

GDC Disclosure and Publication Policy

DISCLOSURE AND PUBLICATION POLICY

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PURPOSE

1. The General Dental Council (GDC) seeks to regulate in an open, transparent and proportionate manner. It is committed to publishing information on its publicly available registers which enables patients to make informed choices about their care.
2. The circumstances and outcome of fitness to practise (FTP) proceedings are matters of legitimate public interest and we publish most of the FTP decisions that are made about those we regulate.
3. The purpose of this policy is to set out how the GDC aims to ensure a consistent, transparent and fair approach to the disclosure of information. It covers the approach to both the routine publication and the disclosure of information relating to the GDC's statutory functions.

THE LAW

4. The GDC is set up and governed by the Dentists Act 1984 (as amended) ('the Dentists Act') and the Rules made under it, as well as a range of other statutory duties in relation to information governance set out in the General Data Protection Regulation, Data Protection Act 2018, the Human Rights Act 1998 and the Freedom of Information Act 2000.
5. As a body corporate, the GDC's existence was and is continued by section 1 of the Dentists Act. The over-arching objective of the Council in exercising their functions under this Act is the protection of the public.
6. The General Data Protection Regulation, Data Protection Act 2018, and Freedom of Information Act 2000 impose duties in relation to the disclosure of information in specific situations. The GDC has adopted the model publication scheme approved by the Information Commissioner's Office, which can be found on the [GDC website](#).
7. The GDC is under a statutory obligation under the Dentists Act to make the registers of dentists and dental care professionals available to members of the public by publishing the registers on the GDC website.
8. The Dentists Act requires us to co-operate as far as possible (including sharing information) with those who are concerned with the employment, education or regulation of dentists and dental care professionals, including overseas regulators and the NHS.
9. The GDC has a statutory duty under the General Dental Council (Fitness to Practise) Rules Order of Council 2006 to publish, as soon as is reasonably practical, particulars of orders and decisions made by any of its public Practice Committees in relation to both dentists and dental care professionals, including:
 - a. interim, substantive, review and restoration orders;
 - b. any order to remove or amend a fraudulent entry or an incorrect entry on the register including, where relevant, its reasons; and
 - c. any decision given on appeal.

10. What we publish must be accurate, relevant and proportionate. Furthermore, the level of detail published and the length of time it remains publicly available must be proportionate, striking a fair balance between the public interest objectives highlighted above and fairness to all participants involved in the process. For that reason, FTP decisions that are published on the GDC website will normally be removed from the website within the timescales set out below. The published versions of FTP decisions are also likely to be redacted or contain anonymised information. For example, normally we do not identify witnesses by name in FTP decisions and the GDC also has the power to withhold any information concerning the physical or mental health of a person which it considers to be confidential.
11. How we will use and share information in the course of regulatory activities in line with the General Data Protection Regulation and Data Protection Act 2018 is described in the GDC's privacy notice available on our [website](#). The GDC's Data Protection Policy explains more about how we keep your information secure and is available as part of our suite of [information security policies](#), you will find the Data Protection Policy at page 14.

PUBLICATION OF FITNESS TO PRACTISE INFORMATION

12. Fitness to practise information is published in three places:
 - a. the online register;
 - b. the Hearings page of the GDC website;
 - c. the online Gazette.
13. The following statutory committees are set up under the Dentists Act:
 - ☐ the Professional Conduct Committee
 - ☐ the Health Committee
 - ☐ the Professional Performance Committee
 - ☐ the Interim Orders Committee
 - ☐ the Investigating Committee
 - ☐ the Registration Appeals Committee

Publication of Conduct and Performance Committee Information

Online register

14. The online register lists all the dentists and dental care professionals registered with the GDC. All public sanctions currently attached to a dentist or dental care professional's registration are displayed on their individual record, together with the relevant hearing decision, including findings that a registrant's fitness to practise is not impaired.
15. Historical information about previous public restrictions placed on a registrant's registration which are no longer in force is not listed.

