Balancing confidentiality and the information provided to families of patients in primary care

M D Pérez-Cárceles, J E Pereñíguez, E Osuna, A Luna

Background: Medical confidentiality underpins the doctor–patient relationship and ensures privacy so that intimate information can be exchanged to improve, preserve, and protect the health of the patient. The right to information applies to the patient alone, and, only if expressly desired, can it be extended to family members. However, it must be remembered that one of the primary tenets of family medicine is precisely that patient care occurs ideally within the context of the family. There may be, then, certain occasions when difficulty will arise as to the extent of the information provided to family members.

Objectives: This study aimed to describe family doctors’ attitudes to confidentiality and providing patient information to relatives as well as their justifications for sharing information.

Method: A descriptive postal questionnaire was self-administered by family doctors.

Results: Of 227 doctors, 95.1% provided information to a patient’s family and over a third (35%) disclosed information to others without prior patient consent.

Conclusions: The findings reveal that family doctors should pay more attention to their patients’ rights to information, privacy, and confidentiality, and reflect very carefully on the fine balance between this and the occasional need for the support and collaboration of family members in delivery of care. Emphasis should be placed on ethics and legal problems during undergraduate education and in-service training of doctors.
(1) Do you provide information to patients' families?
(a) Yes
(b) No

(2) When providing information to patient's families, do you:
(a) Ask the patient first
(b) Do so without asking the patient first
(c) Only do so in the case of minors

(3) What form does such information take?
(a) Oral
(b) Written
(c) Both oral and written

(4) What type of information do you provide to family members?
(a) Complementary to that offered to the patient
(b) The same information
(c) None

To ascertain the amount of information doctors consider it necessary to give family members we used the three statements given in table 2 (which shows the extent to which the doctors agreed with each, as determined by a Likert scale of 1–4; 4 = highest degree of agreement). The reasons for offering information to family members were explored by the five statements given in fig 1 (which shows the extent to which doctors agreed with each on a Likert scale). We used one item to assess the importance given to confidentiality in different health problems determined by a Likert scale of 1–5 (5 = the most importance).

The questionnaires were mailed to 385 of 554 practising family doctors in the province of Murcia, chosen in a stratified random manner. They were asked to fill in the questionnaires on a voluntary and anonymous basis before returning them to the authors.

Statistical analysis
The SPSS 11.0 package was used for statistical analysis of the data using simple distribution of frequencies, association between variables (Pearson’s χ² test), and the Kruskal–Wallis test for intergroup comparison.

RESULTS
Socio-professional characteristics
The socio-professional characteristics of the sample are summarised in table 1. Of the professionals who completed the questionnaires most were aged 36–55 years (84.6%); the number of men comprising the sample was double that of women (64.3% v 35.7%, respectively) and most were married (78.9%). As regards the length of service, the largest group (52.4%) was formed by those who had been in practice for 11–20 years, followed by those who had been in practice for 21–30 years (26%). At the time of filling in the questionnaire, 30% had been in their present post for less than three years and 26% between three and five years. Those in their present post for more than 15 years were represented by the lowest (4.9%) and the rest provided both oral and written information. The doctors' professional training had involved an internship specialising in family and community medicine (49.8%), specialisation through different courses (30.4%), or transfer from other specialties (19.8%). Most doctors (92.1%) were exclusively employed in the public sector. The number of patients on each doctor's list varied from 1901 to 2100 for 32.6%, whereas 20.3% had fewer than 1500 patients. In the main (35.7%), the family doctors saw 41–50 patients per day. Approximately half the doctors practised in health centres that served as government accredited centres for training family doctors, and 70.9% dedicated four to six hours per day to seeing patients.

