

Confidentiality and Non-Disclosure Policy

Policy statement

The purpose of this policy is to explain and enforce the obligations of confidentiality and non-disclosure among the employees of the practice. This applies to information processed by the practice that is accessed by a member of staff.

This policy should be read in conjunction with the practice's data protection policy.

Status

The practice aims to design and implement policies and procedures that meet the diverse needs of our service and workforce, ensuring that none are placed at a disadvantage over others, in accordance with the Equality Act 2010. Consideration has been given to the impact this policy might have in respect to the individual protected characteristics of those to whom it applies.

This document and any procedures contained within it are non-contractual and may be modified or withdrawn at any time. For the avoidance of doubt, it does not form part of a contract of employment.

Training and support

The practice will provide guidance and support to help those to whom it applies understand their rights and responsibilities under this policy. Additional support will be provided to managers and supervisors to enable them to deal more effectively with matters arising from this policy.

Scope

Who it applies to

This document applies to all employees of the practice, partners and other individuals performing functions or processing data on behalf of the practice, such as agency workers, locums and contractors.

Why and how it applies to them

During the course of carrying out the work of the practice, employees will gain and have access to information classed as objective knowledge which relates to the affairs of the practice. This may include information relating to partners, employees, patients, contractors, business associates, suppliers, market information, contractual arrangements, dealings, transactions, policies, procedures, decisions, technology and systems.

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All employees must, from the date of the commencement of their employment with the practice and after the termination of their employment with the practice, observe strict confidentiality and non-disclosure in respect of any information held by the practice, except when required or authorised to disclose such information by the practice or by law.

The reputation of the practice and the continuing ability of the practice to work effectively in the position of trust and responsibility it holds (which is also reflected in the trust and responsibility held by those persons engaged by the practice to work on its behalf) rely on confidential information being held as confidential, not improperly disclosed and only used for the purpose for which such information was gathered. Any breach of confidentiality could have major negative consequences for the practice and the practice will therefore take action against any employee who commits a breach of confidentiality.

Nothing in this policy prevents an employee or other individual making a protected disclosure under the Public Interest Disclosure Act 1998 in respect of any malpractice or unlawful conduct.

Definition of terms

Confidential information

“Confidential information” means any information processed by the practice or supplied (whether supplied in writing, orally or otherwise) by the practice or gathered by an individual in relation to the performance of his/her duties which is marked as “confidential”.

Protected disclosure

The disclosure of unlawful conduct, malpractice or wrongdoings within the practice, commonly known as “whistle-blowing”. Protected disclosures are normally made through the practice’s whistle-blowing procedure or to an external party.

Confidentiality protocols

Confidentiality

All employees must, from the date of the commencement of employment or other form of engagement, and thereafter, observe strict confidentiality in respect of any information held by the practice, and by each individual working on behalf of the practice. This includes dealings, transactions, procedures, policies, decisions, systems and other matters of a confidential nature concerning the practice and its affairs.

Other than in the proper course of their duties, employee must not, either during or at any time after the termination of their employment, exploit or disclose confidential information. Also, employees must not, through negligence, wilful misconduct or inadvertence, allow the use, exploitation or disclosure of any confidential information relating to the affairs of the practice, its patients, partners, employees, contractors, business partners or suppliers. There must be no attempt to use any confidential information in a manner that may either directly or indirectly cause, or be calculated to cause, injury or loss to the practice.

Everyone has the right to privacy. A person’s transgender status should always be treated with the same high level of confidentiality as any other sensitive personal information in Accordance with the Gender Recognition Act 2004. The **Gender Recognition Act 2004** defines any information relating to a transsexual person’s gender recognition application as ‘protected information’. It is a **criminal offence** for anyone acquiring this protected information in an ‘official capacity’ to disclose it to a third party without the transsexual person’s consent. There are a few exceptions, for example if the information is required by the third party for the prevention or investigation of a crime or if the

information is needed by medical professionals at a time when the trans person is too ill to be able to provide consent

Non-disclosure of information

It is an obligation upon all employees during employment, or engaged under other contractual arrangements, to maintain information in confidence and not, directly or indirectly, disclose it other than for the purposes it was gathered. Any such information in the possession of an individual, either in electronic format or hard copy, shall be returned to the practice before or at the point in time that employment ceases, however such cessation occurs.

Following the cessation of employment, or other contractual engagement with the practice, an individual must not, directly or indirectly, use for gain, discuss or pass on to others confidential information that can be classed as objective knowledge in that it has been gained during the course of employment. This includes information relating to partners, employees, contractors, patients, business associates, suppliers, market information, contractual arrangements, dealings, transactions, policies, procedures, decisions, technology and systems or other matters of a confidential nature concerning the practice.

Third-party requests for information

Any employee approached by any third party, including any media source, and asked to make any comments or provide any information relating to the practice and its affairs (or the affairs of its patients, partners, employees, contractors or any business associate) must under no circumstances respond without having sought permission and guidance from the practice manager.

Whistle-blowing or protected disclosures

Nothing in this policy will prevent or limit an employee in making a protected disclosure under the practice's whistle-blowing policy, in respect of any malpractice or unlawful conduct.

Legislation in the UK was enacted by the Public Interest Disclosure Act 1998 to enable employees and other persons such as agency temporary workers to disclose genuine concerns, especially those which seem to involve unlawful conduct or malpractice. The legislation also protects them from any form of victimisation arising from making such a disclosure.

The practice's whistle-blowing policy provides a procedure for making protected disclosures.

Non-disclosure agreement

All persons engaged to work for and on behalf of the practice will be required to sign the following non-disclosure agreement, which will be recorded on their personnel file.

CONFIDENTIALITY AND NON-DISCLOSURE AGREEMENT

To be signed by any individual employed or otherwise engaged by the practice.

I acknowledge that I have read and understood the confidentiality and non-disclosure policy, dated issued by the practice and I agree to abide by that policy.

Signed:

Dated:

Name (printed):