

CED Resolution

CED Resolution on online evaluation of dentists - Update

I. Introduction: Dentistry and Online Evaluations

The Council of European Dentists (CED) is a European not-for-profit association which represents over 340,000 dental practitioners across Europe through 33 national dental associations and chambers in 31 European countries. Established in 1961 to advise the European Commission on matters relating to the dental profession, the CED key objectives are to promote high standards of oral healthcare and dentistry and effective patient-safety centred professional practice.

In recent years, there has been a rise in popularity of online platforms allowing patients to submit online reviews rating their local dental practice or individual dentist. Other patients sometimes use such online review platforms to make a decision and judge whether or not they would visit a particular dentist. It is important to note that, with the rise of social media, and the constant evolution of digital space, when referring to online evaluations, the CED envisions any kind of online platform, including but not limited to websites, online communities, social media, search engines.

II. CED Areas of Concern

1. Feedback on Services in Practice

The CED fully supports patients' feedback as it helps dentists maintain high standards and improve patient experience in their practices. As healthcare is a service mainly based on trust, any unverified information on a dental practice can have serious negative consequences on the evaluation of the quality of work of the provider. Furthermore, nowadays healthcare providers often receive feedback and evaluations on online review platforms open to the public, similar to other businesses. Unlike other businesses, healthcare providers are often not able to respond, to dispute or clarify the comments, due to patient confidentiality. Such reviews can ultimately lead to the decrease of trust and to reputational damage to the dentist through false accusations and offensive language. This is especially valid when it comes to feedback on more subtle aspects of individual treatment, e.g., the treatment plan, treatment fees etc., or to untrue anonymous claims made by competitors.

2. Transparency of Feedback

While feedback from patients provides the opportunity to build up trust and strengthen contact through constructive feedback, anonymous online evaluations often lack moderation. Indeed, most of these platforms are not subject to any certification or code of conduct, making dentists an especially attractive target for anonymous reviews; they may not even be aware of the site or the review. There is no control of whether a reviewer is a genuine patient of the practice sharing their experience, or, for example, an affiliate of the practice or a competitor. The reviews may be overly positive or detrimental, false or offensive. It is important that the information is not infringing the rights of individual dentists or offending them. Therefore, the CED believes that there is a need for moderation of such sites to ensure they paint a true picture of the service provided, and that patients should only comment on treatment and services that they have personally received directly from the service provider.

3. Accountability for Content on Online Platforms

In order to boost patient confidence in such online platforms and foster best practice, it is in the interest of the owners/administrators of such platforms to offer high-quality and reliable information to their clients. The CED recommends that a set of quality criteria for online platforms reviewing dentists should be developed in order to ensure that patients are provided with fair and accurate information.

A first attempt at establishing quality criteria at EU level was undertaken in 2002 when the European Council supported an initiative within the eEurope2002 to develop a core set of Quality Criteria for Health-Related Websites. As part of this work, the European Commission published a communication¹ outlining its quality criteria for websites offering health-related information to patients.

In the meantime, in some Member States, specific quality criteria for websites providing online evaluations of dentists have been developed and adopted.²

III. Recommendations for Online Feedback

In many countries there are online evaluations for medical professionals that allow users to put up offensive comments, opening the possibility of online harassment of the medical professionals in question.

Considering the above, the CED recommends the following quality criteria for online evaluation of dentists:

- Internet-based content should comply with national legislation and the EU General Data Protection Regulation (GDPR)³ which requires that personal data must be collected and processed fairly and lawfully;
- Evaluation should be only between patient and service provider to avoid false, biased and subjective comments that can be offensive and misleading;
- The online platform owner is identified;
- Contact details of the platform owner are provided;
- Financial supporters of the site are identified;
- Information on when a page was last updated is provided throughout the site;
- A privacy statement and policies for data management, deletion and transfer to third parties are included;

1 Communication on eEurope 2002: Quality Criteria for Health-related Websites:

http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexplus!prod!CELEXnumdoc&numdoc=52002DC0667&lg=en

