

CONFIDENTIALITY POLICY

Document name:	Confidentiality Policy
Document Classification:	General
Document No:	CP001
Version:	2.0
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Policy Reviewer:	Lorraine Gallier
Date created	November 2020
Review Date	22 nd April 2021
Responsible committee:	Operational Committee
Superseded policy (if applicable):	1.0
Target audience:	Directors, Managers, Clinicians, Staff
Other relevant policies	<ul style="list-style-type: none">• Agency Worker Handbook• Data Protection Policy• Privacy Policy• Quality Assurance and Monitoring Policy• Grievance & Disciplinary Procedure

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1.0 INTRODUCTION

The purpose of this confidentiality policy is to make known to staff the principles that must be observed by all who work for SOS Medical Staffing and have access to person identifiable information or confidential information. All staff need to be aware of their responsibilities for safeguarding confidentiality and preserving information security.

All employees working for SOS Medical Staffing will also be governed by the NHS if they are working in Acute Trusts and are bound by a legal duty of confidence to protect personal information they may come into contact with, during the course of their work.

Should staff be working in a privately run home, they will adhere to the policies provided by the independent homes.

This is not just a requirement of their contractual responsibilities but also a requirement within the common law duty of confidence and data protection legislation – the European General Data Protection Regulation (GDPR) and Data Protection Act 2018 (DPA2018) which implements the GDPR in the UK.

This policy sets out the requirements placed on all staff when sharing information within the NHS and between NHS and non-NHS organizations.

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2.0 AIMS

This policy aims to outline the obligations placed upon SOS Medical Staffing to safeguard confidential information and describes the circumstances whereby the agency may disclose confidential information, together with the circumstances where express consent is required, and finally the client's right to object to any disclosure.

All Agency Workers will be provided with the company's statement on confidentiality in the Agency worker handbook. A full version of this policy is available on SOS Medical Staffing Website, in Nurse Lounge.

This policy aims to ensure all staff and service users are aware how their information may be used and, where reasonable, respect conditions requested by individuals to limit the use of their information and to establish clear lines of accountability to protect information and support staff in the provision of a confidential service.

To facilitate information sharing arrangements between NHS Trusts, social care and other relevant organizations;

To ensure valid implied or explicit consent is obtained prior to disclosure;

To establish clear lines of accountability to authorize the disclosure of confidential information.

3.0 SCOPE

This policy applies to all staff of SOS Medical, including employees, temporary workers, contractors and sub-contractors.

4.0 DO'S AND DON'TS

DO NOT

- Staff **must not** discuss the affairs of SOS Medical Staffing, clients or patients with anybody unless they have specific and verifiable permission to do so.
- Staff **must not** purposely seek to obtain confidential information about the employment business, clients or patients outside of the strict scope of their job role.

DO

Staff must always ask a manager for advice if they are not certain about how to deal with possibly confidential information

Staff must keep all information about the affairs of SOS Medical Staffing, clients or patients, strictly confidential

Staff must always remember that the requirements of this policy are also requirements for undertaking assignments with SOS Medical Staffing

Staff must always remember that SOS Medical Staff will report the seemingly unauthorized spreading of information to clients and patients

Exceptions:

This policy does not apply to cases where the holder of information knows that the law or the regulations that they work under requires them to report their knowledge.

5.0 DEFINITIONS

Person-identifiable information:

Is anything that contains the means to identify a person, e.g. name, address, postcode, date of birth, NHS number and must not be stored on removable media.

It can take many forms including patient level health information, employee records, occupational health records, etc.

It also includes SOS Medical Staffing confidential business information.

Special categories of personal information (previously known as 'sensitive' personal data) as defined by the Data Protection Act 2018 refers to personal information about:

- Race or ethnic origin
- Political opinions
- Religious or philosophical beliefs
- Trade union membership
- Genetic data
- Biometric data
- Health data

- Sexual history and/or sexual orientation
- Criminal data

Non-person-identifiable information can also be classed as confidential such as confidential business information e.g. financial reports; commercially sensitive information e.g. contracts, trade secrets, procurement information, which should also be treated with the same degree of care.

6.0 Patient consent to disclosing information

Patients generally have the right to object to the use and disclosure of confidential information that identifies them and need to be made aware of this right. Sometimes, if patients choose to prohibit information being disclosed to other health professionals involved in providing care, it might mean that the care that can be provided is limited and, in extremely rare circumstances, that it is not possible to offer certain treatment options.

Patients must be informed if their decisions about disclosure have implications for the provision of care or treatment. Clinicians cannot usually treat patients safely, nor provide continuity of care, without having relevant information about a patient's condition and medical history.

Personal and sensitive information will be disclosed in line with the principles of the NHS code of practice for Acute Trusts that SOS Medical Staffing supply staff to.

Where patients have been informed of:

- a) the use and disclosure of their information associated with their healthcare;
- 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 healthcare.

Even so, opportunities to check that patients understand what may happen and are content should be taken. Special attention should be paid to the issues around child consent

Where the purpose is not directly concerned with the healthcare of a patient however, it would be wrong to assume consent. Additional efforts to gain consent are required or alternative approaches

that do not rely on identifiable information will need to be developed.

There are situations where consent cannot be obtained for the use or disclosure of patient identifiable information, yet the public good of this use outweighs issues of privacy.

Section 60 of the Health and Social Care Act 2001 currently provides an interim power to ensure that patient identifiable information, needed to support a range of important work such as clinical audit, record validation and research, can be used without the consent of patients. Please follow the policy of the Unit you are working in should this necessity arise.

7.0 STANDARDS

Patient, staff and member information, whether electronic or manual, should be secure, appropriately accessed, transferred and ultimately disposed of in line with SOS Medical Staffing's Data Protection policy

Patient information should only be shared for the purpose of healthcare in line with Trust guidance and procedures on information sharing

8.0 DISSEMINATION

This policy is available on SOS Medical Staffing Website, Nurse Lounge, Policies

9.0 BREACH OF POLICY

Breach of this policy may result in disciplinary action for any staff member of SOS Medical Staffing

10.0 Policy Review

This policy will be reviewed annually unless new legislation is released and needs to be included.

Links & References

[Confidentiality: NHS Code of Practice - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

[78051-DoH-NHS Code-Practice \(publishing.service.gov.uk\)](http://publishing.service.gov.uk)

[nmc-code.pdf](#)

[hscic-guide-to-confidentiality_2013.pdf](#)

[The Common Law Duty of Confidentiality | Department of Health \(health-ni.gov.uk\)](http://health-ni.gov.uk)