

GENERAL GUIDANCE TO STAFF ON CONFIDENTIALITY

1.0 INTRODUCTION

- 1.1 The principles set out apply to all those working within the Trust, including employees, voluntary workers, staff employed by outside agencies but working on the premises, those employed on unpaid honorary contracts, or those based in the Trust for the purposes of training.
- 1.2 Confidentiality is a fundamental right associated with patient care and the employment of staff. Any breach of confidentiality, however innocently made, must be treated seriously. In accordance with the Trust's Disciplinary Rules, breaches of confidentiality will normally lead to summary dismissal.
- 1.3 This Guidance is based on the Trust's Confidentiality Policy (Document IHR 96/1) which is contained in the Trust's Corporate Governance Manual.

2.0 PATIENTS

- 2.1 All patients have a right to complete confidentiality in all aspects of their care so that it will be a breach of confidentiality to:-
- i) disclose to an unauthorised person the fact that a patient has been identified as being on the premises;
 - ii) disclose to an unauthorised person any detail about a patient's condition, or treatment, or any other detail about a patient learned in the course of working within the Trust;
 - iii) use in any way, information learned about patients in the course of working within the Trust for purposes other than those genuinely connected with the Trust's business.
- 2.2 An authorised person is a person so defined by an employee's manager.
- 2.3 All those working in the Trust must:-
- i) not deliberately divulge confidential information concerning patients to unauthorised persons;
 - ii) not discuss confidential information concerning patients in a way which might lead to accidental disclosure in public areas, such as corridors, lift areas, dining or recreational areas within the Trust's premises;
 - iii) not discuss confidential information concerning patients outside the Trust's premises in a way which might lead to unauthorised persons gaining such information;

- iv) not use information learned about patients in the course of working within the Trust for their own purposes;
- v) refer enquiries received from the media, the police, or solicitors, concerning patients to the Chief Executive or the Director of Operations (Surgical Services). Or in their absence, the Duty Manager or Senior Manager on call. (Existing procedures apply to release of medical records to other parties, the provision of legal reports, etc.);
- vi) refer to their manager any situations relating to a possible breach of confidence, about which the employee is unsure.

3.0 FORMAL CORRESPONDENCE WITH PATIENTS AND OTHER HOSPITALS

- 3.1 Routine correspondence with patients giving appointments and information must be sent in unmarked envelopes and not franked with the Trust's logo.
- 3.2 Medical information, usually in the form of copy Medical Records must be marked "Confidential". Bulky correspondence must always be double wrapped and securely parcelled.

4.0 RECEIPT OF ENQUIRIES ABOUT PATIENTS

- 4.1 When requests are received seeking information about patients of the Trust, such information will not be disclosed without the express prior permission of the patient. The exceptions to this rule are:
 - i) enquiries received from Solicitors or the Department of Social Security acting on behalf of the patient;
 - ii) in situations where, in the judgement of a Director of the Trust, the failure to release the information would be contrary to the public interest or the interests of the patient concerned. This might include disclosure of information to the police.
- 4.2 Where telephone or face-to-face enquiries are received seeking information about patients, the person receiving the enquiry will establish the identity of the enquirer and refer them to the ward, if the patient has been admitted. Patient details must not be released without the express permission of the patient.
- 4.3 The only exception is if the caller is from another hospital or GP and is seeking information which may affect the care of the patient. In these situations the identity of the enquirer must be confirmed and if there is any uncertainty with a telephone enquiry, a reply call must be made to confirm the identity of the caller. If there is any doubt this should be referred to your manager or the Duty Manager.

5.0 **EMPLOYEES**

5.1 All employees of the Trust have a right to complete confidentiality regarding their employment with the Trust, so that it will be a breach of confidentiality to:

- i) disclose to an unauthorised person the fact that a person is employed by the Trust;
- ii) disclose to an unauthorised person any detail relating to the person's employment or any other information about an employee learned in the course of working within the Trust.
- iii) use in any way, information learned about an employee in the course of working within the Trust for purposes other than those genuinely connected with the Trust's business.

5.2 An authorised person is a person so defined by the employee's manager, or in certain circumstances, a person identified by the employee to whom information may be passed, such as banks or building societies requiring status details.