2 For example, in Germany, the KZBV and BZÄK have produced Gute Praxis – Bewertungsportale

3 The EU General Data Protection Regulation (GDPR) replaces the Data Protection Directive 95/46/EC

- A clear distinction is made between content and advertising;
- A declaration that all posts are individual, personal opinions of patients, is included;
- A search facility to find individual dentists is provided;
- The evaluation system is easy to understand;
- Contributors should be identifiable by the online platform owner through an appropriate registration process or other means of electronic identification. The online evaluations may stay anonymous;
- Feedback should be structured taking into account at least the following criteria: overall impression; professionalism; facilities and communication;
- Patients are required to confirm that they have personally received the treatment or services on which they are commenting, and to specify the date of receiving treatment or services;
- All contributions are monitored and, where necessary, edited or removed;
- In case of online evaluation that is provenly harassing, vexatious and/or hateful, the online platform owner should bear the responsibility of removing such content;
- There is protection against misleading claims and offensive comments;
- The dentist is informed of the purposes of the processing, the categories of data concerned, the recipients or categories of recipients, the existence of the right of access to and the right to rectify the data concerning him/her;
- The dentist has the right to request that his/her personal data be erased if the overall policy pursued by the website owner does not guarantee the dentist's fundamental rights and freedoms as referred to in Article 6.1 (f) and recital 47 of GDPR;
- There is an opportunity for dentists to reply and/or object to comments. Commenting on reviews should be always possible and not only open to the subscription model;
- In case of vexatious information/content, the dentist should receive further information allowing him/her to defend their professional name and reputation.

The CED encourages national dental associations to develop tools confirming the compliance of evaluation platforms with the above-mentioned criteria.

Unanimously adopted by the CED General Meeting on 24 of May 2019

Annex: Legal cases from different national members

Norway

The case was initiated by a dentist who sent a complaint to the Norwegian Data Protection Authority (DPA) on the online rating website www.legelisten.no.

The dentist in question had experienced an online evaluation on the website from a patient and realized that she had no opportunity to stop untruthful descriptions of her practice. Hence, she requested to be taken off the list (which she had never asked to be on in the first place), but Legelisten.no refused.

However, the DPA concluded in its decision (8 Nov 2017) that professionals that Legelisten.no was directed at had a right to reserve themselves against being evaluated on the website. Also, the DPA stated in its decision that any information on the website regarding loss of/limitations on a professional's license to practice or other sanctions or warnings from the health authorities against the professional must be deleted from the website within 2 years after the sanction etc. is not any longer valid/relevant. The DPA was also critical of Legelisten.no's storage of patients' e-mail addresses.

The decision was appealed on 15 of January 2018:

- The Appeal Body has ruled that the online rating website is entitled to collect and publish subjective ratings from patients and that health professionals has not got a general right to reserve themselves from being part of this evaluation scheme.
- The Appeal Body considered the data protection rights of health personnel up against the interest of the website to convey patients' subjective assessments of health personnel and ruled in favour of the website.
- The Appeal Body also found that by submitting an evaluation on the website, the patients have given their consent to their e-mail addresses being stored by the website.

The summary of DPA's decision can be found under following links:

<https://www.datatilsynet.no/aktuelt/aktuelle-nyheter-20192/personvernnemnda-med-vedtak-i-legelisten-saker/> (in Norwegian)

<https://www.datatilsynet.no/regelverk-og-verktoy/lover-og-regler/avgjorelser-fra-datatilsynet/2017/vedtak-om-reservationsrett-pa-legelisten.no/>
(in Norwegian)

Estonia

There was a case where very offensive comments about an actor were posted on an anonymous blog. The actor tried to have the post removed, but as it did not happen, the case went to court. As a result, the IP address was revealed and the blog owner and people posting comments on this platform faced legal repercussions of their actions. This case did not concern healthcare professionals but still it is an interesting example of legal actions resulting from online postings.

A summary of the Court's decision can be found [here](#) and [here](#). (in Estonian).