

Confidentiality Policy

CM10

Date Written	
Author(s)	
Version	
Date Signed Off	
Reviewed by	

Date: []

Review Data

Initial Production

Name	Role/Department	RACI	Date

R = Responsible for writing the policy; **A** = Accountable; **C** = Consulted; **I** = Informed

Change History

Version	Date	Details of Change	Author

Emergency Contact Details

Name	Email	Mobile

CQC Fundamental Standards

Regulation Number	Regulation Details
Regulation 10: Dignity and respect	Service users must be treated with dignity and respect, including ensuring the privacy of the service user.

Key Lines of Enquiry

KLOE	How this applies to Confidentiality
Caring	Maintaining confidentiality and respecting the privacy of service users is caring, promoting dignity and respect.
Well led	Maintaining confidentiality evidences being well led, with a culture which respects the privacy of service users.

Related Documents

This policy should be read in conjunction with our:

- CMN01 - Access to Files and Records Policy
- HR04 - Code of Conduct For Workers Policy
- CM13 - Data Protection Policy
- CM17 - Dignity and Respect Policy
- CMN04 - Information Governance Policy
- CMN05 - Information Security Policy
- HR15 - Position of Trust Policy



Policy Aims

- To help staff understand what Confidentiality means
- To ensure that confidential information is kept secure
- To support staff in compliance with the following legal requirements and best practice guidance:
 - Data Protection Act 2018
 - Human Rights Act 1998
 - Common Law of Confidentiality
 - The Caldicott Report 1997
 - The Care Act 2014

Policy Statement

Careville Ltd and its staff will respect and protect all confidential information concerning its service users at all times.

All service users will be provided with Careville Ltd' statement on confidentiality, which outlines the obligations placed upon Careville Ltd to safeguard confidential information, the circumstances whereby Careville Ltd may disclose confidential information, the circumstances where express consent is required and the service user's right to object to any disclosure.

Careville Ltd staff are also provided with a copy of this statement. Any failure to observe the principles outlined will lead to disciplinary action which, in more serious or repeated cases, may lead to the employee's dismissal.

Employees should not discuss or disclose any information relating to the company's business and/or activities which might be considered to be at a private or confidential nature to any outside person or organisation.



Key Question: Confidential Information – What is it?

Confidential information is all personal data about an individual, oral or in written. This information should be assumed to be confidential unless stated otherwise.

It is likely that most service users of Careville Ltd (through age, illness, impairment or disability for example) will have been involved in receiving some kind of healthcare treatment throughout their lives. As such they will probably be familiar with the requirements of services to protect the personal and often sensitive information that has been gathered as part of the treatment process.

Procedure

The general duty to hold such information in confidence arises from:

- A) A legal obligation which is resulting from specific Acts and case law;
- B) A requirement established within professional codes of conduct (which apply to many of the healthcare workers who may be part of the service user's healthcare team);
- C) A requirement for staff not to wrongly divulge confidential information, which is incorporated into staff disciplinary procedures.

The same duties and obligations apply to Careville Ltd in every respect, and all service users have the expectation that Careville Ltd staff will respect their privacy and act appropriately.

A key consideration is the direct link between an individual and the sensitive and personal information which is held about them.

Key identifiable information includes:

Name, address, full post code, date of birth;

Pictures, photographs, videos, audio-tapes or other images;

NHS number and local patient identifiable codes;

Anything else that may be used to identify a patient directly or indirectly. For example, rare diseases, drug treatments or statistical analyses which have very small numbers within a small population – making it easier for individuals to be identified.

It is generally accepted that information provided by service users to Careville Ltd is provided in confidence and must be treated as such so long as it remains capable of identifying the individual it relates to.

This is an important point, as once information is effectively anonymised it is no longer confidential. The protection of confidential information is an important component of Careville Ltd's procedures and protocols, and includes the following measures:

1. Procedures to ensure that all staff are always fully aware of their responsibilities regarding confidentiality;
2. Recording service user information accurately and consistently;
3. Keeping service user information private;
4. Keeping service user information physically secure;
5. Disclosing and using information with appropriate care.
6. Procedures to ensure that all staff are fully aware of their responsibilities regarding confidentiality.

Careville Ltd ensures that staff are aware of confidentiality issues through the creation of policy/procedure documents such as this one, and its policy/procedure entitled "Employee Responsibilities", induction training and Careville Ltd's Disciplinary procedures.

Recording Service User Information Accurately and Consistently

Careville Ltd aims for best practice in keeping records of service users and the care delivered to them and will endeavor to maintain records that are factual, consistent, accurate, relevant and useful. Service user records will not include unnecessary abbreviations or jargon, meaningless phrases, irrelevant speculation, subjective statements, or irrelevant personal opinions.

Careville Ltd requires staff not to gossip, and to take care when discussing cases in public places.



Key Question: How do I keep service user information physically secure?

