

BMA STATEMENT: AIDS/CONFIDENTIALITY

The Department of Health and Social Security advise that all HTLV III positive individuals, whether or not asymptomatic, must be regarded for the time being as capable of transmitting infection through sexual contact or through transfusion or inoculation of blood. Individuals with a confirmed sero-positive test should inform doctors and dentists who are treating them that they are antibody positive prior to any blood samples being taken or surgical procedures including dental work being undertaken so that appropriate precautions can be taken.

The BMA Central Ethical Committee recognises that the rapid spread of AIDS has raised problems of confidentiality in the minds of some doctors.

Where a person is tested for HTLV III infection or for its complications and it is thought to have been sexually transmitted, health authorities have an obligation to maintain confidentiality of information under the terms of the National Health Service (Venereal Diseases) Regulations 1974 (SI 1974.9). Unless the patient has given his consent, personal health data relating to him must not be disclosed to anyone for any purpose other than the health care of that patient, except where the disclosure is necessary to prevent the spread of infection.

Accordingly, we have always accepted, that for the purpose only of preventing the spread of infection (and for no other reason) a doctor may in exceptional circumstances disclose relevant information with the consent of the patient. This is entirely in accordance with advice given by the CMO. Furthermore, our own discussions with experts treating AIDS cases, have shown that it is extremely rare for disclosures to be made without the consent of the patient. Accordingly, those who think they may need help should have no hesitation over consulting a doctor in confidence.