

CONFIDENTIALITY PROTOCOL

Person/s responsible for review of this policy: SOB/AP

Date of last review: Jan 2020 Date of next review: Jan 2022

Purpose

The purpose of the protocol is to set out the obligations for all working at Gatley Medical Centre concerning the confidentiality of information held about patients and Gatley Medical Centre.

This protocol is relevant to all employers and any one who works at the practice including non-clinical staff. Individuals on training placements and visitors/observers on the premises must also adhere to this.

This protocol will be reviewed as above to ensure that it remains effective and relevant.

Under the General Data Protection Regulation (GDPR) you have a right to know who holds personal information about you. This person or organisation is called the data controller. In the NHS, the data controller is usually your local NHS board and your GP surgery. The NHS must keep your personal health information confidential.

Please be aware that our staff are bound to the NHS code of confidentiality. Our staff are therefore not permitted to discuss any of our patient's medical history, this includes their registration status, without their written consent to do so. Once we have received their written consent and verified this with the patient, then we can provide any information requested. This includes complaints on behalf of a patient, but excludes patients who are unable to act on their own behalf and already have a designated person or carer responsible for their medical care.

All patient information is considered to be confidential and we comply fully with the Data Protection Act. All employees have access to this information in relation to their role and have signed a confidentiality agreement. Information may be shared, in confidence, with other NHS organisations in the interests of patient care.

In addition to the General Data Protection Regulation (GDPR) 2018, the 2004 Gender Recognition Act (GRA) makes it a criminal offence to disclose an

individual's transgender history to a third party without their written consent if that individual holds a Gender Recognition Certificate (GRC).

Patients do not need to show a GRC or birth certificate in order for the GRA 2004 to be in effect, so it is best practice to act as though every trans patient has one. This means always obtaining a trans patient's written consent before sharing details about their social or medical transition, sometimes also called gender reassignment, with other services or individuals.

This includes information such as whether a patient is currently taking hormones or whether they have had any genital surgery, as well as information about previous names or the gender they were given at birth. Consent should always be obtained before information relating to the patient being trans is shared in referrals and this information should only be shared where it is clinically relevant.

This protocol is subject to the provisions set out in the legislation and guidance listed below:

Data Protection Act 1998; The Information Commissioner's Office guide to data protection

Data Protection Act 2018 (GDPR)

The Department's Code of Practice for Records Management (Part 2)

Human Rights Act 1998

The Common Law Duty of Confidence

Access to Health Records Act 1990

Confidentiality: NHS Code of Practice 2003

NHS Care Record Guarantee 2009

Gender Recognition Act (GRA) 2004