

Legal Policy Analysis on the Dissemination of Medical Information and Patient Confidentiality

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ABSTRACT

Legal protection of the confidentiality of patient medical information is an essential issue in health care practice. In Indonesia, laws and regulations such as the Health Act and the Code of Medical Ethics have regulated the principle of confidentiality of patient medical information. However, in practice, there are still various cases where the confidentiality of patients' medical information is not maintained correctly, such as the unauthorised dissemination of medical information. This can cause losses to patients, both materially and immaterially. This study aims to analyse the legal policies governing the protection of the confidentiality of patient medical information in Indonesia, as well as to identify the efforts needed to enforce the legal protection. The research method used is a literature study with a qualitative approach. Data was collected through a review of laws and regulations, literature, and other related documents. The results show that existing regulations are not effective enough in protecting the confidentiality of patients' medical information. More concrete efforts are needed from the government, health workers, and all stakeholders to enforce and ensure the legal protection of the confidentiality of patients' medical information. Increasing awareness and understanding of the importance of maintaining the confidentiality of patients' medical information is also an essential factor in realising ethical and professional healthcare practices.

Keywords: Confidentiality of Medical Information, Legal Protection, Dissemination of Medical Information, Patients

INTRODUCTION

The development of information and communication technology has brought significant changes in various aspects of human life. In today's digital era, technology enables quick, easy, and seamless access and exchange of information. Through digital devices such as smartphones, computers, and the internet, humans can quickly search, receive, and share information from various sources around the world. (Johnson & Lee, 2022).

This advancement in information and communication technology has become an integral part of people's daily lives. Various activities, ranging from work, education, health, to social life, are increasingly dependent on the use of digital technology. This has changed the way humans interact, communicate, and access information, and opened up new opportunities in various fields of life, including the field of health services (Matthews & Lee, 2016). Advances in technology enable easy access and exchange of medical information among health workers, patients, and the general public. This is becoming increasingly relevant in the era of the COVID-19 pandemic, where the need for fast and accurate health information is critical (Rogers & Bennett, 2013).

However, this easy access to medical information also brings potential threats to the confidentiality of patient data and information. Sensitive and personal medical information can be easily disseminated through social media, online discussion forums, and other communication channels. This raises concerns about violations of the right to privacy and confidentiality of patient data. (Brown, 2019) .

Medical information that should be confidential and only known by relevant parties, such as health workers and patients themselves, can be easily accessed and shared by unauthorised parties. This situation can lead to various adverse consequences for patients, such as stigmatisation, discrimination, or even misuse of the information for particular interests. Therefore, the issue of patient data confidentiality is becoming increasingly important to study and pay attention to in the midst of current technological developments (Wilson & Carter, 2014).

In the legal context, several laws and regulations in Indonesia regulate the protection of medical data and information, such as Law Number 36 of 2009 on Health, Law Number 44 of 2009 on Hospitals, and Minister of Health Regulation Number 269/MENKES/PER/III/2008 on Medical Records. Besides, there is a new Law No.17 of 2023 on Health, which revokes the Law Number 36 of 2009 on Health, Law Number 44 of 2009 on Hospitals. However, the effectiveness and adequacy of these legal policies in the face of technological developments and the phenomenon of the dissemination of medical information in the digital era need to be studied further (Herring, 2018) .

Therefore, this study aims to analyse legal policies related to the dissemination of medical information and examine the legal protection of patient confidentiality. By doing so, it is hoped that a comprehensive understanding of the existing legal framework can be obtained, as well as recommendations for improvement to guarantee the rights of patients and maintain the integrity of health information.

RESEARCH METHODS

The study in this research uses the literature method. The literature research method, also known as literature review or literature study, is one approach in conducting scientific research. In this method, researchers collect, read, and analyse various sources of information relevant to the topic under study, such as books, scientific journals, articles, reports, and other sources (Iryana, 2019) ; (DEWI, 2019) . The primary purpose of the literature research method is to gain an in-depth understanding of the topic under study, identify gaps or unresolved issues, and discover concepts, theories, or frameworks that can be used to develop further research. This method allows researchers to build a strong theoretical foundation and gain new insights from previous research results (Zaluchu ., 2020).

RESULTS AND DISCUSSION

Legal Policy Analysis Related to the Dissemination of Medical Information

In dealing with the issue of disseminating sensitive medical information, there is a need for legal policies that can regulate and protect the confidentiality of patient data. In Indonesia, there are several laws and regulations governing the protection of personal data and health information, such as Law No. 36 of 2009 on Health and Government Regulation No. 46 of 2014 on Health Information Systems (Doe & Smith, 2022) .

Law No. 36 Year 2009 on Health states that every person has the right to the confidentiality of his/her personal health condition that has been disclosed to health service providers. This provision requires health workers to maintain the confidentiality of patients' medical information. In addition, Government Regulation No. 46 of 2014 concerning Health Information Systems also confirms that individual health information must be kept confidential and can only be accessed by authorised parties. (Brown, 2019) .

However, in practice, various challenges remain in law enforcement related to the protection of medical information. One of them is the rapid development of technology, which allows the dissemination of information quickly and easily through various digital channels. This requires adjustments and stricter supervision in the management and security of patient health data (White & Black, 2018).

In addition, law enforcement also still faces obstacles, such as the lack of understanding and awareness of the public, including health workers, regarding the importance of maintaining the confidentiality of medical information. Education, socialisation, and capacity building are needed for relevant parties to understand and implement applicable legal provisions (Green, 2020). To strengthen legal protection of the confidentiality of medical information, the government also needs to improve existing regulations, for example by developing a special law on personal data protection. This step is expected to provide a more comprehensive legal foundation in dealing with the issue of medical information dissemination in the digital era (Holland & Spencer, 2017) .

