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**NOTE EQUIVALENT TO AN
OPINION**

CONFIDENTIALITY

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NOTE EQUIVALENT TO AN OPINION ON THE
PROBLEM OF ENTERING DATA IN THE HEALTH
RECORD RELATED TO HIV INFECTION

Since January 1, 1997, all people over 16 years old insured under the social security system have been required to present their personal health record [carnet de santé] to each doctor they visit, whether in the doctor's own practice or in hospital. Doctors are not authorized to make entries in what is a personal, confidential document without the patient's agreement.

Most individuals using the social security system seem to have a positive attitude to this health record as the embodiment of their personal medical history. However, several hospital consultants have informed the National AIDS Council of their hesitation and the unwillingness of certain HIV patients with regard to the entry of HIV information their personal records. For this reason, the National AIDS Council, to which this issue was submitted by the above consultants, resolved on its own authority during its plenary session of January 6, 1997 to address the specific issue of practitioners recording information on serious pathologies such as HIV in this personal health record.

The National AIDS Council considers that the confidentiality of the health record, in principle guaranteed by its private character, is in actual practice limited for two reasons :

- Despite the fact that no entry can be made without the patient's agreement, other than the date and location of consultation, the doctor's name and the nature of the prescription may indicate the patient's state of health to a third party.
- Despite the fact that this is subject to the patients willingness, entry of the data in his or her health record may have unpredictable consequences in later years. Examples of this would be women undergoing abortions, individuals suffering from psychiatric disorders, and couples accepting fertility treatment.

Because the written word can never be guaranteed to remain absolutely confidential, and because a medical record can never be considered to be an exhaustive record of the past, the National AIDS Council considers that this practice is not suited to HIV. HIV thus joins the invariably incomplete list of exceptions for which the personal health log of the patient is not suitable in practice.

In compliance with the principles of absolute medical confidentiality and in the patient's best interest, which are at the heart of the doctor-patient relationship, the National AIDS Council recommends that physicians, unless the patient explicitly requests it, should make no entry in personal health record books concerning HIV infection, and that they should inform the patient on this point.