Hearings page of the GDC website

16. Details of upcoming Professional Conduct Committee and Performance Committee hearings, including the final charges, are published on the GDC website two weeks before the scheduled hearing date. The names of patients are anonymised.
17. If a case includes allegations in relation to both the conduct and the health of the registrant but is to be considered by the Professional Conduct Committee, the charges in relation to conduct are published but those relating to health are not.
18. The full determinations from these hearings are published as soon as is reasonably practical after the conclusion of the hearing, except where the hearing was held either wholly or partly in private. Names of patients and witnesses (except for expert/professional witnesses) are anonymised.
19. Professional Conduct Committee and Performance Committee decisions remain on the Hearings page of the GDC website (and against the individual's entry on the online register) for the following periods of time:

Finding	Publication period
Fitness to practise not impaired	One month
Fitness to practise impaired but no sanction imposed	One month
Fitness to practise impaired – reprimand	One year
Fitness to practise impaired – conditions	For the period of the conditions and for a period of one month when fitness to practise no longer impaired
Fitness to practise impaired – suspension	For the period of suspension and for a period of one month when declared no longer impaired
Fitness to practise impaired – erasure	Five years following date of erasure

The Online Gazette

20. Details of case determinations are published in the Online Gazette. The current issue of the Gazette, and recent issues, can be found online. Older issues of the Gazette can be found in the publications library.

Publication of Health Committee Information

21. The Health Committee considers cases where a registrant's fitness to practise may be impaired by reason of either their physical or mental health. These hearings are of a sensitive nature and are always held in private.

22. Due to their sensitive nature, the details of upcoming Health Committee hearings are NOT published on the website.
23. At the conclusion of a Health Committee hearing, if the allegations are found proved, the Committee will (usually) make a determination in public. Any private conditions, for example, those which relate specifically to a registrant’s health rather than his or her practice, will not be published or disclosed. The public determination, together with the details of the public sanction, will be published on the GDC website for the following periods of time:

Finding	Publication period
Fitness to practise impaired but no sanction imposed	One month
Fitness to practise impaired – conditions	For the period of the conditions and for a further period of one month when fitness to practise is no longer impaired
Fitness to practise impaired – suspension	For the period of suspension and for a further period of one month when fitness to practise is no longer impaired

Publication of Interim Order Committee Information

24. Previously, details of upcoming Interim Order Committee (IOC) hearings were not published on the GDC website. From 1 February 2016, dates of initial IOC hearings will be published on the website and will be updated with the outcome of any review.
25. Previously, determinations from IOC hearings were not published on the GDC website. The GDC began publishing IOC determinations with effect from 1 February 2016 or any outcome where a sanction (interim conditions or interim suspension) is imposed.
26. Where an order is imposed by the IOC, the registrant’s entry on the online register is amended so that the public is aware that their registration is subject to an interim order. The IOC determination will also show on the register entry.
27. Where no interim order is made, the determination will not be published or appear against the registrant’s register entry. The outcome statement “no order” will show on the GDC website for one month only. Where an interim suspension order for conditions or suspension is revoked by a reviewing Interim Orders Committee, this will show on the GDC website and the registrant’s register entry for a period of one month¹.
28. Information relating to Interim Order Committee proceedings are retained on the website for the following periods of time:

¹ The exception to this rule is where the Interim Order expires before the case is considered by a Practice Committee. In this instance, the Interim Order information remains published on the website and against the registrant’s entry on the online register until the Practice Committee’s consideration of the case.

Finding	Publication period
No interim order imposed	One month on the Hearings page but not against the registrant's entry on the online register
Interim order imposed	For the period of the imposition of the order and for one further month after the order has ceased ²

Appeals

29. Registrants are given 28 days in which to appeal against a Practice Committee sanction before it takes effect on their registration. Where a decision is subject to an appeal, the GDC makes clear that the sanction is not yet in effect, pending the outcome of the appeal.
30. Where the registrant is successful in their appeal against the sanction, the determination is updated to reflect the outcome of the appeal on both the Hearings page of the website and against the registrant's entry on the online register.
31. Where the appeal is dismissed, the determination is published on both the Hearings page and against the registrant's entry on the register in line with the sanction applied.
32. Where the Professional Standards Authority successfully appeals, a sanction imposed by a Practice Committee, the determination is updated to reflect the outcome of the appeal on both the Hearings page of the website and against the registrant's entry on the onlineregister.