5.3 All those working within the Trust must:

- i) not divulge confidential information concerning employees to unauthorised persons. It is accepted that in certain situations, in particular where telephone calls are received asking for employees by name, that it may be impossible to avoid disclosing the fact that a person works within the Trust. In these situations, staff receiving calls should use their discretion or refer to their manager for advice;
- ii) not discuss confidential information concerning employees in a way which might lead to accidental disclosure in public areas within the Trust's premises;
- iii) not discuss confidential information concerning employees outside the Trust's premises in a way which might lead to unauthorised persons gaining such information;
- iv) not use information learned about other employees in the course of working within the Trust for their own purposes;
- v) refer enquiries received from the media, police or solicitors, about staff to their manager or the Director of HR;
- vi) refer to their manager or the Director of HR for advice in situations relating to a possible breach of confidentiality about which the employee is unsure.

6.0 FORMAL CORRESPONDENCE WITH EMPLOYEES

- 6.1 Any correspondence addressed to an employee of the BHNFT NHS Trust which is of a personal nature must be marked "Personal and in Confidence".
- 6.2 It is the responsibility of individual members of staff to ensure that any change of address is notified to the Trust on the pro forma included in weekly/monthly payslips. This information is forwarded to the Payroll Department who notify the HR Department of changes on a weekly basis. Staff should in addition notify their manager of any change in address.

7.0 RECEIPT OF ENQUIRIES ABOUT EMPLOYEES

- 7.1 When requests are received seeking information about employees of the Trust, such information will not be disclosed without the express prior permission of the employee. Financial reference requests from banks, building societies, etc, will need to be supported by a signed approval for disclosure from the subject of the reference. If such approval is not available it must be sought before disclosure is made.

The exceptions to this rule are:

- i) enquiries received from Solicitors or the Department of Social Security who routinely seek information in relation to benefits e.g. sickness/invalidity/maternity etc.
 - ii) in situations where, in the judgement of a Director of the Trust, the failure to release the information would be contrary to the public interest or the interests of the employee concerned. This might include disclosure of information to the police.
- 7.2 Where telephone or face-to-face enquiries are received seeking to make contact with employees, the person receiving the enquiry will take the name, address and telephone number of the person seeking to make contact and agree to ask the person, if they are employed by the Trust, to contact the person making the enquiry themselves.
- 7.3 Where telephone or face-to-face enquiries are received seeking information about employees, the person receiving the enquiry will ask for the request to be made in writing. On receipt of the written request, the express permission of the employee to release the information will be obtained prior to any disclosure in accordance with paragraph 7.1 above.
- 7.4 Where switchboard operators receive requests to speak to a named employee of the Trust, they will connect the person making the enquiry to the person concerned. Where they are in any doubt about the legitimacy of the call, or otherwise, they will refer the caller to the HR Department or the Duty Manager.

8.0 USE OF FACSIMILE (FAX) MACHINES

- 8.1 The transmission and receipt of patient and employee information must only be done from designated fax machines. Staff must refer to the Trust's 'Guidance to Staff on the Use of Fax Machines for the Transmission of Patient and Employee Information' before information is sent. Copies of the guidance and a list of designated machines is available on request from the Director of Information.

9.0 COMMERCIAL IN CONFIDENCE ISSUES

- 9.1 Employees should be particularly careful of using, or making public, internal information of a 'commercial in confidence' nature, particularly if its disclosure would prejudice the principles of fair competition. This principle applies whether private competitors or other public sector providers are concerned, and whether or not disclosure is prompted by the expectation of personal gain.

More detailed guidance is provided in the Trust's General Policy on Standards of Business Conduct which is contained in the Trust's Corporate Governance Manual.

10.0 RELATIONSHIPS WITH THE MEDIA

10.1 As a representative of the Trust

If a department is contacted by any section of the media, they should initially be directed to the departmental head, who may answer questions regarding technical areas of their department such as new equipment, improved services, awards etc. Any issues relating to legal, Trust or government policy must be referred to the Chief Executive, Deputy Chief Executive or the Director of Operations (Surgical Services). In their absence, the Duty Manager or Senior Manager on call.

10.2 As an employee of the Trust

Employees wishing to raise concerns regarding patient care or the activities of the Trust should follow the 'Procedure for Dealing with Staff Concerns Regarding Patient Care or the Activities of the Trust' (PPRO.PCA1) contained in the Trust's HR, Policies and Procedures Manual. Every reasonable action must be taken to try to resolve issues locally and informally.

The Trust acknowledges the freedom of members of staff to write letters, articles to journals, newspapers, take part in radio and television interviews and demonstrations. However, if staff deal with the media as members of the public, it should be made clear that these are their personal views and they are not speaking, writing or acting as representatives of the Trust. To this end, when participating in demonstrations or television interviews, forms of identification such as badges and ID cards must be removed and BHNFT uniforms should not be worn. With regard to radio interviews, or press articles, disclosures should be made indicating that these are personal views.