

## DENTISTS SHOULD NOT FEAR COVERT RECORDINGS

Dentists should avoid confrontational or defensive reactions to patients who covertly record their consultation.

The increasing use of smartphones makes it easier for patients wishing to make an audio – or in some cases video – recording of a dental appointment.

MDDUS dental adviser Rachael Bell believes dentists should not resent patients who record their consultation and instead simply accept that the prospect of covert recording is a product of the digital age.

'The law offers little or no protection from patients covertly recording consultations,' says Bell. 'A dentist may think that a patient would require their permission to record a consultation and that any recording made covertly was illegal.'

'However, patients don't need a dentist's consent to record the consultation as section 36 of the Data Protection Act 1998 considers that the information in the recording belongs to them. Therefore, patients are within their rights to record the consultation and could use the information obtained to challenge the dentist's actions.'

'Conversely, dentists always require patients' permission to record consultations, with the resulting data being subject to a number of protections.'

'Any covert recording would seem inherently intrusive and a breach of trust in a patient-dentist relationship. You might expect sympathy for a practitioner

whose privacy had been invaded but the law views the matter differently.

'Even if obtained covertly, courts may view the recording, if relevant to the case, as admissible. Dentists are warned that the accuracy of their records could be challenged if they do not match the recording of any consultation.'

'By keeping clear, comprehensive and accurate records of consultations, dentists can justify their actions in court if necessary.'

Whilst sometimes the patient may try to use the recording to challenge the dentist, it is our experience at MDDUS that the majority of recordings support the practitioner's actions and confirm that they acted in an appropriate manner.



## PERHAPS THEY WERE SPOCK'S?

This full set of vulcanite dentures was recently donated to the BDA Museum by Kathryn Sturtridge. They were made for patient Elizabeth Mary Hart (1915-2015) in 1938 by her dentist Mr Lionel Moass of 18 Lemon Street, Truro.

Elizabeth Hart had all her teeth extracted at the age of 23 and this set of dentures fitted. She knew she was moving to the outskirts of Bodmin Moor from where a bus to town only ran on market day and travel to the dentist in Truro was rather difficult. This full vulcanite set with porcelain teeth cost 5 guineas which was double her weekly teacher's salary. Not wishing to replace them with another set throughout her life there is evidence that they have been repaired with acrylic teeth and gum work.

