

Good Practice recommendation for screening patient notes

- The following paper explains the legal situation surrounding the issue of screening case notes. This document should be seen as best practice.
- Network coordinators should make sure appropriate wording relating to screening case notes can be added to honorary contracts.
- New adopted studies will be alerted about this issue and advised to insert note screening in their protocols prior to ethics submission.

Recommendation on Screening of patient records for research projects:

The South London and Maudsley NHS Trust sought legal advice on screening of patient records prior to obtaining informed consent in order to identify suitable research subjects.

The advice concluded that:

'...the Health Service (Control of Patient Information) Regulations 2002 and the Data Protection Act allow both health professionals and "individuals who in the circumstances owe a duty of confidentiality which is equivalent to that which would arise if they were health professionals" to process data in accordance with its provisions. Therefore if a researcher is to undertake the screening and he/she is not a health professional, his/her contract should impose a duty of confidentiality equivalent to that of a health professional.'

Thus, **honorary or substantive contracts** (as appropriate) would need to state that the research is to include screening of patient information prior to consent in order to select suitable candidates for research, emphasising the duty of confidentiality.

It would also be essential that the **ethics committee** reviewing the project were aware that the project would include the screening of identifiable patient information prior to obtaining consent. Once a patient had been identified as a suitable research participant, then it would be good practice for a member of the clinical team to make the first approach to the patient to determine whether they would wish to participate in the study. If they were happy in principle to participate, the researcher would then proceed with the normal consent process.