

Heathgate Medical Practice Practice Policy Confidentiality

Purpose

The purpose of this policy is to outline the obligations and responsibilities of everyone working at the Practice in respect of the confidentiality of information held about patients and the Practice as a whole (i.e. Practice business, HR, finance and operational matters).

This policy is relevant to all employers and anyone who works at the Practice, whether a Partner, employee, an individual on a training placement, self-employed, health professionals employed by other organisations seeing patients on site, observers, tradesmen working on site and visitors.

Importance of confidentiality – Health Care Records

Confidentiality is a fundamental part of health care and crucial to the trust between clinicians and patients. Patients trust us with sensitive information relating to their health and other matters in order to receive the treatment and services they require.

Patients should be able to expect that this information will remain confidential unless there is a compelling reason why it should not. All staff working in the NHS have legal, ethical and contractual obligations of confidentiality and must ensure they act appropriately to protect patient information against improper disclosure.

Some patients may lack the capacity to give or withhold their consent to disclosure of confidential information but this does not diminish the duty of confidence. The duty of confidentiality applies to all patients regardless of race, gender, social class, age, religion, sexual orientation, appearance, disability or medical condition.

Information that can identify individual patients must not be used or disclosed for purposes other than healthcare unless the patient (or appointed representative) has given explicit consent, except where the law requires disclosure or there is an overriding public interest to disclose.

All patient identifiable health information must be treated as confidential information, regardless of the format in which it is held.

Information which is effectively anonymised can be used with fewer constraints.

Importance of confidentiality – Practice matters

The confidentiality of information about the practice and its staff must also be respected. This includes information about;

- The contracts the Practice holds

- Our staff and their employment
- Any financial matter
- The operation of our dispensary – including arrangements with drug companies and wholesalers.
- Operational matters
- Issues relating to the GP Trainees and F2's we support
- Matters relating to our premises
- Personal matters relating to the Partners
- Anything else that is not public information

Obligations for all staff

All staff must:

- endeavour to maintain confidentiality at all times
- not discuss confidential information with colleagues without patient consent (unless it is part of the provision of care)
- not discuss confidential information in a location or manner that allows it to be overheard (this is particularly important with our open plan reception, dispensary and office areas)
- handle information received from another provider sensitively and confidentially
- not allow confidential information to be visible in public places
- store and dispose of confidential information in accordance with the Data Protection Act 1998 and the Department of Health's Records Management Code of Practice (the Practice provides blue confidential waste shredding bins throughout the Practice, the contents of which are removed from the building fortnightly and destroyed by PHS Data Shred, under contract and the appropriate 'duty of care certificates' with consignment notes held for retention)
- not access confidential information unless it is necessary as part of their work
- not remove clinical confidential information from the premises unless it is necessary to do so to provide treatment to a patient (information taken by GPs for home visits must be returned to the Practice)
- ensure the appropriate technical safeguards (encryption) are in place when there is an agreement from the information governance lead or caldicott guardian to remove information from the Practice
- contact the information governance lead or caldicott guardian if there are barriers to maintaining confidentiality
- report any loss, inappropriate storage or incorrect disclosure of confidential information to the information governance lead or caldicott guardian

It is expected that members of staff will comply with the law, guidance and codes of conduct laid down by the NHS and our Practice.

Information disclosures

When a decision is taken to disclose information about a patient to a third party due to safeguarding concerns/public interest, the patient should always be told and asked for consent before the disclosure is made unless it would be unsafe or not practical to do so.

In the circumstances that consent cannot be sought, then there must be clear reasons and necessity for sharing the information.

Disclosures of confidential information about patients to a third party must be made to the appropriate person or organisation and in accordance with the principles of:

- The Data Protection Act 1998
- The NHS Confidentiality Code of Practice 2003
- The Common Law duty of Confidentiality
- NHS Care Record Guarantee 2009
- Access to Health Records Act 1990
- The NHS Code of Practice for Records Management

Obligations for Partners

The Partners will ensure that:

- Confidential information is stored securely on the premises and that there are processes in place to guarantee confidentiality
- All individuals to whom this protocol is relevant have been provided with a copy and have the ability to ask questions if they do not understand any aspect of it.
- Regular updates (training) are provided in IG and Confidentiality.
- Maintain its subscription and membership of the Information Commissioners Office

Other Practice processes regarding confidentiality

All contracts of employment will include a signed confidentiality statement that will be executed at the same time as the contract of employment. This requires employees and those attached to the Practice in any way to maintain confidentiality during and after any period working in the Practice.

The Practice provides information to its patients about access to their medical records.

Our Practice Charter includes reference to maintaining patient confidentiality at all times.

All visitors must sign the visitor's book and are asked to read a confidentiality statement. Our visitor's badges have a reminder about respecting confidentiality printed on them.

Our Practice leaflet includes information about the Practice sharing information with other health care providers when we refer patients for further care.

With our open plan reception, we have signage that offers patients the ability to discuss their affairs in a more confidential setting.

We obtain patient consent to videoing of consultations for professional development of our clinicians. The material is deleted after the period of learning is complete.

This policy should be read in conjunction with the Practice Caldicott Guardian Statement, our IG policy and the Staff Welfare Policy on Confidentiality.

Our confidentiality statement should not prevent staff from following our whistle blowing policy if they feel there is the need to invoke any aspect of that policy.