to a risk of death or serious harm. You should still seek the patient's consent to disclosure if practicable and consider any reasons given for refusal.

2 The Driver and Vehicle and Licensing Agency (DVLA) and Driver and Vehicle Agency (DVA) are legally responsible for deciding if a person is medically unfit to drive. This means they need to know if a driving licence

holder has a condition or is undergoing treatment that may now, or in the future, affect their safety as a driver.

3 You should seek the advice of an experienced colleague or the DVLA or DVA's medical adviser if you are not sure whether a patient may be unfit to drive. You should keep under review any decision that they are fit, particularly if the patient's condition or treatments change. The DVLA's publication *For Medical Practitioners – At a glance Guide to the current Medical Standards of Fitness to Drive* includes information about a variety of disorders and conditions that can impair a patient's fitness to drive.

4 The driver is legally responsible for informing the DVLA or DVA about such a condition or treatment. However, if a patient has such a condition, you should explain to the patient:

- (a) that the condition may affect their ability to drive (if the patient is incapable of understanding this advice, for example, because of dementia, you should inform the DVLA or DVA immediately), and
- (b) that they have a legal duty to inform the DVLA or DVA about the condition.

5 If a patient refuses to accept the diagnosis, or the effect of the condition on their ability to drive, you can suggest that they seek a second opinion, and help arrange for them to do so. You should advise the patient not to drive in the meantime.

6 If a patient continues to drive when they may not be fit to do so, you should make every reasonable effort to persuade them to stop. As long as the patient agrees, you may discuss your concerns with their relatives, friends or carers.

- 7** If you do not manage to persuade the patient to stop driving, or you discover that they are continuing to drive against your advice, you should contact the DVLA or DVA immediately and disclose any relevant medical information, in confidence, to the medical adviser.
- 8** Before contacting the DVLA or DVA you should try to inform the patient of your decision to disclose personal information. You should then also inform the patient in writing once you have done so.

