

CONFIDENTIALITY STATEMENT

In the course of your duties you may have access to confidential information about patients, members of staff or other health service business. Failure to observe the following rules will be regarded as serious misconduct which will result in disciplinary action being taken against you, including possible dismissal.

Patient Information

On no account must information relating to patients be accessed by or divulged to anyone other than authorised persons - for example, medical, nursing or other professional staff, as appropriate, who are concerned directly with the care, diagnosis and/or treatment of the patient. If you are in any doubt whatsoever as to the authority of a person or body asking information of this nature you must seek advice from your senior officer. All patient information should be treated in accordance with the NHS Code of Confidentiality Guidelines and the Caldicott Recommendations.

Staff Information

Similarly no information of a personal or confidential nature concerning individual members of staff should be accessed by or divulged to anyone without the proper authority having first been given.

NHS Borders Information

The unauthorised disclosure of official business under consideration by NHS Borders or one of its Committees by an employee of NHS Borders is also regarded as a breach of confidence and may lead to disciplinary action.

Information Technology & Data Protection

You should make yourself familiar with the following list of key policies regarding confidentiality and associated issues which can be found on the intranet (<http://intranet>)

- NHS Borders Data Protection Policy
- NHS Borders IT Security Policy
- NHS Borders E-Mail Policy
- NHS Borders Internet Policy

You should be particularly aware that any wilful misconduct, such as unauthorised amendments, deletion or copying of data, or negligence, such as introducing a 'computer virus' by loading unlicensed or unauthorised software or unscreened floppy disks to computers, computer systems, or data in your care or control will result in disciplinary action. Such misconduct or negligence may also result in you being personally charged with committing a criminal offence under the following UK Acts:

- The Data Protection Act, 1998
- Copyright Designs and Patents Act, 1988
- Computer Misuse Act, 1990

General Considerations

Under no circumstances should any interviews be given to any members of the press or media or any information passed to them without written approval of a senior executive member of NHS Borders. (See following exception for Medical staff.)

Medical Staff

It is recommended that Medical staff should not give interviews to any members of the press or media nor pass any information to them without written approval of a senior executive member of NHS Borders. This does not in any way negate the rights conferred under Para 12.1.1 of the Terms & Conditions of Service of the 2004 Consultant Contract, but should be seen as protection against aggressive requests from the media.

Voicing Concerns

This statement does not prevent staff from raising concerns provided the [NHS Borders Whistleblowing Arrangements policy](#) or [NHS Borders Grievance policy](#) is followed. Concerns may also be raised using the National NHS Scotland Confidential Alert Line on 0800 008 6112 which available to all staff.

I hereby certify that I have read and understood the above statement and the NHS Borders Information Governance Code of Conduct regarding the confidentiality of information relating to patients, members of staff and health service affairs. I also authorise use of, and agree to any scanning of, all of my personal e-mail messages as stipulated in the NHS Borders Email policy.

Full Name (Print): Signature:

Designation:.....

Date:

Please return a copy of the signed and dated statement to your supervisor/line manager who will give you a copy and send a copy the HR Department

The Eight Data Protection Principles

1. Personal data shall be processed ***fairly*** and ***lawfully*** and, in particular, shall not be processed unless at least one of the conditions in **Schedule 2** is met, and in the case of sensitive personal data, at least one of the conditions in **Schedule 3** is also met. (The Data Protection Act 1998 Schedules can be found in the Policies and Procedures section on the Information Governance page on the Intranet at http://intranet/new_intranet/resource.asp?uid=12835)
2. Personal data shall be obtained only for one or more ***specified*** and ***lawful*** purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes
3. Personal data shall be ***adequate, relevant*** and ***not excessive*** in relation to the purpose for which they are processed
4. Personal data shall be accurate and, where necessary, ***kept up to date***
5. Personal data processed for any purpose or purposes shall ***not be kept for longer*** than is necessary for that purpose or those purposes
6. Personal data shall be processed in accordance with the ***rights*** of the data subjects under this Act
7. Appropriate ***technical*** and ***organisational*** measures shall be taken against unlawful processing of personal data and against loss or destruction of, or damage to, personal data
8. Personal data shall ***not be transferred*** to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data

The Caldicott Recommendations

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| Principle 1 | Justify the purpose(s) of accessing, using, information |
| Principle 2 | Don't use patient-identifiable information unless absolutely necessary |
| Principle 3 | Use the minimum necessary patient-identifiable information |
| Principle 4 | Access to patient-identifiable information should be on a strict 'need to know' basis |
| Principle 5 | Everyone should be aware of their responsibilities |
| Principle 6 | Understand and comply with the law |

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Information Governance\Code of Conduct\Current

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