Table 1 Socio-professional characteristics of the study sample

<table>
<thead>
<tr>
<th>Category</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age, mean (SD)</td>
<td>44.2 (7.14)</td>
</tr>
<tr>
<td>Men (%)</td>
<td>64.3</td>
</tr>
<tr>
<td>Married (%)</td>
<td>78.9</td>
</tr>
<tr>
<td>Years in practice, mean (SD)</td>
<td>17.8 (7.55)</td>
</tr>
<tr>
<td>Work in a &quot;training health centre&quot; (%)</td>
<td>49.8</td>
</tr>
<tr>
<td>Work environment (%)</td>
<td></td>
</tr>
<tr>
<td>Rural (&lt;5000 inhabitants)</td>
<td>18.5</td>
</tr>
<tr>
<td>Semiurban (5000–15 000 inhabitants)</td>
<td>52.4</td>
</tr>
<tr>
<td>Urban (&gt;15 000 inhabitants)</td>
<td>29.1</td>
</tr>
<tr>
<td>Previous training (%)</td>
<td></td>
</tr>
<tr>
<td>Family doctor (internship)</td>
<td>49.8</td>
</tr>
<tr>
<td>Family doctor (other ways)</td>
<td>30.4</td>
</tr>
<tr>
<td>Other specialties</td>
<td>19.8</td>
</tr>
<tr>
<td>Type of practice (%)</td>
<td></td>
</tr>
<tr>
<td>Public</td>
<td>92.1</td>
</tr>
<tr>
<td>Public and private</td>
<td>7.9</td>
</tr>
<tr>
<td>Number of patients on list, mean (SD)</td>
<td>1786 (295.24)</td>
</tr>
<tr>
<td>Number of patients seen daily (%)</td>
<td></td>
</tr>
<tr>
<td>30–40 patients</td>
<td>18.9</td>
</tr>
<tr>
<td>41–50 patients</td>
<td>35.7</td>
</tr>
<tr>
<td>51–60 patients</td>
<td>29.5</td>
</tr>
<tr>
<td>&gt;60 patients</td>
<td>15.9</td>
</tr>
<tr>
<td>Time dedicated to seeing patients (%)</td>
<td></td>
</tr>
<tr>
<td>3–4 hours</td>
<td>10.6</td>
</tr>
<tr>
<td>&gt;4–5 hours</td>
<td>36.1</td>
</tr>
<tr>
<td>&gt;5–6 hours</td>
<td>34.8</td>
</tr>
<tr>
<td>&gt;6 hours</td>
<td>18.5</td>
</tr>
</tbody>
</table>

Figure 1 Percentage of family doctors who strongly agreed with the reasons provided for giving information to persons other than patients.

Providing information to relatives
In the present study 95.1% of family doctors provided information to a patient's family: 55.9% only did so after asking the patient for permission but 35.3% did not think this formality was necessary, and 8.8% said that they only informed the family if the patient was a minor (less than 18 years of age). The information was provided orally by 89%, and the rest provided both oral and written information. The type of information offered to families was complementary to that offered to the patient (52.4%) or the same (42.7%), and only 4.9% did not offer information to family members.

The extent to which doctors agreed with the reasons provided in the survey for offering information to the family
is depicted in fig 1, and the amount of information doctors consider family members need is shown in table 2.

Table 2: The amount of information relatives should be given: opinion of family doctors

<table>
<thead>
<tr>
<th>Information given</th>
<th>Total disagreement n (%)</th>
<th>Partial disagreement n (%)</th>
<th>Partial agreement n (%)</th>
<th>Total agreement n (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relatives should be given only the information that will enable them to help the patient</td>
<td>24 (10.6)</td>
<td>43 (18.9)</td>
<td>101 (44.5)</td>
<td>59 (26)</td>
</tr>
<tr>
<td>Relatives should be given only the information that the patient cannot assume or accept</td>
<td>8 (3.5)</td>
<td>7 (3.1)</td>
<td>108 (47.6)</td>
<td>104 (45.8)</td>
</tr>
<tr>
<td>Relatives should be given information only when the patient is incapable of understanding it</td>
<td>7 (3.1)</td>
<td>8 (3.5)</td>
<td>66 (29.1)</td>
<td>146 (64.3)</td>
</tr>
</tbody>
</table>

Evaluation of importance of confidentiality

The means (confidence intervals) of how the family doctors valued confidentiality with respect to different aspects of health, as determined by a Likert scale, were as follows: 4.52 (4.40 to 4.64) for sexuality, 3.98 (3.83 to 4.13) for illegal drugs, 3.76 (3.61 to 3.96) for legal drugs, 3.62 (3.47 to 3.77) for chronic illnesses, 3.59 (3.43 to 3.76) for mental illnesses, 3.55 (3.38 to 3.72) for acute illnesses, and 3.28 (3.11 to 3.44) for eating habits.

