



Confidentiality/ Data Protection Policy

**Records, to be read in conjunction with Record keeping policy;
Information Governance Policy**

What is confidential information?

Seaside Care Homes Ltd are registered with the Information Commissioners Office and abide by the Data Protection Act (2018) and The NHS Confidentiality Code of Practice (2003) which states that a duty of confidence arises when one person discloses information to another in circumstances where it is reasonable to expect that the information will be held in confidence. It -

- a. is a legal obligation that is derived from case law
- b. is a requirement established within professional codes of conduct; and
- c. must be included within employment contracts as a specific requirement linked to disciplinary procedures.

Furthermore, in seeking care at Seaside Care Homes Ltd families/ young people entrust us with, or allow us to gather, sensitive information relating to their health and other matters as part of their seeking care. They do so in confidence and they have the legitimate expectation that staff will respect their privacy and act appropriately. In some circumstances our clients may lack the competence to extend this trust, but this does not diminish the duty of confidence. It is essential, if the legal requirements are to be met and the trust of clients is to be retained, that Seaside Care Homes Ltd provides, and is seen to provide, a confidential service.

What this entails as a key guiding principle is that young people's records are made by our service only to support that patient's care.

We have adopted **The NHS Confidentiality Code of Practice (NHS 2003)** and the **IG Toolkit 2012**

The model outlines the requirements that must be met in order to provide our clients with a confidential service. We will inform our clients and their guardians of the intended use of their information, give them the choice to give or withhold their consent as well as protecting their identifiable information from unwarranted disclosures. These processes are inter-linked and should be ongoing to aid the improvement of a confidential service. The four main requirements are:

- **PROTECT** - look after our client's information;

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- **INFORM** - ensure that our clients are aware of how their information is used;
- **PROVIDE CHOICE** - allow patients to decide whether their information can be disclosed or used in particular ways.

To support these three requirements, there is a fourth:

- **IMPROVE** - always look for better ways to protect, inform, and provide choice.

Under the *Data Protection Act 2018*, all organisations should have a nominated data user/data controller. The data user/data controller for this organisation are Sarah Crow, Director, IG Lead and Amanda Owen Director, Caldicott Guardian. The data users must keep up to date with all relevant legislation and guidance.

We will protect our Client Information through a number of measures, by:

- Having in place procedures to ensure that all staff, contractors and volunteers are at all times fully aware of their responsibilities regarding confidentiality;
- Recording client information accurately and consistently;
- Keeping client information private;
- Keeping client information physically secure; client information will only be stored on portable data storage devices or lap tops which are encrypted and only used by The Directors, and on the main server which is secure, encrypted and kept on the premises in a locked room.
- Disclosing and using information with appropriate care in accordance with the law.

Our Caldicott Guardian ensures that all times we will abide by the principles and recommendations of the Caldicott Committee Report (Caldicott Guardian Manual DOH 2006)

Principle 1 - Justify the purpose(s) for using confidential information

Principle 2 - Only use it when absolutely necessary

Principle 3 - Use the minimum that is required

Principle 4 - Access should be on a strict need-to-know basis

Principle 5 - Everyone must understand his or her responsibilities

Principle 6 - Understand and comply with the law

These issues will be covered on all staff's induction and a confidentiality agreement will be signed and held in each member of staff's file, breach of this policy will be a disciplinary offence.

Seaside Care Homes Ltd

Signed:

Date:

Review date: April 2023

Name	Designation	Date	Name	Designation	Date