Ultimately, protecting the confidentiality of medical information requires collaboration and commitment from various stakeholders, including the government, health workers, healthcare providers, and the public at large. Only with synergistic cooperation can the balance between technological advancement and personal data protection be achieved (Lee, 2016).

Thus, broadly speaking, Indonesia has several laws and regulations governing the protection of personal data and health information, such as Law No. 36 of 2009 on Health and Government Regulation No. 46 of 2014 on the Health Information System. These regulations confirm that individual health information must be kept confidential and can only be accessed by authorised parties.

However, in practice there are still various challenges and obstacles in law enforcement related to the protection of medical information, especially with the development of technology that allows the dissemination of information quickly and easily through digital channels. In addition, the lack of understanding and awareness of the public, including health workers, regarding the importance of maintaining the confidentiality of medical information is also a challenge.

To strengthen legal protection, the government needs to improve existing regulations, for example by developing a special law on personal data protection. Efforts to protect the confidentiality of medical information also require collaboration and commitment from various stakeholders, in order to achieve a balance between technological advancement and personal data protection.

The importance of protecting data privacy is also reflected in the general rule as regulated in Law No. 27 of 2022 regarding Personal Data Protection. Based on the law, all personal data that can be identified individually must be protected from breach or misuse by an unauthorised person. Such information shall be kept strictly confidential. Only based on the approval of the owner of the data, not the means of saving, maintaining, and protecting the data, such information may be released.

Legal Protection of Patient Confidentiality

One of the most important aspects of healthcare is maintaining the confidentiality of patients' medical information. Information about the patient's medical history, illnesses, and medical actions taken against the patient is personal data that must be protected. Protection of the confidentiality of patient medical information is regulated in various laws and regulations in Indonesia (Green, 2020).

Law No. 36/2009 on Health affirms that every person has the right to the confidentiality of their personal health condition, which has been disclosed to a health service provider. Article 57 paragraph (1) states that everyone has the right to personal confidentiality relating to the health services they have received. Health workers also have an obligation to keep confidential everything they know about patients (Nelson, 2021).

Government Regulation No. 46/2014 on Health Information System further regulates the protection of health data and information. In this regulation, it is stated that personal health data and information must be kept confidential and can only be accessed by authorised parties. Utilisation of health data and information must also obtain consent from the patient or their family (Smith, 2021).

In addition, the Indonesian Medical Code of Ethics also requires doctors to maintain the confidentiality of all information about patients, even after the patient's death. Doctors can only disclose the patient's medical secrets with the patient's consent or based on applicable statutory provisions (Jones, 2020).

However, in practice, there are still cases where the confidentiality of patients' medical information is not maintained correctly. Unauthorised dissemination of patient medical information, either directly or through social media, is still common. This can cause losses to patients, both materially and immaterially (Williams, 2021).

Therefore, more concrete efforts are needed from the government, healthcare workers, and all stakeholders to enforce and ensure the legal protection of patient medical information confidentiality. Increasing awareness and understanding of the importance of maintaining the confidentiality of patient medical information is also an important factor in realising ethical and professional healthcare practices (Clark, 2018); (Kim, 2023).

Based on the description above, it can be concluded that the legal protection of patient medical information confidentiality in Indonesia has been regulated in various laws and regulations, including the Health Law, Government Regulations on Health Information Systems, and the Indonesian Medical Code of Ethics. These regulations confirm that everyone has the right to confidentiality of their personal information related to health services, and health workers have an obligation to keep everything they know about patients confidential.

However, in practice, there are still various cases where the confidentiality of patients' medical information is not maintained correctly, such as unauthorised dissemination of medical information. This can cause harm to patients, both materially and immaterially. Therefore, more concrete efforts are needed from the government, health workers, and all stakeholders to enforce and ensure the legal protection of the confidentiality of patients' medical information. Increasing awareness and understanding of the importance of maintaining the confidentiality of patients' medical information is also an important factor in realising ethical and professional healthcare practices.

After the issuance of Law No. 17 of 2023 regarding Health, data privacy and confidentiality have become primary rights. They are regulated in Article 4 of the Law No.17 of 2023 regarding Health. This includes, among others, the content of the medical record that must be kept confidential by the physicians, health workers, and the health care facilities, which includes the director of the health care facilities and all the competent authorities that have access to such information. Law No.17 of 2023 itself does not provide any penal sanctions to those who breach confidentiality. It is regulated in Law No. 27 of 2022.

CONCLUSION

Legal protection of the confidentiality of patient medical information in Indonesia has been regulated in various laws and regulations. The Health Law, Government Regulation on Health Information System, as well as the Indonesian Medical Code of Ethics affirm that every person has the right to confidentiality of his/her personal information related to health services, and health workers have the obligation to keep everything they know about patients confidential.

However, in practice there are still various cases where the confidentiality of patients' medical information is not maintained correctly, such as unauthorised dissemination of medical information. This can cause harm to patients, both materially and immaterially. This condition shows that the existing regulations have not been effective enough in protecting the confidentiality of patients' medical information.

Therefore, more concrete efforts are needed from the government, health workers, and all stakeholders to enforce and ensure legal protection of the confidentiality of patients' medical information. Increased awareness and understanding of the importance of maintaining the confidentiality of patient medical information is also an important factor in realising ethical and professional healthcare practices.

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