The importance given to confidentiality by the professionals surveyed as regards certain aspects of health care is summarised in fig 2. Sexual matters were considered important or very important by 92.3% of doctors and food related issues were given the least importance (39.7%).

We found statistically significant differences when evaluating confidentiality in the context of the socio-professional variables used to characterise the family doctors. The greatest degree of confidentiality was given to sexual matters by male doctors (p = 0.007), separated doctors (p = 0.0016) who work in a rural environment (p = 0.001) and who had trained as family doctors (p = 0.001), with less than 1500 patients on their lists (p = 0.005). Age, too, resulted in statistically significant differences. Those over 55 gave more importance to confidentiality in eating habits (p<0.001), acute illnesses (p<0.001), chronic illnesses (p<0.001), and mental illnesses (p<0.001).

DISCUSSION

The family doctors comprising our survey sample are representative of the general situation of the profession in Spain. They were mainly men, of middle age, married, and had children. They were at the height of their careers with a wealth of experience, mainly working in semiurban or rural communities and solely for the local health service. Their workload might be considered excessive, as judged from the high number of patients on their lists and the large number of patients seen every day. This had a negative effect on other types of activity that might also be considered as within the competence of primary care doctors.

A new law in Spain (41/2002) concerned with patients’ rights and doctors’ obligations in matters of clinical information and documentation, clearly specifies that the owner of such information is the patient. However, the law also states that people associated with the patient, either by family ties or more informal ones, may also be informed to the extent that the patient wishes. Article 7 of the law, which states that it is a right of every person that the confidential nature of data referring to his or her health be respected and that no-one can have access to such information without the patient’s permission, reinforces the patient’s right to privacy. However, it is clear from the results of our analysis that almost all family doctors provide information to family members and that over a third (35%) will disclose information to others without prior consent, implying that a high percentage are breaking the law. Medical information should...
only be shared with family members with the patient's consent, and ignoring this could result in a finding of professional misconduct.

Family doctors cite basically two reasons for providing family members with information concerning a patient: (a) because the family members are collaborating in the patient's treatment or (b) because they are caring for the patient. A small number of doctors justify the provision of information because family ties provide certain rights over the patient or because they wish to calm the anxiety of relatives, since ignorance of such information might cause concern. We are of the opinion that family or emotional ties do not constitute a right in itself; over and above what a patient might decide at a given moment.

The professional profile of the family doctor who does not consider it necessary to ask for the patient's permission before disclosing information is typically that of a doctor with more than 20 years' service, aged over 45 with a heavy workload (more than 2000 patients on their list and seeing more than 60 patients/day), and dedicating the least time to patients (three to four hours/day), which limits the time available per patient. Other characteristics of these doctors are firstly, they are not specialists in family and community medicine but have transferred from other specialties, and secondly, they do not work in centres providing training to new doctors, both of which strongly suggest that the ethical and legal aspects of the profession are better covered in family medicine courses. The same doctors mostly work in rural practices, where it is much more probable that they also attend to various members of the same family making it easier to share information without giving proper consideration to the matter. Indeed, the reason given for sharing information is precisely that family ties give a right to receive such information.

