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## POLICY STATEMENT

This policy is available for managers, care staff and service users who may be concerned about the sensitivity of information and their own privacy. This document outlines the policy of Homecare Domiciliary and Domestic Ltd in relation to the handling with confidentiality and respect the information we need to hold about service users.

1. The work of Homecare D & D Ltd inevitably involves the need to know a good deal about our service users. We cannot provide good care without access to that information.
2. Much of this information is highly personal and sensitive. We recognise that our service users have a right to privacy and dignity, and that this extends to our handling information about them in ways which cause as little as possible intrusion on those rights
3. We want our service users to feel at ease with the staff that helps care for them. An important element in that relationship is the capacity of a service user to be able to share information with staff, confident that it will be used with appropriate respect and only in relation to the care provided.
4. As providing care is a complex process, it is not possible to guarantee to a service user that information they give about themselves will be handled only by the staff to whom it was first passed but we can ensure that information is seen only by staff on the basis of their need to know
5. We sometimes have to share information with colleagues in other agencies but we only do so on the basis of their need to know and as far as possible only with the permission of the person concerned
6. We will only break the rule of confidentiality in very extreme circumstances which justify our taking that action for the greater good of a service user or, exceptionally, others.

## OUR LEGAL OBLIGATIONS

### FREEDOM OF INFORMATION ACT 2000, GDPR &,DATA PROTECTION ACT 1998

The **Data Protection Act 1998** and the **GDPR** lays various obligations on Homecare D & D Ltd and similar organisations concerning the handling of the information we hold on individuals. Information must, for example, be obtained fairly and lawfully, be held for specified purposes, be adequate, relevant and not excessive for the purpose for which it was gathered, be accurate and up to date, and not be held for longer than is necessary. We observe all of these requirements.

Homecare D & D Ltd is registered under the **Data Protection Act 1998** and all storage and processing of personal data held in manual records and on computers in this organisation should comply with the Act.

Personal data shall:

- a) Be obtained and processed fairly and lawfully
- b) Be held for specified and lawful purposes
- c) Be processed in accordance with the person's rights under the DPA

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- d) Be adequate, relevant and not excessive for its given purpose
- e) Be kept accurate and up to date
- f) Not be kept for longer than is necessary in relation to that purpose
- g) Be subject to appropriate safeguards against unauthorised
- h) Be transferred outside the European Economic Area only if the recipient country has adequate data protection

Under the **Data Protection Act 1998** and the **GDPR**, this organisation should have a nominated data/user controller. The data user/data controller for Homecare Domiciliary and Domestic Ltd is the Registered Manager.

Confidential information must occasionally be seen by staff other than the care workers providing direct care. It is therefore the responsibility of managers to ensure that information is stored and handled in ways that limit access to those who have a need to know, and to provide the following arrangements in particular:

1. to provide lockable filing cabinets to hold service user's records and ensure that records are kept secure at all times
2. to arrange for information held in computers to be accessed only by appropriate personnel
3. to locate office machinery and provide shielding so that screens displaying personal data are hidden from general view

#### **RIGHTS OF ACCESS**

- a. Service Users and employees have the right to be supplied with a copy of their personal data the domiciliary care agency retains. All requests are to be made to the Registered Manager who is the "Data Protection Co-ordinator". In his/her absence the Registered Person is to be contacted.
- b. When requesting to view personal data, Service Users and employees are required to complete the relevant form
- c. An authorised representative may be allowed to view the data provided the Registered Manager or Registered Person is satisfied that permission has been given
- d. The domiciliary care agency will respond to any request for personal data within ten days.
- e. Viewing of the document/s will be in the presence of the Registered Manager. This is for security reasons i.e. so that no material can be removed or destroyed.
- f. Service Users and employees are requested to inform the domiciliary care agency of any changes in their circumstances that could affect the accuracy of the data.
- g. Every effort will be made to resolve any disagreement between Homecare D&D and the data subject, but in situations where the matter cannot be resolved, the following procedures are to be followed:
  - Service Users are requested to use the domiciliary care agency's formal complaints procedure.

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- Employees are requested to use the domiciliary care agency's formal grievance procedure.

**EXCEPTIONAL BREACHES OF CONFIDENTIALITY**

There are rare occasions on which it is necessary for a staff member acting in good faith to breach confidentiality in an emergency situation – for example, to protect the service user or another person from grave danger – without obtaining the permission of the person to whom it applies.

In such a situation, the staff member should use their best judgement, should consult the service user's representative, a manager or a colleague if possible, and should inform their manager of what has happened as soon afterwards as possible.

**TRAINING**

It is a responsibility of management to ensure that all relevant staff are briefed on Homecare D & D Ltd's policy and procedures on confidentiality, are trained in the implications of this issue, and have opportunities to explore any problems they encounter and be supported through appropriate supervision.