

## **ROOKERY MEDICAL CENTRE**

### **STAFF CONFIDENTIALITY POLICY and AGREEMENT**

#### **INTRODUCTION**

The reasons for the Policy:

- all information held at the Practice about patients is confidential, whether held electronically or in hard copy
- other information about the Practice (for example its financial matters, Workers records) is confidential
- Staff will by necessity have access to such confidential information from time to time
- all Staff are aware of their responsibilities for safeguarding confidentiality
- all Staff understand their responsibilities when sharing information with both NHS and non-NHS organisations

#### **APPLICABILITY**

The policy applies to all employees, partners and to other people who work at the practice e.g. self-employed staff, temporary staff and contractors – collectively referred to herein as ‘workers’.

#### **POLICY**

- Workers must not under any circumstances disclose patient information to anyone outside the Practice, 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 the surgery or being registered at the practice. This includes information about patients’ families or others associated with them.
- Confidential information may not be health related. It can include anything that is private and not public knowledge.
- Only the minimum amount of necessary information should be disclosed
- Where the decision is made to disclose information, the decision to do so must be justified and documented.
- Person-identifiable information must not be used unless absolutely necessary – anonymised data should be used wherever possible.
- All information about patients is confidential: from the most sensitive diagnosis to the fact of having visited the surgery or being registered at the Practice.
- Workers must not under any circumstances disclose other confidential information about the Practice to anyone outside the Practice unless with the express consent of the Caldicott Guardian.
- Workers should limit any discussion about confidential information only to those who need to know within the Practice.
- Workers should be aware that monitoring of their access to systems can be monitored and recorded.
- 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).
- Electronic transfer of any confidential information can be transferred by email in the following ways:
  - 1.1.1 From nhs.net to nhs.net
  - 1.1.2 From nhs.net to anybody on the accredited organisations list – list can be found here: [The secure email standard - NHS Digital](#)
  - 1.1.3 If neither of the above, you can also send from nhs.net using the [secure] function – include the word [secure] with the square brackets in the subject line and the email will be encrypted. Recipients may need help unlocking the email. If so, they can be sent [Accessing Encrypted Emails Guide for non-NHSmail users – NHSmail Support](#)

Workers must take particular care that confidential information is not transmitted in error by email or over the Internet.

- Workers remain bound by the requirement to keep information confidential even if they are no longer employed at the Practice. Any breach, or suspected breach, of confidentiality after the worker has left the Practice’s employment will be passed to the Practice’s lawyers for action.

- Workers must not take data from the Practice's computer systems (e.g. on a memory stick or removable drive) off the premises unless authorised to do so by the Caldicott Guardian or the Practice Manager.
- Workers who suspect a breach of confidentiality must inform the Caldicott Guardian or Practice Manager immediately. Any intentional breach of confidentiality will be considered as a serious disciplinary offence and may lead to dismissal. Workers are not allowed to access their relative's records – even with the relative's permission.
- Workers should never be looking at their own record. Any access to their own record should be via the Subject Access Request route.

### **RESPONSIBILITIES OF PRACTICE STAFF / WORKERS**

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.

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.

Additionally, the Rookery Medical Centre, as an Employer:

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

Standards of confidentiality apply to all health professionals, administrative and ancillary staff - including receptionists, secretaries, cleaners and maintenance staff who are bound by contracts of employment to maintain confidentiality.

They must not reveal to anybody outside the practice, personal information they learn during their work, or due to their presence in the surgery, 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.

### **IF DISCLOSURE IS NECESSARY**

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 practice, or from a professional / regulatory / defence body, 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 possible, any such decisions should be shared with another member of the practice team.

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.

### **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 alone. On such occasions it may not be appropriate to enquire further as to the reason for the visit, and a referral to a clinician, or a Practice nurse for triage, may be more 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, VDU screens should be positioned so they are visible only to the user. Unwanted paper records should be disposed of safely by shredding on site.
- If unsure about authorisation to disclose, or a person's authorisation to receive confidential information, always seek authorisation from a Partner or the Caldicott Guardian before disclosing any personal health information.
- Medical records and information must not be handed to the patient or relative. The traffic of such information, i.e. from one department to another, must be co-ordinated by the Practice staff

## **Appendix 1**

### **Staff Confidentiality Agreement**

#### **Declaration**

I understand that all information about patients held by the Rookery is strictly confidential, including the fact of a particular patient having visited the surgery.

I will abide by the confidentiality guidelines set out above.

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.

I understand that, even after a time when I may have left the Practice's employment, I am still bound by the obligations of the policy and that any subsequent breach may lead to legal action.

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

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_