Publication of Investigating Committee Information

33. Investigating Committees take place in private and the parties make written submissions and do not attend.
34. Where the Investigating Committee has decided to issue a registrant with a published warning letter, the warning paragraph will be published against the registrant's name on the online register together with the date the warning was issued and the date it will expire. Once a published warning expires, it will no longer appear against the registrant's name on the online register.
35. Decisions made by the Investigating Committee which do not result in the issuing of a public warning are not published.

Case Examiners

36. From 1st November 2016, cases will no longer be referred to the Investigating Committee for a decision, but will instead be considered by the Case Examiners who sit in private.
37. Each case is considered by a pair of Case Examiners (one lay and one a dentist or dental care professional) who review all relevant evidence obtained during the investigation.

² See footnote 1

38. The Case Examiners will determine whether an allegation ought to be considered by a Practice Committee.
39. The Case Examiners have a number of possible outcomes available to them when making a decision. These options are explained in detail on the [GDC website](#).
40. If the Case Examiners determine that the allegation ought not to be considered by a Practice Committee, they will consider the available disposal options. For the purposes of this policy some of these options include the following.

Undertakings

41. Undertakings are an agreement between the GDC and a registrant about that person's future conduct or practice.
42. The GDC considers that undertakings should ordinarily be published for the duration of the period for which they are in force against the individual registrant's entry on the online register.
43. The online register entry will also include, alongside the undertakings, a public-facing summary of the issues, prepared by the Case Examiners, which explains the background to the agreement of the undertakings, and how undertakings will protect the public in the future.
44. In the event that an undertaking is varied by the Case Examiners, the online register will be updated accordingly.
45. The summary will include details of the grounds of allegation which have been admitted or stand a real prospect of being established, brief reference to the evidence supporting those grounds, as well as a short explanation as to why the Case Examiners have determined that it would be appropriate to offer undertakings in the circumstances of the particular case.
46. The GDC will not, however, publish any information which directly relates to the health or private and family life of the registrant concerned, or which relates to any identifiable third party. This is because that information is considered to be confidential and publishing it may breach the individual's right to private and family life. The Case Examiners will, however, consider whether it is possible in such cases to publish a version of the undertakings with any confidential elements redacted, to preserve the confidentiality of the individuals concerned whilst providing information about any conduct or performance aspects of the case. At a minimum, it will be made public that undertakings have been agreed.
47. In other circumstances, it will be for the Case Examiners to consider, on a case by case basis and balancing the public interest against the interests of the registrant, any reason(s) why undertakings should not be published.
48. As undertakings form part of a registrant's fitness to practise history with the GDC, they may be considered by GDC decision makers in the event that a further complaint or information is received in the future. Even after the period of publication has expired, details will be made available on request to relevant enquirers, including prospective employers, overseas authorities, and otherwise where it is in the public interest for such information to be disclosed.

Warnings

49. Case Examiners may issue a warning to the person who is the subject of the allegation regarding their future conduct, performance and practice.
50. Warnings will ordinarily be issued for a period of up to 24 months. However, ultimately, the duration of a warning will be for the Case Examiners to consider and decide, on a case by case basis, balancing the public interest against the interests of the registrant.
51. Warnings will be published on the GDC's online register as a matter of policy. Publication of a warning has an important role in the maintenance of public confidence in the dental professions and their regulation, and the declaring and upholding of proper standards.
52. The GDC will not publish, as part of a warning, any information which directly relates to the health or private and family life of the registrant concerned, or which directly relates to any identifiable third party.
53. It will be for the Case Examiners to consider, on a case by case basis and balancing the public interest against the interests of the registrant, any exceptional circumstances giving rise to reason(s) why a warning which they are minded to issue should not be published.
54. A warning forms part of a registrant's fitness to practise history with the GDC. As such, it may be considered by GDC decision makers in the event that a further complaint or information is received in the future and, even after the period of publication has expired, details will be made available on request to relevant enquirers, including prospective employers, overseas authorities, and otherwise where it is in the public interest for such information to be disclosed.
55. Where, however, a warning has been revoked as a result of a review conducted by the Case Examiners, it will be removed from the register.

Advice

56. Case Examiners may issue to the registrant advice regarding his or her future conduct, performance and practice. An advice is not published.
57. Advice does not affect a registrant's registration status, but the fact that advice was issued will become part of his or her fitness to practise history, and may need to be declared to current and prospective employers, insurers and other bodies.

