

Policy / procedure / document

Subject: Patient confidentiality policy

Effective from: 05/08/2019

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Introduction

- The Clinical Governance Room (CGR) is a platform for clinical discussion based on fictitious cases and as such should not handle any person-identifiable or other sensitive information (SI) relating to real clinical cases.
- CGR recognises however that fictitious cases are often consciously or sub-consciously based on real experiences or may relate to real experiences coincidentally and that third parties may not fully understand the relevant legal and ethical framework when submitting cases for discussion.
- CGR therefore recognises an obligation to mitigate the inadvertent disclosure of SI in accordance with the Data Protection Act (1998), 'Confidentiality – guidance for registrants' (HCPC, 2017), and the Caldicott Principles (UKCGC, no date).
- The overarching principle of this policy therefore is the avoidance of disclosure of SI.

Aims and objectives

- The aims of this policy are to ensure the avoidance of disclosure of SI and to ensure anyone working for or with CGR are aware of the legal and best practice framework related.
- The primary objective is to ensure that each case has an associated checklist (appendix 1) completed to ensure no SI is disclosed.
- Secondary objectives are to ensure the checklist is fit for purpose and that all completed checklists are stored and producible if required.

Definitions

- SI is any information that contains the means to identify a person, e.g. name, address, postcode, date of birth, NHS number, National Insurance number etc.
- SI can take many forms including clinical and staff records, audits, occupational health records etc.
- SI, as defined in the Data Protection Act (1998) is information that relates to a living individual's:
 - racial or ethnic origin
 - political opinions
 - religious beliefs or other beliefs of a similar nature
 - membership of a trade union
 - physical or mental health or condition
 - sexual life
 - commission or alleged commission of any offence
 - 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.

Arrangements

- The seven Caldicott Principles are fundamental principles for health and social care individuals and organisations to ensure the protection of SI. They are:
 1. Justify the purpose for using confidential information
 2. Do not use personal confidential data unless absolutely necessary
 3. Use the minimum necessary personal confidential data
 4. Access to personal confidential data should be on a strict need-to-know basis
 5. Everyone with access to personal confidential data should be aware of their responsibilities
 6. Understand and comply with the law
 7. The duty to share information can be as important as the duty to protect patient confidentiality
- To mitigate the inadvertent disclosure of SI, all cases stored and published by CGR will be audited. The use of a checklist (appendix 1) will ensure this process is robust.

Responsibilities


- It is the role of the CGR Board to define the policy and it's requirements and to ensure it is available for anyone involved with CGR (CGR Board, sub-contracted persons, subscribers, or other third parties) to read
- It is the role of anyone involved with CGR to ensure they are aware of this policy and acting in accordance with it prior to submitting any case. A checklist must also be completed for each case

Monitoring

- The CGR Board will review any incidents relating to patient confidentiality within one month of recurrence and identify any actions required to mitigate the risk of recurrence

Audit and review

- This policy will be reviewed every three years or sooner if required

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Appendix 1

Case submission checklist:

- Case is fictitious ☐
- If influenced by real cases, please ensure no similarities in:
 - Patient age ☐
 - Geographical location ☐
 - Racial or ethnic origin ☐
 - Religious beliefs ☐
- Author has read latest version of the CGR Patient Confidentiality Policy ☐
- Signed:

_____ date: __/__/____