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Date 28 December 2006
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Dear Ms Robertson

REVIEW OF PUBLIC HEALTH LEGISLATION IN SCOTLAND: A CONSULTATION

Thank you for the opportunity to offer comments on the above consultation. A general comment is that a lot of what is proposed seems to be intended to get around the Data Protection Act. The reasons to justify this do not appear to be set out in the consultation paper.

I have set out my specific comments below. The numbering is taken from the numbering of the questions in the document rather than paragraph numbers.

1.3	A local memorandum of understanding would be more effective and less bureaucratic than a Health Improvement Plan.
1.6	The DMO role should be retained. This should only be undertaken by an appropriately experienced doctor.
1.7	Restriction of liberty for public health reasons is a very serious matter and should only be done by a suitably experienced doctor.
1.8	The proposed powers require definition in regulations to provide protection for the rights of the public.
2.1	Compulsory transfer of confidential information to third parties about an individual on public health grounds should only take place where there a serious and immediate threat to the public health from a communicable disease. It should not be done merely because it is convenient.
2.2	Making conditions that do not pose a serious and immediate threat to the public health "notifiable" would diminish patient trust in medical confidentiality and damage patient care.
3	Creating a legally-enforceable requirement to divulge information and co-operate with the investigation of a public health incident would be likely to diminish co-operation and sharing of information rather than enhance it.
4	The Quarantine orders proposed differ very little from house arrest. It is difficult to foresee the circumstances in which the use of these powers would be justified.

Yours sincerely

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(Communicable Disease & Environmental Health)