The Alert Mechanism

58. As of 18 January 2016, the GDC became legally required to inform the competent authorities of all other European Member States about a dental professional whose professional activities have been restricted or prohibited, even temporarily³.
59. The GDC will therefore issue alerts concerning all registrants whose practice has been prohibited or restricted – this includes all relevant determinations issued by Practice and Interim Orders Committees as well as when undertakings are agreed with registrants. Where a

³ Article 56a of the Recognition of Professional Qualifications Directive 2005/36/EC

reprimand is issued to a registrant, this will not trigger an alert as it does not amount to a restriction on a registrant's practice.

60. The alert is sent securely via the Internal Market Information (IMI) system to the competent authority in each Member State. In the UK, the competent authorities for health and social care professionals are the statutory regulators such as the GDC. In other EEA states, competent authorities are recognised institutions responsible for controlling access to regulated professions, professional and vocational titles and professional activities which require specific qualifications. Alerts can only be accessed by the competent authorities of other Member States through the IMI system.
61. The purpose of alerts is to enhance public protection across all Member States. Member States will notify each other of any restrictions or prohibitions placed on professionals which they regulate. Each competent authority will be able to check this against their own registers and applicants. This will assist the GDC with safeguarding the public and maintaining the integrity of its registers. If the details of the restriction or prohibition change, the GDC will withdraw the existing alert and issue a new one with updated details.
62. Further information about the [Alert Mechanism](#) can be found on the GDC website.

DISCLOSURE OF FITNESS TO PRACTISE INFORMATION

Disclosure of Practice Committee Information

63. As outlined above, information relating to Conduct and Performance Committee proceedings is publicly available on the website.
64. If the GDC receives a request for Practice Committee information which is no longer on the website, the GDC will provide the information which was published within the last 5 years.
65. The GDC does not publish transcripts of its public hearings; any requests for transcripts must be made in writing and will be considered under the Freedom of Information Act. Transcripts from the private sections of a hearing will never be disclosed except to the parties.
66. Exhibits presented during Practice Committee proceedings are not public documents and will not be published or provided to anyone who was not a party to the case, even if they were in attendance at the hearing. If a document is referenced or quoted in public during a hearing, this reference will be included in the transcript of the hearing. A request for the disclosure of the transcript is dealt with at paragraphs 60 and 65.

Disclosure of Interim Orders Committee Information

67. The Interim Order Committee listings calendar is published on the GDC website.

Disclosure of Investigating Committee Information

68. The Investigating Committee meets in private so its deliberations and determinations are not publicly available. The GDC will not disclose details of investigations at this stage to any enquirers, including the media, unless a published warning has been issued. The exception to this rule is where the GDC considers that limited or confidential disclosure is necessary for the protection of the public or otherwise in the public interest, for example by sharing information with third parties such as the police.

Public and Private Hearings

69. The determination of a statutory committee hearing which took place in private will not be disclosed. If the hearing took place partly in public and partly in private, only parts of the decision which refer to the public part of the hearing will be considered for disclosure.

Disclosure of Transcripts

70. The GDC will consider a request under the Freedom of Information Act for the transcript of a statutory committee hearing which took place in public, except for the Interim Orders Committee. The transcript of a statutory committee hearing which took place in private will not be disclosed.

DISCLOSURE OF OTHER FITNESS TO PRACTISE INFORMATION

Authorised Third Parties

71. Both the informant and registrant in live fitness to practise investigations will be provided with all relevant information in relation to their case.
72. The GDC has an obligation under the Dentists Act to co-operate as far as possible with public bodies and persons who are concerned with the employment, education or regulation of dentists and dental care professionals which includes the NHS (and other country equivalents). The GDC also has a general power to disclose to any person any information relating to a person's fitness to practise which it considers in the public interest to disclose.
73. Once a fitness to practise case has been referred for assessment, the Fitness to Practise team contacts the registrant under investigation and requests details of their employer(s), which includes those who contract their services. Once this information is received, both the employer and the contracting organisation are notified of the fitness to practise complaint and asked to provide any information which may assist with the GDC's investigations. These parties are then provided with updates throughout the investigation process.
74. If a registrant is referred to the Investigating Committee / Case Examiners, the GDC will notify the Department of Health and the NHS (or equivalent) of this decision.
75. At the conclusion of each Investigating Committee meeting, the same organisations are also notified of the decisions made by the Committee. Any requests for further information on a case must be made in writing and will be considered on a case by case basis.

