

Confidentiality Policy

November | 2018

Responsible Committee: Clinical Governance Committee

Date Effective: November 2018

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Supersedes: January 2017

Next Review Due: November 2019

Version Number:

Comments (details of change):

Introduction

South East London Doctors Co-operative Ltd (SELDOC) delivers primary care services to patients across South East London. All patients have a right to expect that their health care service will respect their privacy and that information held about them will be kept confidential, including after a patient has died.

SELDOC also holds information about its staff and business partners. This will also be held confidentially and retained in accordance with the Data Protection Act 1998.

2. Legal, ethical and good practice guidance for confidentiality

The general legal and ethical principle of patient confidentiality has been derived from case law and is a key principle of *The NHS Constitution for England 2013*¹. The Department of Health's *Confidentiality: NHS code of practice (DH, 2003)*² and the *Supplementary guidance (November 2010): public interest disclosures* set out the legal and ethical principles for maintaining confidentiality within the NHS.

The General Medical Council (GMC) also expects doctors to comply with the standards of good practice set out in their guidance – *Good Medical Practice*³ and the detailed guidance *Confidentiality*³.

3. Key principles to consider

The documents cited above are clear on the following principles:

All health care staff, providing clinical or administrative services, must respect patients' privacy and their right to have information about them held in confidence and held in private and secure systems

All personal information about members of staff and business partners is confidential at all times

Confidentiality is central to trust between doctors and patients

SELDOC must make sure patients are aware that, unless they object, their personal information will be shared with their registered GP and their administration staff

¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/170656/NHS_Constitution.pdf

² https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/200146/Confidentiality_NHS_Code_of_Practice.pdf ³ http://www.gmc-uk.org/guidance/good_medical_practice/contents.asp

³ http://www.gmc-uk.org/guidance/ethical_guidance/confidentiality_contents.asp

Confidentiality is an important duty but is not absolute (see section 5 regarding disclosure of information). Duty doctors must act promptly and completely if they decide to disclose information

All staff must respect and support patients to exercise their legal rights to be informed about how their information will be used and access a copy of their health records

4. Protecting patient information

SELDOC expects the following principles to be followed by all members of staff:

- 4.1 Make sure any personal information about patients that SELDOC holds or controls is effectively protected at all times against improper disclosure.
- 4.2 Do not share identifiable information about patients where it can be overheard or via unsecure internet / email communication.
- 4.3 Keep passwords secure and do not share them.
- 4.4 Do not leave patients records, either on paper or on screen, unattended or where they can be seen by other patients, unauthorised healthcare staff or the public.
- 4.5 Limit access only to information that they have a legitimate reason to view.

5. Situations when duty doctors need to disclose information

5.1 Duty doctors must disclose information to safeguard children, young persons and vulnerable adults in line with the Safeguarding Policies for Children and Vulnerable Adults. This includes when:

- they are at risk of neglect or sexual, physical or emotional abuse
- the information would help in the prevention, detection or prosecution of serious crime, usually crime against the person
- a child or young person is involved in behaviour that might put them or others at risk of serious harm, such as serious addiction, self-harm or joy-riding

5.2 Duty doctors must disclose information to notify the Health Protection Agency when duty doctors have a known or suspected case of certain infectious diseases⁴.

5.3 Duty doctors must co-operate with the Medical Director or other members of the senior management team if they request information to investigate a complaint, accident or a health professionals' fitness to practice.

5.4 Duty doctors must refer all other requests for information to the Medical Director or Duty Clinical Director.

⁴ <http://www.hpa.org.uk/Topics/InfectiousDiseases/InfectionsAZ/NotificationsOfInfectiousDiseases/ListOfNotifiableDiseases/>

⁶ <http://systems.hscic.gov.uk/data/ods/searchtools/caldicott/index.html>

6. Caldicott Guardian

- 6.1 The Caldicott Guardian⁶ for SELDOC, who is responsible for over-seeing all access to patient identifiable information, is the Medical Director.
- 6.2 Duty doctors must report all actual and potential breaches of patient confidentiality to the Caldicott Guardian.

7. Protecting information about staff

- 7.1 All personal information about staff must be kept confidential at all times. This includes: staff sickness, current or previous disciplinary procedures, employment references, personal living arrangements, address and telephone number and any other information which has been given in confidence.
- 7.2 Staff should never give information to a person claiming to be the friend, relative or representative of a member of staff.

8. Duty of confidentiality to SELDOC

- 8.1 All staff have a duty of confidentiality and loyalty to their employer as detailed in their contract of employment
- 8.2 Staff must not divulge information to an outside body concerning:
- financial information about SELDOC
 - details of contract prices
 - any other information deemed to be confidential
- 8.3 Staff can only disclose information listed in 8.2 with the authority of an executive director or a Board member.

9. Breaches of confidentiality

- 9.1 SELDOC will treat all breaches of confidentiality as a serious untoward incident and investigate in line with the Serious Untoward Incident Policy.
- 9.2 Action will be taken in respect of the person breaching confidentiality in line with the Duty Doctor SLA (in the case of a duty doctor) or Disciplinary Policy (in the case of a member of staff).