



Delivering Quality Healthcare

Policy Title	Confidentiality Policy: 13	Date Implemented or Date of Last Review	10/05/2020
CQC KLOE Reference	Caring	Date of Next Review	09/05/2021

1. CONFIDENTIALITY POLICY

1.1. At KOPE-MEDICS Ltd, the need for the strict confidentiality of personal information about clients is taken very seriously. This document sets out our policy for maintaining confidentiality and all members of KOPE-MEDICS must comply with these safeguards as part of their contract of employment or contract for services with KOPE-MEDICS Ltd.

2. THE IMPORTANCE OF CONFIDENTIALITY

- 2.1. The relationship between KOPE-MEDICS and clients is based on the understanding that any information revealed by the clients to KOPE-MEDICS will not be divulged without the client's consent.
- 2.2. Clients have the right to privacy and it is vital that they give KOPE-MEDICS full information on their state of health to ensure that they receive quality care and that the care provided is safe.
- 2.3. The intensely personal nature of health information means that many clients would be reluctant to provide KOPE-MEDICS with information if they were not sure that it would not be passed on.
- 2.4. If confidentiality is breached, KOPE-MEDICS and their representative may face investigation by the Nursing and Midwifery council (NMC) and possible erasure from the Nursing and Midwifery Register, and may also face legal action by the client for damages and, possible prosecution for breach of the Data Protection Act.

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3. THE NURSING AND MIDWIFERY COUNCIL

- 3.1. All KOPE-MEDICS temporary workers must follow the Nursing and Midwifery's rules for maintaining client's confidentiality contained in the Standards of conduct for performance and ethics for nurses and midwives.
- 3.2. If confidentiality is breached, each agent involved is responsible to the Council for their individual conduct.

4. WHAT IS PERSONAL INFORMATION?

- 4.1. Personal information held by KOPE-MEDICS about a client includes:
 - 1.1.1. Client's name, current and previous addresses, bank account/credit card details, telephone number/email address and other means of personal identification such as physical description.
 - 1.1.2. Information that is held in the individual's health care plan
 - 1.1.3. Information concerning client's physical, mental or oral health or condition
 - 1.1.4. Information about the treatment that is planned, is being or has been provided
 - 1.1.5. Information about family members and personal circumstances supplied by client to others
 - 1.1.6. Any relevant information that may be deemed to be confidential

2. PRINCIPLES OF CONFIDENTIALITY

- 2.1. KOPE-MEDICS has adopted the following principles of confidentiality. Personal information about a client:

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- 1.1.1. Is confidential in respect of that client and to those providing clients with healthcare;
- 1.1.2. Should only be disclosed to those who would be unable to provide effective care and treatment without that information (the need-to-know concept), and
- 1.1.3. Such information should not be disclosed to third parties without the consent of the client except in certain specific circumstances described in this policy.

2. DISCLOSURES TO THIRD PARTIES

- 2.1. There are certain restricted circumstances in which KOPE-MEDICS temporary workers may decide to disclose information to a third party or may be required to disclose by law. Responsibility for disclosure rests with client's main care provider and under no circumstances can any other temporary worker decide to disclose.

3. A SUMMARY OF THE CIRCUMSTANCES IS GIVEN BELOW.

- 3.1. When disclosure is in the public interest;
 - 3.1.1. There are certain circumstances where the wider public interest outweighs the rights of the patient to confidentiality. This might include cases where disclosure would prevent a serious future risk to the public or assist in the prevention or prosecution of serious crime.

4. WHEN DISCLOSURE CAN BE MADE

- 4.1. There are circumstances when personal information can be disclosed:
 - 4.1.1. Where client has expressly given consent to the disclosure

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- 4.1.2. Where disclosure is necessary for enabling someone else to provide health care to the client and the client has consented to this sharing of information
- 4.1.3. Where disclosure is required by statute or is ordered by a court of law
- 4.1.4. Where disclosure is necessary for other professionals to pursue a bona-fide legal claim against a patient, when disclosure to a solicitor, court or debt collecting agency may be necessary.
- 4.1.5. Disclosure of information necessary to provide care and making referrals to other medical professionals.

