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## **Sharing information about medical students' fitness to practise with other organisations**

Medical students must be held to a high standard of professional behaviour, not least because they could potentially harm patients in the course of their studies, as well as after graduation.

Some behaviour by medical students is so serious that the students should not be allowed to pursue a medical degree or career. Currently information about serious misconduct is rarely passed on to other organisations. It is assumed widely that the Data Protection Act 1998 (DPA) prevents identifiable information about students being shared between one medical school and another, or between medical schools and other bodies including the GMC. I have been seeking advice on this issue.

### *The Information Commissioner's Office*

We wrote to the Information Commissioner's Office (ICO), the public body responsible for protecting personal information, to clarify the impact of the DPA on disclosure about fitness to practise outcomes at medical schools.

We sought advice on whether the DPA prevents information about adverse findings in student fitness to practise cases from being shared between medical schools, or between medical schools and other relevant organisations. The ICO indicates: *'the DPA does not represent a complete barrier to disclosure, rather it would allow it where it is necessary and proportionate and where certain conditions have been met'*.

The ICO suggests that data can be shared: *'Where there is a real issue about a student's fitness to practise and where this represents a risk to patients or members of the public then disclosure would seem to be justified.'*

However, there are certain considerations that should be taken into account before any disclosure. The ICO advises: *'Information should only be shared more widely where the medical school feels that there would be a real risk to the public should that individual be allowed to become a registered medical professional.'*

The ICO also indicates that students should be aware that information may be shared: *'before any disclosures occur schools should make sure the individual involved is aware that this may happen. When someone is subject to fitness to practise procedures at their medical school they should be made aware that, where appropriate, the information will be made available to other medical schools.'*

#### *GMC recommendations on sharing information*

The advice of the ICO makes it clear that medical schools are able to share certain information about students. Sharing information requires consideration of necessity, proportionality and reasonableness based on the need to protect the public from students who may harm patients if they are allowed to pursue medical education. Schools should follow the advice from the ICO about informing the students concerned.

In light of this advice, the Education Committee recommends that medical schools re-examine the kinds of information they pass to other medical schools, post-graduate deaneries, organisations providing clinical placements and other organisations including the GMC. Medical schools might wish to seek legal advice on how best to take forward mechanisms for sharing information in the context of the particular medical school's regulations.

We will continue to develop a better understanding of the DPA on student fitness to practise and welcome any thoughts or ideas in this area. In particular we will consider in more detail what sorts of adverse student fitness to practise findings may be passed on to other organisations. For example, would it be permissible to pass on information about a student who may pose a risk to patients should they fail to receive individually designed support and supervision?

We would also be interested in further information or advice you receive in light of these recommendations and do contact us if there are any points on which you would like further clarification.

As you know, the GMC and the Council of Heads of Medical Schools are developing guidance on student fitness to practise that will address issues of professional behaviours, areas of conduct that may raise concerns and key elements in student fitness to practise arrangements. The draft guidance will be out for formal consultation in early 2007 and we welcome your feedback and participation.

Yours sincerely,



Professor Peter Rubin  
Chair of the Education Committee