Lack of confidentiality is a major deterrent to good health care and one of the main reasons that patients are reluctant to divulge information. However, it is true that many people visit family doctors in the company of relatives or friends. This might seem to be a good idea since (a) the family context serves to illuminate patient disease, illness, and health, (b) family members might reveal the source of the illness, (c) discussing illness with friends and relations sometimes helps, (d) the family is probably deeply concerned about the patient's health, and (e) the family probably acts as a care resource and collaborator. However, the patients do not know in advance what questions the doctor will ask. In such a situation, patients may not wish to discuss sensitive topics (such as sexual habits, abortion, alcohol use, or usage other drugs) or even ostensibly trivial topics, since it is known that patients speak much more on matters concerning the relative importance doctors give to confidentiality, and that they should reflect very carefully on the fine balance between this and the occasional need for the support and collaboration of family members in offering care. Although it is a commonplace in primary care that treating an individual with a disease really means treating the family, traditional limitations as regards the scope of confidentiality sometimes seem to have been pushed too far. Perhaps it is time that family doctors paid more attention to their patients' rights to privacy. Family doctors should inform their patients that limited amounts of confidential information may need to be shared with other members of their family, and only that information necessary and relevant to the treatment of the problem will be shared. Doctors should be trained in psychosocial and discretionary skills to enable them to recognise those patients who need support and will feel more comfortable in the presence of a family member in the surgery.

Our survey shows that certain socio-professional characteristics of family doctors significantly affect the degree of privacy and confidentiality that a patient will receive. We found that sexuality is the most respected area, although statistically significant differences existed between doctors in this matter—family medicine specialists with a low workload and working in smaller rural centres respect confidentiality to a greater extent, despite the abovementioned greater likelihood of contact with other family members. It seems that, in this matter, they are more aware of the impact that the diffusion of this type of information might have.

In Spain, family doctors have a high workload and large numbers of patients on their lists. This has led to the formation of both internal and external pressure groups demanding that at least 10 minutes be allowed for each consultation and that doctors should have no more than 1500 patients, thus permitting them to discharge their professional obligations in a better way. It is interesting that the doctors who considered it necessary to seek the patient's permission before providing information to family members and those who assigned greater importance to confidentiality in our survey were precisely those with a lighter workload.

**Limitations of the study**

Since no similar studies are available in the referenced literature for Spain, our findings cannot be compared with elsewhere. In addition, the study was limited to public sector medicine and therefore the findings cannot be extrapolated to private practice.

**CONCLUSIONS**

Our results suggest that family doctors should pay more attention to their patients' rights to information, privacy, and confidentiality, and that they should reflect very carefully on the fine balance between this and the occasional need for the support and collaboration of family members in offering care. There are socio-professional factors too (principally excessive workload and previous training) that can be improved by health service managers and which seem to have a negative effect on patients' rights to privacy. We agree with Shrier et al. that emphasis should be given to ethics and legal problems during undergraduate education and in-service training.

**ACKNOWLEDGEMENT**

We thank Professor D Pérez-Flores for his help in checking the statistical analysis.
Authors’ affiliations
M D Pérez-Cárceles, E Osuna, A Luna, Department of Legal and Forensic Medicine, School of Medicine, University of Murcia, Murcia, Spain
J E Pereníguez, Health Center in Espinardo, Murcia, Spain

REFERENCES
12 Bewley S. Family secrets. Patients have right to privacy and confidentiality. BMJ 1997;315:1380.
Balancing confidentiality and the information provided to families of patients in primary care

M D Pérez-Cárceles, J E Pereñiguez, E Osuna and A Luna

J Med Ethics 2005 31: 531-535
doi: 10.1136/jme.2004.010157

Updated information and services can be found at:
http://jme.bmj.com/content/31/9/531

These include:

References
This article cites 16 articles, 3 of which you can access for free at:
http://jme.bmj.com/content/31/9/531#BIBL

Email alerting service
Receive free email alerts when new articles cite this article. Sign up in the box at the top right corner of the online article.

Topic Collections
Articles on similar topics can be found in the following collections

Confidentiality (94)
Legal and forensic medicine (409)
Research and publication ethics (490)
General practice / family medicine (94)
Patients (72)

Notes

To request permissions go to:
http://group.bmj.com/group/rights-licensing/permissions

To order reprints go to:
http://journals.bmj.com/cgi/reprintform

To subscribe to BMJ go to:
http://group.bmj.com/subscribe/