5. CAPACITY ACT 2005 AND THE BEST INTEREST MENTAL PRINCIPLE

- 5.1. The Mental Capacity Act 2005 applies to adults without capacity, and further details about the disclosure of confidential information about a patient lacking capacity can be found in the Mental Capacity Act Code of Practice.
- 5.2. Under the Act, patients are assumed to have capacity, unless they have an impairment affecting their mind (e.g., dementia), which means they are unable to make a specific decision at a specific time.
- 5.3. There is also a requirement to ensure all practical steps have been taken to help the individual decide. The overriding principle is that the disclosure of confidential information is made in the best interests of the person lacking capacity. This may involve releasing information about their condition – for example, to their carer, to ensure they receive the best treatment.
- 5.4. Information may need to be disclosed to third party organisations to ensure the provision of care.
- 5.5. In practical terms, this type of disclosure means:
 - 1.1.1. Transmission of claims/information to payment authorities such as the Business Services Authority for England and Wales Referring clients to relevant authorities for medical or social needs.

2. ACCESS TO RECORDS

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- 1.1. Clients have the right of access to their health records held on paper or on computer.
- 1.2. A request from a client to see records or for a copy must be referred to client's relevant medical professional.
- 1.3. Clients should be given the opportunity of coming into the practice to discuss the records and will then be given a photocopy or print-out.
- 1.4. Care should be taken to ensure that the individual seeking access is the client in question and where necessary the practice will seek information from the client to confirm identity. The copy of the record must be supplied within forty days of payment of the fee and receipt of identifying information if this is requested.
- 1.5. The fact that clients have the right of access to their records makes it essential that information is properly recorded. Records must be:
 - 1.5.1. Contemporaneous and dated
 - 1.5.2. Accurate and comprehensive
 - 1.5.3. Signed by KOPE-MEDICS Ltd
 - 1.5.4. Neat, legible and written in ink
 - 1.5.5. Strictly necessary for the purpose
 - 1.5.6. Not derogatory
 - 1.5.7. Such that disclosure to client would be unproblematic.

2. PRACTICAL RULES

- 1.1. The principles of confidentiality give rise to several practice rules that everyone in the practice must observe:
- 1.2. Records must be kept secure and in a location where it is not possible for other clients or individuals to read them.
- 1.3. Clients should not be able to see information contained in appointment books, day sheets or computer screens.
- 1.4. Discussions about clients should not take place in public areas of the practice.

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- 1.5. When talking to a client on the telephone or in person in a public area care should be taken that sensitive information is not overheard by other clients.
- 1.6. Messages about a client's care should not be left with third parties or left on answering machines. A message to call the practice is all that can be left.
- 1.7. Recall cards and other personal information must be sent in an envelope.
- 1.8. Identifiable information about clients must not be discussed with anyone outside of the practice including relatives or friends.
- 1.9. Demonstrations of the practice's administrative/computer systems should not involve Actual client's information.
- 1.10. Clients appointments should not be communicated to third parties without consent.
- 1.11. Do not provide information about a client's appointment record to a client's employer, unless client's consent is obtained. Such queries must be referred to KOPE-MEDICS.
- 1.12. Disclosure of appointment books, record cards or other information should not be made to police officers or HM Revenue and Customs officials unless upon the instructions of KOPE-MEDICS.

2. DISCIPLINARY ACTION

- 1.1. If, after investigation, a temporary worker is found to have breached a client's confidentiality or this policy, he or she shall be liable to summary dismissal in accordance with KOPE-MEDICS disciplinary policy.
- 1.2. Temporary workers are reminded that all personal data processed must by law remain confidential after your employment has terminated. It is an offence under the Data Protection Act 1998, knowingly or recklessly, without the consent of KOPE-MEDICS data controller to obtain or disclose personal data.
- 1.3. If KOPE-MEDICS suspects that you have committed such an offence, it will contact the Office of the Information Commissioner and you may be prosecuted by the Commissioner or by the Director of Public Prosecutions.

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