

**Confidentiality Policy and Agreement - Staff**

**Document Control: to be changed, taken from Commisceo Word doc**

|  |  |
| --- | --- |
|  |  |
| **Version** | **2.04** |
| **Author/ Lead** | Dr Nehal Ahmad |
| **Director Sponsor** | Medical Director |
| **Date Effective** | **01.09.2021** |
| **Review period** | Every Two Years |
| **Date of Next Formal Review** | 01.09.2023 |
| **Target Audience** | All Staff |

Table of Contents

[1 INTRODUCTION 2](#_Toc86314362)

[2 APPLICABILITY 2](#_Toc86314363)

[3 POLICY 2](#_Toc86314364)

[4 RESPONSIBILITIES OF PRACTICE STAFF/WORKERS 3](#_Toc86314365)

[5 IF DISCLOSURE IS NECESSARY 3](#_Toc86314366)

[6 STAFF CONFIDENTIALITY AGREEMENT 4](#_Toc86314367)

# 1 INTRODUCTION

1.1 Purpose of Policy:

* All information held at Commisceo Primary Care Solutions Ltd. about patients and cares is confidential, whether held electronically or in hard copy.
* Other information about Commisceo Primary Care Solutions (for example its financial matters, staff records) is confidential.

1.2 Staff will by necessity have access to such confidential information from time to time.

# 2 APPLICABILITY

2.1 The policy applies to all employees, Directors, members and also applies in principle to other people who provide services for Commisceo Primary Care Solutions i.e. working as self-employed staff, temporary staff and contractors – collectively referred to herein as ‘workers’.

2.2 Commisceo Primary Care Solutions will ensure that workers who are not employees are aware of and agree to abide by this Policy in principle. In cases calling for action, and if the worker is an employee of another organisation (e.g. an agency), the worker's employer should also be involved.

# 3 POLICY

* Workers must not under any circumstances disclose patient or carer information to anyone outside Commisceo Primary Care Solutions, except to other health professionals on a need to know basis, or where the patient has provided written consent.
* All information about patients is confidential: from the most sensitive diagnosis, to the fact of having visited any location from which the organisation delivers services. This includes information about patient’s families or others associated with them.
* Workers must not under any circumstances disclose other confidential information about the organisation to anyone outside Commisceo Primary Care Solutions unless with the express consent of the accountable executive.
* Workers should limit any discussion about confidential information only to those who need to know within the organisation.
* The duty of confidentiality owed to a person under 16 is as great as the duty owed to any other person.
* Workers must be aware of and conform to the requirements of the Caldicott recommendations.
* All patients can expect that their personal information will not be disclosed without their permission (except in the most exceptional circumstances when disclosure is required when somebody is at grave risk of serious harm).
* Where disclosure of information is required which is non-routine in nature the patient or carer will, where possible be fully informed of the nature of the disclosure prior to this being released.
* Electronic transfer of any confidential information, once approved by the Senior Information Risk Owner (SIRO) or the IG Lead must be transmitted via the NHSnet. Workers must take particular care that confidential information is not transmitted in error by email or over the Internet.
* Workers must not take data from Commisceo Primary Care Solutions computer systems (e.g. on a memory stick or removable drive) off the premises unless authorised to do so by the appropriate leads.
* Workers who suspect a breach of confidentiality must immediately inform the Service Manager or Medical Director.
* Any breach of confidentiality will be considered as a serious disciplinary offence and may lead to dismissal.
* Workers remain bound by the requirement to keep information confidential even if they are no longer employed by Commisceo Primary Care Solutions. Any breach, or suspected breach, of confidentiality after the worker has left the organisation employment will be passed to Commisceo Primary Care Solutions lawyers for action

# 4 RESPONSIBILITIES OF PRACTICE STAFF/WORKERS

4.1 All health professionals must follow their professional codes of practice and the law. This means that they must make every effort to protect confidentiality. It also means that no identifiable information about a patient is passed to anyone or any agency without the express permission of that patient, except when this is essential for providing care or necessary to protect somebody’s health, safety or well-being.