76. Fitness to practise investigations may involve other organisations such as the police, the Care Quality Commission (and equivalents), the Disclosure and Barring Service (or Disclosure Scotland) or the Health and Safety Executive. Relevant information will be shared with these parties as appropriate during fitness to practise investigations as required by the Dentists Act 1984 (as amended) and other appropriate legislation and formal information sharing agreements.
77. An information sharing agreement is an agreement between the GDC and another public body in which the GDC agrees to supply information that it holds to that public body in order to assist that body perform its functions. For example, the GDC has an information sharing agreement with NHS England. The agreement may also include a provision whereby that public body reciprocates by agreeing to supply information that it holds to the GDC in order to assist the GDC perform its functions.
78. The NHS (or equivalent organisation) is entitled to check both the fitness to practise history of dentists or dental care professionals and the declarations made by registrants on application forms. The GDC will co-operate with these requests for information with the consent of the registrant in line with general rules on confidentiality.

DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT 2000

79. The GDC will process FOI requests in line the Freedom of Information Act 2000, the GDC's FOI policy and the Information Commissioner's guidance to public authorities.
80. The only fitness to practise information provided to unauthorised parties, which includes the media and members of the public not directly involved in a fitness to practise investigation, is information which is publicly available.
81. The GDC already publishes a great deal of information as a matter of routine. This includes annual reports and accounts, performance information, and the determination in some fitness to practise cases. Some of this information we are obliged to publish under the Freedom of Information Act 2000 (the Information Commissioner's 2009 [Model Publication Scheme](#) and Definition Document for Health Regulators set out the details.
82. Requests from members of the public and the media for information not in the public domain should be made in writing to the GDC under the FOI Act. Requests will be reviewed on a case by case basis and the duty imposed on the GDC to be open and transparent will be balanced against the obligation to protect personal and special category personal data under the General Data Protection Regulation and Data Protection Act 2018 (DPA). The GDC has the right to refuse the release of personal data or other information which falls under one of the exemptions in the Freedom of Information and Data Protection Acts.
83. Further information about making an FOI request, including a web form to help you do this, is available on the GDC's [FOI page](#).

ACCESSING INFORMATION ABOUT YOURSELF - UNDER THE GENERAL DATA PROTECTION REGULATION AND THE DATA PROTECTION ACT 2018

84. The GDC is required to collect, process and retain personal data (including special category personal data) to comply with its legal, regulatory and operational obligations.
85. The General Data Protection Regulation (the GDPR) and Data Protection Act 2018 gives an individual the right to find out what processing the GDC has been carrying out of his/her personal information and to obtain a copy of that information. When an individual exercises this right, it is called a “subject access request” (SAR).
86. The GDC will consider and respond to any SAR it receives in line with the GDPR, Data Protection Act 2018, the GDC’s Data Subject Rights Policy, Data Protection Policy, Information Access Fees Policy and the Information Commissioner’s guidance to public authorities.
87. A SAR can be made verbally or in writing. Thereafter the GDC will take steps to satisfy itself of the requester’s identity in order to avoid personal data about one individual being sent to another.
88. If the GDC holds the information which is being requested, we will consider whether we can disclose it or whether an exemption under the Data Protection Act 2018 should apply. For example, exemptions may be applied to information relating to a third party, where information is the subject of legal professional privilege, and/or where disclosure would prejudice the GDC’s ability to carry out its regulatory activity.
89. Please note that where the GDC has previously complied with a subject access request, it is not obliged to comply with a subsequent identical or similar request made by the same individual unless a reasonable interval has elapsed between compliance with the previous request and the making of the current request. In determining whether a reasonable interval has elapsed, the GDC will have regard to the nature of the data, the purpose for which they are processed and the frequency with which they are altered.
90. If you are unhappy with how we have responded to a subject access request or with how your personal data has been processed, please tell us so we have an opportunity to resolve your concerns. You can also complain to the Information Commissioner.

