Patient confidentiality – your role and responsibilities

The purpose of this Stop Press bulletin is to remind everyone that they have a responsibility to protect patient confidentiality.

Protecting Patient Confidentiality: NHS Scotland Code of Practice

In addition to professional guidance issued by bodies such as the General Medical Council, the General Pharmaceutical Council, the Health and Care Professions Council or the Nursing and Midwifery Council, NHS Scotland employees must adhere to the NHS Scotland Code of Practice on protecting patient confidentiality. Click here to read the Code of Practice.

As part of the Code of Practice, you should be aware of your obligations. Here is a summary:

At all times you must be aware of issues relating to confidentiality.

• Keep up to date with, and follow, the laws and codes of practice relevant to your role.

• Carry out the information governance training module available on LearnPro.

• Make sure that you do not compromise your professional code of conduct, or conditions of your contract of employment, by discussing work-related issues, patients, colleagues, managers, the organisation or partner organisations when using social media (such as Twitter or Facebook) at home.

• Know and follow NHS Ayrshire & Arran policies and procedures.

• Report any possible breaches or risks of breaches of the policies to your line manager in the first instance and then contact Information Governance if you need more advice.

What is confidential information?

The term confidential information means any information which reveals something of a private nature relating to an identifiable individual. This applies to information recorded in any format, including information that staff learn from or about individual patients or staff, even if it is not recorded.

There is a legal duty of confidentiality when one person gives information to another person in circumstances where it is reasonable to expect that the information will be kept confidential. There are a number of important exceptions to this rule, the details of which you will find in the Code of Practice.

Here are some examples of information which could lead to an individual being identified:

• Name, address, full post code, date of birth.

• Community Health Index (CHI) number.

• Any other contact information that may lead to them being identified - for example, a phone number or email address.

• A photograph, video or audio tape or other image.

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• Anything else that may be used to identify them directly or indirectly - for example, rare diseases, drug treatments or statistical analyses within a small population.

A combination of any of the above increases the chance of an individual being identified.

Your responsibilities

It is your responsibility to make sure that you follow the measures set out to protect the confidential information to which you have gained privileged access because of your role as a member of NHS staff. Your responsibility starts when you receive the information. It then continues when you use it, store it, share it with others and get rid of it. This applies to spoken and written information.

Always remember to:
• Keep accurate, relevant records.
• Record and use only the information necessary.
• Access only the information you need.
• Keep information and records secure and confidential (physically and electronically) - for example, leave your desk tidy, take care not to be overheard when discussing cases and never discuss cases in public places. Follow NHS Ayrshire & Arran policy when using portable devices such as laptops, smart phones and memory sticks.
• Don’t share your usernames and passwords. Keep them secret and change your password regularly.
• Follow NHS Ayrshire & Arran policy before sharing or releasing information (including checking who a person is and that they are allowed access to the information), and when sending, transporting or transferring confidential information.
• Make information anonymous where possible.
• Keep and destroy information in line with local policy and national guidelines.
• Always report actual and possible breaches of security or confidentiality as a matter of priority.

FairWarning®

We are planning to introduce FairWarning® in the next few months. FairWarning® is a system to detect possible instances of inappropriate access to electronic systems storing patient identifiable confidential information.

The system will:
• Simplify the analysis of audit files.
• Make it easier to generate reports.
• Help to detect potentially inappropriate access to electronic systems used to record personal health information.
• Highlight unusual or suspicious activity for further investigation.
• Enable investigation of accesses to specific patients’ records.
• Enable investigation of accesses made by specific members of staff.

Over the coming weeks, look out for more information on FairWarning® and how it will affect you.

Further information

For more information on patient confidentiality, contact Information Governance on 01292 513693 or email informationgovernance@aapct.scot.nhs.uk.

Tell us what you think... If you would like to comment on any issues raised by this Stop Press, please email comms@aaaht.scot.nhs.uk. If you provide your contact details, we will acknowledge your comments and pass them to the appropriate departments for a response.

Name and department (optional)

Comments

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