
**PARENTAL ACCESS TO MINORS' HEALTH RECORDS IN THE
SOUTH AFRICAN HEALTH CARE CONTEXT: CONCERNS AND
RECOMMENDATIONS**

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Summary

Privacy and confidentiality have long been recognized as essential elements of the doctor-patient relationship. Patients should feel free to disclose the most intimate and private medical facts about themselves to their physicians in order to facilitate optimal patient care. Medical records, whether hand-written or electronic, also play an important role in other contexts, such as medical research, health care management and financial audit. In South Africa there is little consistency in approaches to patient confidentiality. There are also no national standards or policies on patient confidentiality, apart from specific ethical rules, some ad hoc statutory provisions and general constitutional provisions not directly related to the intricacies of the doctor-patient relationship. A closer look at the relevant statutory provisions reveal the existence of conflicting standards, most notably in respect of parental access to a minors' health records. The purpose of this paper is to examine the discrepancies and contradictory provisions relating to the access to and disclosure of health information, in particular parental access to health records of minors. In the final instance, some recommendations will be suggested.