DISCLOSURE AND PUBLICATION OF REGISTRATION INFORMATION

The Online Register

91. The GDC’s register rules and regulations require us to keep a register of the names of everyone who is registered with us. The registers are public documents and are published on our website. The dentists and dental care professionals’ registers contain the names and other information about a registrant the GDC is legally obliged to make public.
92. The GDC does not publish a list of current registrants in hard copy. However, the GDC shall consider entering into agreements on such terms as it deems appropriate to enable information to be extracted from the registers. Printed copies of the Dentists Register and Rolls of Dental Auxiliaries (relating to dental hygienists and therapists) which were published up to and including 2006 are available in libraries. The [British Dental Association](#) holds copies of the register and rolls.

Registered Addresses

93. The GDC recommends that a registrant provides it with a registered address that is either a business or a practice address. Any formal notices issued by the GDC are sent to the registered address, and therefore a registrant must have access to correspondence at their registered address.
94. Prior to 10 October 2016 the online register (OLR) listed the name, registered address, registration number and primary qualification of all the dentists and dental care professionals legally entitled to work in the United Kingdom. All current registered addresses were therefore published on the GDC website and were in the public domain.
95. A consultation was launched in 2016 regarding the publication of registered addresses. The response to that consultation indicated a clear preference from both patients and professionals to remove address information from the OLR in its entirety. The Council agreed with this decision and the necessary changes were enacted on 10 October 2016. Registrants' registered addresses are no longer visible on the OLR and the GDC is under no requirement to display them to the public. If you would like to find a dentist in your area you can visit [NHS Choices](#).
96. Any requests for details of current and previous registered addresses must be made in writing under the Freedom of Information Act (see elsewhere in this document). Requests will be reviewed on a case by case basis and the duty imposed on the GDC by the Act to be open and transparent will be balanced against the right to refuse the release of personal data or other information which falls under one of the exemptions in the Act.
97. Where a request is made for registered address information before 2006, the requester will be informed that printed Dentists Registers and Rolls of Dental Auxiliaries, which were published up to and including 2006, are available through the [British Library](#), other public libraries and through the British Dental Association.

Registration Appeals

98. The Registration Appeals Committee is a statutory committee of the GDC which considers registration and continuing professional development appeals. Following a determination, we publish the name of the appellant, the nature of their appeal, the outcome as well as such reasons of their decision as the Registration Appeals Committee direct should be published.

MISCELLANEOUS PROVISIONS

Memoranda of Understanding and Information Sharing Agreements

99. The main purpose of the GDC is to protect the public. In fulfilling this duty, the GDC shares data with a number of partner organisations. To record these data sharing relationships, and to give details about how and when data should be shared with other organisations, the GDC has signed up to a number of Memoranda of Understanding (MOU) agreements.
100. These agreements make commitments to share information with organisations that have a direct interest in both the fitness to practise and registration status of dentists and dental care professionals. The GDC will require any organisation with which we share information under an

MOU to adhere to the appropriate level of protection of the data it holds. Details of current MOUs can be found on the GDC website.

101. In the event that the GDC receives a request to share information with a public authority such as the police, Crown Prosecution Service (CPS) or Procurator Fiscal, we will co-operate with these requests where it is reasonable and in the public interest to do so.

Council and Committee Papers

102. The agenda for an upcoming public Council meeting will be available on the GDC website a week before the meeting.
103. Council papers for items in the public agenda will also be made available on the website in advance of the meeting. Papers for items to be discussed in private will not be published.
104. The GDC has several standing committees, which meet in private. Details of the committees can be found on the website but neither the agenda of the papers for these meetings are published on the website.
105. Any written requests for Council papers or Committee papers or agendas will be considered under the Freedom of Information Act. Requests will be reviewed on an individual basis, and the duty imposed on the GDC by the Act to be open and transparent will be balanced against the right to refuse the release of information which falls under one of the exemptions in the Act.

Media Enquiries

106. All media queries must be directed to the GDC press office (pressoffice@gdc-uk.org). All disclosures to the media will follow this policy.

Press Releases

107. A press release is published when a registrant is erased from the register by a Practice Committee.
108. Successful criminal prosecutions brought by the GDC against those who are found guilty of illegally or unlawfully practising dentistry by a criminal court are also publicised in a press release.

Vetting and Barring Scheme

109. Information about decisions made by the Disclosure and Barring Service or Disclosure Scotland to bar an individual from working with vulnerable adults or children is not disclosed by the GDC.