

# Confidentiality Policy

## What is Confidential Information?

The following types of information are classed as confidential. This list is not exhaustive:

### Person-identifiable information

Is anything that contains the means to identify a person, e.g. name, address, postcode, date of birth, NHS number, National Insurance number etc. Even a visual image (e.g. photograph) is sufficient to identify an individual. Any data or combination of data and other information, which can indirectly identify the person, will also fall into this definition.

**Sensitive personal information** as defined by the Data Protection Act 1998 refers to personal information about:

- Race or ethnic origin
- Political opinions
- Religious or similar beliefs
- Trade union membership
- Physical or mental health or condition
- Sexual life
- Commission or alleged commission of any offence, or any proceedings for any offence committed or alleged to have been committed, the disposal of such proceedings or the sentence of any court in such proceedings

**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.

## What is the legal requirement?

All Board Members, Volunteers and Employees working with/for Healthwatch Rutland are bound by a legal duty of confidence to protect personal information they may come into contact with during the course of their work.

This is a requirement within the common law duty of confidence and the Data Protection Act 1998. The 1998 Act will be updated in 2018 and appropriate changes will need to be made to this policy.

Healthwatch Rutland will ensure that all Board Members, Volunteers and Employees, who are likely to deal with confidential information, will be briefed on data protection and confidentiality issues.

## When is there a Duty to Share?

Healthwatch Rutland adheres to the **Common Law Duty of Confidentiality**.

Information given in confidence must not be disclosed without consent unless there is a justifiable reason e.g. a requirement of law or there is an overriding public interest to do so.

## **Do's and Don'ts**

**Do** safeguard the confidentiality of all person-identifiable or confidential information that you encounter.

**Do** keep all portable records containing person-identifiable or confidential information in recognised filing and storage places that are locked at times when access is not directly controlled or supervised.

**Do** switch off computers with access to person-identifiable or business confidential information, or put them into a password-protected mode, if you leave your desk for any length of time.

**Do** ensure that you cannot be overheard when discussing confidential matters.

**Do** challenge and verify where necessary the identity of any person who is making a request for person-identifiable or confidential information and ensure they have a need to know.

**Do** share only the minimum information necessary.

**Do** transfer person-identifiable or confidential information securely.

**Do** seek advice if you need to share patient/person-identifiable information without the consent of the patient/identifiable person concerned, and record the decision and any action.

**Do** report to the Chief Executive any actual or suspected breaches of confidentiality.

**Do** participate in induction, training and awareness raising sessions on confidentiality issues.

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**Don't** share passwords or leave them lying around for others to see.

**Don't** share information with anybody without the consent of the person to which the information relates, unless there are statutory grounds to do so.

**Don't** use person-identifiable information unless absolutely necessary, anonymise the information where possible.

**Don't** collect, hold or process more information than you need, and do not keep it for longer than necessary.