

# STAFF CONFIDENTIALITY POLICY AND AGREEMENT

## INTRODUCTION

The reason for the Policy:

- All information held at the Practice about patients is confidential, whether held electronically or in a hard copy
- Other information about the Practice (for example its financial matters, staff records) is confidential
- Staff will by necessity have access to such confidential information from time to time

## APPLICABILITY

The policy applies to all employers and partners, and also applied *in principle*\* to other people who work at the Practice e.g. self-employed staff, temporary staff and contractors – collectively referred to herein as ‘workers’.

*\*Practices should ensure that workers who are not employees are aware of and agree to abide by the 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.*

## POLICY

- Staff must not under any circumstance 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.
- Staff must not, under any circumstances, disclose other confidential information about the Practice to anyone outside the Practice unless with the express consent of Dr Marshall-Andrews or Gary Toyne.
- Staff should limit any discussion about confidential information only to those who need to know within the Practice.
- The duty of confidentiality owed to a person under 16 is as great as the duty owed to any other person.
- Staff 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, once approved by Dr Marshall-Andrews or Gary Toyne must be transmitted via the NHSnet. Staff must take particular care that confidential information is not transmitted in error by email or over the internet.
- Staff 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 Dr Marshall-Andrews or Gary Toyne.

- Staff who suspect a breach of confidentiality must inform Dr Marshall-Andrews or Gary Toyne immediately.
- Any breach of confidentiality will be considered as a serious disciplinary offence and may lead to dismissal.
- Staff 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.

## **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 BHWC as employers:

- Are responsible for ensuring that everybody employed by the practice 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 practice – including health professionals and non-clinical staff (i.e. those not employed directly by the practice but work in the surgery).

Standards of confidentiality apply to all health professionals, administrative and ancillary staff – including receptionists, secretaries, practice manager, 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 in the course of 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, 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 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.

## **STAFF CONFIDENTIALITY AGREEMENT**

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

### **DECLARATION**

I understand that during the course of my duties I may have access to personal information about patients, personal information about members of staff and sensitive information about the Practice.

I understand that I should only enter the patient record when necessary with reference to patient care and with the permission of the patient or their advocate. Entering the record for any other purpose is an act of gross misconduct which could result in instant dismissal/

I declare that I will respect the confidentiality of all such information now and forever.

I understand the disclosure of confidential information to unauthorised persons may lead to legal action.

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

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

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

Written by: Gary Toyne

Date: 03.10.2019

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