Careville will take a number of measures to ensure that confidential service user information is secure including:

- Not leaving portable computers, care case notes or files, unattended in cars, other service users' houses or in easily accessible areas;
- Storing all files and portable equipment under lock and key when not actually being used;
- Keeping manual records secure by shutting/locking cabinets as required;
- Not leaving service user information on computer screens when the computer is unattended;
- Ensuring that the computer's screen saver facility is applied and secure passwords are used.
- Disclosing and using information with appropriate care.
- Ensure all data is held in compliance with the Data Protection Act 2018

Careville Ltd will:

- Ensure that established information sharing protocols are observed at all times;
- Identify enquirers so that information is only shared with the right people;
- Ensure access to information is authorized by an appropriate Manager/Director;
- Ensure that appropriate standards of protection are applied in respect of emails, faxes and surface mail;

- Share the minimum necessary to provide safe care or to satisfy other purposes.(see the Caldicott principles below).
- Ensure any access to personal information is appropriate to the business purpose.
- Ensure information is accessed on a role-appropriate basis and access to information will be removed or blocked to users who have changes roles or left the organisation.

Breach of Data Protection

If any Data Protection breach occurs, it is the duty of all Careville Ltd Staff to immediately inform their Line Manager/Registered Manager.

It is the duty of all Careville Ltd Managers to report any such breaches to relevant organisations. For example: Police/Local Safeguarding team.

All breaches will be subject to disciplinary procedures as set out in the Disciplinary Policy.

The Caldicott Principles

The Caldicott Report set out a number of general principles that health and social care organisations should use when reviewing its use of client information and these are set out below:

1. Justify the purpose;
2. Don't use service user identifiable information unless it is necessary;
3. Use the minimum necessary patient identifiable information;
4. Access to identifiable information should be on a strict need to know basis;
5. Everyone should be aware of their responsibilities;
6. Understand and comply with the law.

Disclosure of confidential information by Careville Ltd

Careville Ltd is expected, on occasion, to share confidential service user information between members of care teams and between different organisations, in order that the service user is able to receive, overall, the highest quality care.

The information may be needed for care purposes involving the service user, (such as delivering the correct care, arranging for care or co-ordinating care) or for such matters as clinical governance or clinical audit.

Service users may object to the routine disclosure of information described above if they wish, although they will be advised that this may not be in their best interests, as Clinicians cannot usually treat patients safely, nor provide continuity of care, without having relevant information about a patient's condition and medical history.

In circumstances where service users have been informed of:

- a) the use and disclosure of their information associated with their care; and
- b) the choices that they have and the implications of choosing to limit how information may be used or shared;

Then explicit consent is not usually required for information disclosures needed to provide that care. However, any explicit objection to disclosure must be acted upon, and fully

documented in the service user's file. It will be made clear to the service user that they can change their mind at a later date. Careville Ltd is not normally associated with any activities which are not directly related to the provision of care to service users.

However, where confidential information is requested, but does not satisfy the tests of necessity and appropriateness that must govern the use of identifiable service user information, then it will, where possible, be anonymised to protect the service user. In all other circumstances, efforts will be made to obtain and record consent from the service user unless there are statutory grounds for setting confidentiality aside or robust public interest or important safety/security issues exist.

The legal considerations in more detail:

There are a range of statutory provisions that limit or prohibit the use and disclosure of information in specific circumstances and, similarly a range of statutory provisions that require information to be used or disclosed. Generally, there are three main areas of law which constrain the use and disclosure of confidential personal health information, and which relate to the conduct and performance of Careville Ltd:

- Data Protection Act 2018;
- Human Rights Act 1998.
- Common Law of Confidentiality

The key principle is that information confided should not be used or disclosed further, except as originally understood by the confider, or with their subsequent permission.

Careville Ltd will therefore ensure that service users are properly informed of the use of their personal information, and will, where necessary, seek explicit permission to disclose in circumstances where consent has not been reasonably implied or assumed.

Data Protection Act 2018

This Act provides a framework that governs the processing of information that identifies personal data relating to living individuals.

Processing includes holding, obtaining, recording, using and disclosing of information and the Act applies to all forms of media, including paper and images. In the context of confidentiality, the most important data principles, outlined in the Act refer to data and information being processed lawfully and fairly; personal data being processed for one or more lawful purposes and the protection of personal data against unlawful processing and against accidental loss, destruction or damage.

Human Rights Act 1998

Article 8 of the Human Rights Act 1998 establishes a right to “respect for private and family life”. This underscores the duty to protect the privacy of individuals and preserve the confidentiality of their health records. Current understanding is that compliance with the Data Protection Act 2018 and the common law of confidentiality should satisfy Human Rights requirements.

Monitoring and Review

The Managing Director, will check this policy is working properly and they will review it at least once a year. We will make improvements to the policy wherever we can. Employees are invited to suggest any ways the policy can be improved.



Key Points to Take Away

- Careville Ltd and its staff will respect and protect all confidential information concerning its service users at all times.
- Careville Ltd is expected, on occasion, to share confidential service user information between members of care teams and between different organisations.
- If any Data Protection breach occurs, it is the duty of all Careville Ltd Staff to immediately inform their Line Manager/Registered Manager.

After reading this Policy, you should be able to:

- Understand what confidentiality relates to.
- Understand what Data Protection Act 2018 means.
- Understand that all confidential information should be kept secure.

If you have not achieved any of these points, please ask your Line Manager or trainer for further help.

Authorisation and Signature

This Policy is the authorised version agreed by the Directors of Careville Ltd. All employees are expected to follow this policy and failure to do so could result in disciplinary action.

Director's Signature

Director