

Approved February 2023

Confidentiality of Patient Information

Revised February 2023,
January 2017 with current
title

Reaffirmed October 2008,
October 2002, October 1998

Originally approved
January 1994 titled
“Patient Confidentiality”

As an adjunct to this policy
statement, ACEP has prepared
a policy resource and
education paper (PREP) titled
“From Hippocrates to HIPAA:
Privacy and Confidentiality in
Emergency Medicine - Parts I
and II”

The American College of Emergency Physicians (ACEP) believes that all physicians have a moral and legal responsibility to protect the confidentiality of their patients’ personal health information. Protecting confidentiality enhances trust in the therapeutic relationship, encourages patients to provide complete and accurate health information, and prevents the harms of disclosure of sensitive personal information to persons without an authorized need to know.

ACEP recognizes that respecting the confidentiality of patient information is a *prima facie*, but not an absolute obligation. In other words, physicians must refrain from disclosing confidential information without consent from the patient or surrogate unless more compelling considerations, including the prevention of substantial harm to other persons, permit or require disclosure of that information. In particular, many state laws require disclosure of specific information to law enforcement or public health authorities.

Emergency physicians may confront difficult decisions in responding to requests for patient information by law enforcement officers, by parents or guardians about their minor children, by public health officers, and by the media. Decisions in these and other complex circumstances require collection and assessment of information about clinical circumstances, patient wishes, state and federal laws, and the likely consequences of different courses of action.

Emergency physicians should be especially careful not to disclose confidential patient information when posting on social media and texting in non-HIPAA secure formats.