

healthwatch Rochdale

Confidentiality Policy

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Purpose

This document sets out Healthwatch Rochdale's policy position in relation to ensuring protection of information on staff and volunteers (including Board Trustees) such that the integrity of the organisation is maintained.

Scope

This document applies to all staff, volunteers, trustees, trainees, consultants and contractors who undertake, work, duties or tasks on behalf of Healthwatch Rochdale.

Principles

Personal information relating to any customer, staff, volunteers or Board members obtained by Healthwatch Rochdale will not be passed on to anyone outside the organisation without the individuals express consent in line with GDPR legislation.

Comments /complaints/remarks or any other information regarding the experiences of the customer will not be directly attributable to the customer unless they expressly wish it.

Customers, staff, volunteers should never be asked personal information in front of others and any interviews relating to personal information should be held in private.

Policy

Healthwatch Rochdale is committed to equality and diversity. It will never use any information it receives to discriminate against its members or against the wider community, or for any other purpose than that stated to the person who gave it.

Healthwatch Rochdale is the independent consumer champion. Its work is based upon the gathering of views and experiences of people about health and social care services within and across the area it serves, and then ensuring that those views and experiences are taken into account by the providers and commissioners of health and social care operating within the area. To do this, Healthwatch will be party to and record information that could be considered confidential and in this respect, Healthwatch Rochdale will conduct itself as follows:-

- All meetings, involving personal or sensitive information should be conducted in appropriate surroundings and environment.
- When meeting with an individual or group the personnel conducting the meeting will make clear what will happen with any information given. They must ensure that those taking part are comfortable with how any information given will be recorded and used.

- Reports created by the Healthwatch Rochdale that contain evidence gathered from individuals or groups will not contain the names or any other identifying details of those that took part unless agreed.
- contact details or other personal information about an individual may not be passed on to a third party without the permission of the individual concerned
- Healthwatch Rochdale will not disclose sensitive information to a third party without the individual's consent except in a situation where there is a considerable or significant risk of harm to an individual or to others, or where there is a legal duty to do so. (See Appendix 1).
- All confidential information will be stored securely in accordance with the Healthwatch Rochdale Data Protection Policy.
- Our Safeguarding Policy will also be taken into account in considering how we maintain confidentiality.
- At all meetings, internal and external to the organisation, where confidential information is discussed, personnel will respect the bounds of confidentiality of that meeting, whether this be regarding an individual, commissioning or services.

Procedure

Breaching Confidentiality

- If personnel are unsure whether a breach of confidentiality needs to occur, then they must discuss the matter with the Healthwatch Rochdale CEO, who will then make a decision as to whether to proceed further in reporting the matter to any authorities.
- Any information passed to the CEO for possible confidentiality breach will be assessed according to the Human Rights Act 1998, the Public Disclosure Act 2012, and any other relevant legislation.
- Should a breach of confidentiality be required then the Healthwatch Rochdale CEO will pass the information on to the appropriate body.
- Any confidential information passed to the CEO that is assessed as not needing to be passed on under these acts will be destroyed or stored appropriately.

Complaints

- Anyone who is unhappy with something that the organisation or personnel has done or said or who suspects that a breach of confidentiality has occurred may use the complaints procedure to lodge a complaint with Healthwatch Rochdale. Any complaints made using the policy will be treated with the utmost confidentiality and only those directly involved with investigating the complaint will know the identity of the complainant.

Appendix 1 Legal provisions regarding confidentiality

Human Rights Act 1998

Article 8.2 of the Act makes a provision for organisations to breach confidentiality only if it satisfies the following three conditions:-

- Be in accordance with the law
- There must be a proper legal basis, such as a piece of legislation or rules of a professional body
- Must pursue the following identified legitimate aims:
 - acting in the interests of national security, public safety or the economic well-being of the country
 - acting for the prevention of disorder or crime
 - acting for the protection of health or morals
 - acting for the protection of the rights and freedoms of others

The Public Disclosure Act 2012

The Public Disclosure Act 2012 establishes a responsibility for all organisations to disclose information to the appropriate bodies regarding the following:-

- A criminal offence
- Failure to comply with legal obligations
- A miscarriage of justice
- Danger to health or safety of any individual
- Any damage to the environment
- An attempt to cover up information that would provide evidence that any of these five practices occurred