4.2 All health professionals are individually accountable for their own actions. They should, however, also work together as a team to ensure that standards of confidentiality are upheld, and that improper disclosures are avoided.

4.3 Additionally, Commisceo Primary Care Solutions, as employers:

* are responsible for ensuring that everybody employed by the organisation understands the need for, and maintains, confidentiality;
* have overall responsibility for ensuring that systems and mechanisms are in place to protect confidentiality;
* have vicarious liability for the actions of those working in the organisation – including health professionals and non-clinical staff (i.e. those not employed directly by the organisation but who provide services for the organisation).

4.4 Standards of confidentiality apply to all health professionals, administrative and ancillary staff - including receptionists, secretaries, managers, cleaners and maintenance staff who are bound by contracts of employment to maintain confidentiality. They must not reveal, to anybody outside the organisation, personal information they learn in the course of their work, or due to their presence within the organisation and/or from any location services are delivered, without the patient’s consent. Nor will they discuss with colleagues any aspect of a patient’s attendance at the surgery in a way that might allow identification of the patient unless to do so is necessary for the patient’s care.

# 5 IF DISCLOSURE IS NECESSARY

5.1 If a patient or another person is at grave risk of serious harm which disclosure to an appropriate person would prevent, the relevant health professional can take advice from colleagues within the organisation, of from a professional/ regulatory/ defence body, in order to decide whether disclosure without consent is justified to protect the patient or another person. If a decision is taken to disclose, the patient should always be informed before disclosure is made, unless to do so could be dangerous. If at all possible, any such decisions must always be shared with the Medical Director and Service Manager.

5.2 Any decision to disclose information to protect health, safety or well-being will be based on the degree of current or potential harm, not the age of the patient.

# 6 STAFF CONFIDENTIALITY AGREEMENT

6.1 (a copy of this agreement should be signed by every staff member/worker)

**6.2 Declaration**

6.3 I understand that all information about patients and carers held by Commisceo Primary Care Solutions is strictly confidential, including the fact of a particular patient having visited any location from where the organisation delivers services.

6.4 I will abide by the confidentiality guidelines set out below.

6.5 I have read the Staff Confidentiality Policy above and fully understand my obligations and the consequences of any breach of confidentiality. I understand that a breach of these obligations may result in dismissal.

6.6 I understand that any breach, or suspected breach, of confidentiality by me after I have left the organisation’s employment will be passed to the organisations lawyers for action.

6.7 If I hold a professional qualification and my right to depends on that qualification being registered with a governing body, it is my responsibility to have read and understood their advice on confidentiality.

Print name:

Signature:

Date:

**Confidentiality guidelines**:

* Be aware that careless talk can lead to a breach of confidentiality – discuss your work only with authorised personnel, preferably in private.
* Always keep confidential documents away from prying eyes.
* Verbal reporting should be carried out in private. If this is not possible, it should be delivered in a volume such that it can only be heard by those for whom it is intended.
* When asking for confidential information in circumstances where the conversation can be overheard by others, conduct the interview in as quiet and discreet a manner as possible and preferably find somewhere private for the discussion.
* There may be times when a young person attends on their own. On such occasions it may not be appropriate to enquire further as to the reason for the visit, and a referral to the Service Manager or Medical Director may be appropriate.
* Information should be given over the telephone only to the patient or, in the case of children, to their parent or guardian. Precautions should be taken to prevent the conversation being overheard. Care must be taken to ensure that the duty of confidentiality to a minor is not breached, even to a parent.
* The duty of confidentiality owed to a person under 16 is as great as the duty owed to any other person.
* When using computers, unauthorised access should be prevented by password protection and physical security such as locking the doors when offices are left unattended. Where possible, monitor screens should be positioned so they are visible only to the user. Unwanted paper records should be disposed of safely by shredding on site and computer files on hard or floppy disks should be wiped clean when no longer required.
* If unsure about authorisation to disclose, or a person’s authorisation to receive confidential information, always seek authorisation from the Service Manager or Medical Director before disclosing any personal health information.