

Staff confidentiality code of conduct

[Insert name of organisation]

[Insert date adopted]

1. Introduction

Everyone working for the organisation is under a legal duty to keep patients' personal information confidential. Patients who believe their confidence has been breached may make a complaint to the organisation and they could take legal action.

2. Purpose

This Staff Confidentiality Code of Conduct has been produced to ensure all staff members at [insert organisation name] are aware of their legal duty to maintain confidentiality, to inform staff of the processes in place to protect personal information; and to provide guidance on disclosure obligations.

3. Scope

The code is concerned with protecting personal information about patients, although its content would apply equally to staff personal information. Personal information is data in any form (paper, electronic, tape, verbal, etc) from which a living individual could be identified; including name, age, address, and personal circumstances, as well as sensitive personal information like race, health, sexuality, etc. Although the Data Protection Act 1998 is only relevant to the personal information of living individuals, this code also covers information about deceased patients. The code applies to all staff including permanent, temporary, and locum members of staff.

4. Recognise your obligations

A duty of confidence arises out of the common law duty of confidence, employment contracts and for registered health professionals, it is part of your professional obligations. Breaches of confidence and inappropriate use of records or computer systems are serious matters which could result in disciplinary proceedings, dismissal and possibly legal prosecution. So, make sure you do not:

- Put personal information at risk of unauthorised access;
- Knowingly misuse any personal information or allow others to do so;
- Access records or information that you have no legitimate reason to look at this includes records and information about your family, friends, neighbours and acquaintances.

5. Keep personal information private

Make sure you comply with the following staff guidelines which set out practical things you should do to keep personal information protected:

- Good record keeping (see Record management procedures);
- Appropriate use of computer systems (see Access control procedure);
- Secure use of personal information (see Information handling procedures);
- Reporting information incidents (see Incident management procedure);

- Using mobile computing devices.

6. Disclose with appropriate care

[Insert organisation name] will ensure that patients are adequately informed about the use and disclosure of their personal information in a leaflet/during consultation/with an appointment letter [delete as appropriate]. This will tell them why, how and for what purpose personal information is collected, recorded and used by the organisation. You should ensure you are familiar with the patient information material and ensure you seek advice from the Information Governance lead [insert name] if patients have questions you are unable to answer.

If you are authorised to disclose personal information you should ensure you do so in accordance with the **Information handling procedures** and you must only:

- Share with those with a legitimate right to see/hear the information;
- Transfer in accordance with the organisation's secure transfer methods;
- Disclose the minimum necessary to provide safe care.

If you are authorised to disclose information that can identify an individual patient for non-healthcare purposes (e.g. research, financial audit) you must only do so if:

- You have the patient's explicit consent;
- The consent is written - to ensure there is no later dispute about whether consent was given.

Under the common law duty of confidence, identifiable personal information may be disclosed without consent in certain circumstances, these are:

- Where there is a legal justification for doing so, e.g. to comply with an Act of Parliament (statute) or court order;
- Where there is a public interest justification - i.e. where the public good that would be achieved by the disclosure outweighs both the obligation of confidentiality to the patient concerned and the broader public interest in the provision of a confidential service.

You must refer all requests for disclosure of personal information without the consent of the patient, including requests from the police, to the organisation's Information Governance lead [insert name].

7. Approval

This code has been approved by the undersigned and will be reviewed on an annual basis.

Name	
Date approved	
Review date	