

LONG FURLONG MEDICAL CENTRE

Confidentiality Policy and Statement

Purpose	The purpose of this policy is to ensure that all members of the Practice acts in accordance with the recommendations and requirements of patient & business confidentiality and comply with current legislation and common law.
Caldicott Guardian	The nominated Caldicott Guardian for Long Furlong Medical Centre is the Practice Manager.
Documents & Guidance	All documents are available via the internet; alternatively hard copies may be requested from the Practice Manager <ul style="list-style-type: none">• Caldicott Report• Good Practice Guidelines for Electronic Patient Records 3.1• Data Protection Act 1998• Freedom of Information Act 2000• Health & Social Care Act 2001• Computer Misuse Act 1990• Access to Health Records Act 1990• Electronic Communications 2000• NHS (GMS) Regulations 2004• Human Rights Act 1998• Common law duty of confidence• NHS Code of Practice• Data Protection – Best Practice Guidelines (Long Furlong Specific)
Record Keeping	All members of the practice should read, sign and retain their own copy of the Practice Policy and their signed statement. In addition the Practice Manager will hold signed statements of all practice members.
Responsibility for Review	The Caldicott Guardian is responsible for reviewing the process annually.
Review date	April 2016 Reviewed: 09,10,11,12,13,14,15

Introduction

Patients expect that information given by them to their doctors, nurses and other members of the healthcare team is treated in confidence and not passed to others without their permission. Similar considerations apply to personal information concerning other individuals, such as staff. Particular care must be taken to avoid inadvertent or accidental disclosure.

Concerns about the ways information about patients is used in the health service led to the Caldicott Report which makes recommendations on how such information must be handled. The Data Protection Act 1998 also regulates how personally-identifiable data are handled.

Confidential information is information entrusted by an individual in confidence, where there is a general obligation not to disclose that information without consent.

Confidential information may include personal information such as name, age, address, and personal circumstances, as well as sensitive personal information regarding race, health, sexuality, etc.

Confidential information may be known, or stored on any medium. Photographs, videos, etc are subject to the same requirements as information stored in health records, on a computer, or given verbally.

Information that identifies individuals personally is assumed to be confidential, and should not be used unless absolutely necessary. Whenever possible, anonymised data—from which personal details have been removed and which therefore cannot identify the individual—should be used instead. Note however that even anonymised information can only be used for justified purposes.

All NHS Bodies and those carrying out functions on behalf of the NHS have a duty of confidence to patients and a duty to support professional ethical standards of confidentiality.

Everyone working for or with the NHS records, handles, stores or otherwise comes across information that is capable of identifying individual patients. All have a personal duty of confidence to patients and to his/her employer.

The duty of confidence is conferred by common law, statute, contract of employment, disciplinary codes and policies (of which this is one) and professional registration.

All staff have a duty to ensure that personal information, given in confidence, remains confidential.

Your responsibilities as an employee

During the time you are working within the Practice as part of your normal duties, you may have access to confidential information that can identify a patient, another member of staff and/or business in confidence information about the Practice.

This type of information should not be disclosed to any person outside of your normal working environment, particularly non Practice employees.

If you receive a request for information that is not a 'normal' request e.g. someone you would normally share information with, you must seek, prior to any release of information, specific permission on behalf of the Practice by your manager or another authorised person.

Confidential information includes, but is not limited to, all information of a secret or confidential nature relating to the affairs of any person whose information is held within the Practice. This will include: patients, patient's relatives and friends, employees and any business or affairs of any other person to whom the Practice has an obligation of confidentiality and/or secrecy.

Confidential information can also be business information such as waiting times for patients, financial information relating to the Practice, employees salaries etc.

Breaches of confidentiality are a serious matter. Non-compliance with this code of any person employed by Long Furlong Medical Centre may result in disciplinary action being taken.

No employee / contractor shall knowingly misuse any information or allow others to do so.

Staff are responsible for safeguarding the confidentiality of all personal and Practice information, transmitted or recorded by any means.

Compliance with Confidentiality

Personal information given or received in confidence may not be passed on or used for a purpose other than that for which it was obtained, without the consent of the provider of the information. Confidentiality is a requirement in law under the Caldicott Report, Data Protection Act, Human Rights Act, Freedom of Information Act, the Health & Social Care Act, the NHS Code of Practice and several others. It is essential that staff report information/confidentiality incidents without delay to the Practice Manager.

Caldicott Report

The Caldicott Report has 6 main principles. They are:

Principle 1 – justify the purpose for using confidential information

Principle 2 – only use it when absolutely necessary

Principle 3 – Use the minimum that is required

Principle 4 – Access should be on a strict need-to-know basis

Principle 5 – Everyone must understand his or her responsibilities

Principle 6 – Understand and comply with the law.

It is essential all staff adhere to the principles of the Report:

Data Protection Act 1998

To adhere to the principles of the Data Protection Act 1998 personal data must be:

- processed fairly and lawfully
- obtained and used for one or more specified purposes only
- adequate, relevant and not excessive
- accurate and kept up to date
- not kept for longer than necessary
- processed in accordance with the rights of data subjects
- protect against unauthorised access, damage or destruction
- there are restrictions on overseas transfer: obtain explicit consent.

NHS Code of Confidentiality

The NHS Code of Confidentiality

(http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4069253) provides detailed guidance on confidentiality issues including a section on electronic data:

- Always log-out of any computer system or application when work on it is finished.
- Do not leave a terminal unattended and logged-in.
- Do not share logins with other people. If other staff have need to access records, then appropriate access should be organised for them – this must not be by using others' access identities.
- Do not reveal passwords to others.
- Change passwords at regular intervals to prevent anyone else using them.
- Avoid using short passwords, or using names or words that are known to be associated with them (e.g. children's or pets' names or birthdays).
- Always clear the screen of a previous patient's information before seeing another.
- Use a password-protected screen-saver to prevent casual viewing of patient information by others.

Summary

Information may be passed on to someone else only:

- with the consent of the patient (*Gillick competency applies)
- where it is disclosed in the best interests of the patient (e.g. between members of a multidisciplinary team)
- when disclosure is required by a court (or a court order)
- when disclosure is required by statute (that is, by law)
- where disclosure is made in the public interest as described in the defined list of circumstances in Disclosure in the Public Interest below
- when required by the police in conjunction with the prevention/detection of serious crime (e.g. murder, rape, kidnapping, causing death by dangerous driving)
- DO NOT disclose to schools, employers, DHSS, etc without explicit consent from patient.

If you need further advice or clarification of any of the points raised in this policy please speak to the Practice Manager who is the designated Calidcott Guardian.

* **Gillick competence** is a term originating in England and is used in medical law to decide whether a child (16 years or younger) is able to consent to his or her own medical treatment, without the need for parental permission or knowledge.

I have read and understand the confidentiality policy, take responsibility to ensure that I keep myself up to date with changes to the policy and agree to adhere to the recommendations in the policy:

I also understand that a breach of the confidentiality policy is a disciplinary matter which is classified as gross misconduct and may result in dismissal.

Signed: Date:.....

Print:

Please sign, date and print your name. Take a copy for your own records. The original is to be retained by the Practice Manager