

4 May 2021

Information Rights & Compliance Team  
99 Waverley Road  
St Albans  
Hertfordshire  
AL3 5TL

Tel: 01727 804954  
Email: [Hpf.foi@nhs.net](mailto:Hpf.foi@nhs.net)

Our Ref: FOI/03935

Thank you for your request concerning Confidentiality Policy And Breaches.

Your request has been considered and processed in accordance with the requirements of the Freedom of Information (FOI) Act 2000.

**1. Please could u forward me the trust's policy on staff breaching patient confidentiality**

Following our telephone conversation of 22 March 2020 I attach our Protection of Service User Information PUPI V7 policy, which explains patient confidentiality.

**2. And also from march 2018 to date has there been any staff members disciplined working for hpft for breach of patients confidentiality**

I can confirm there has been.

**3. Please can I see trust policy on gaining consent for your health professionals to disclose information regarding them to other agencies.**

Please see the policy provided in question 1; this policy explains consent.

However under Section 16 – Duty to provide advice and assistance, you may find the explanation give below helpful. This relates to sharing of information under The General Data Protection Regulation (GDPR) and the Data Protection Act 2018.

Under GDPR there may be a legal basis for not obtaining consent. This would always be dealt with on a case by case basis.

**Other Health Professionals.**

Information may be shared with other professionals in order to provide the support needed to safeguard the welfare of service users and others in line with Article 6 1(e) and Article 9 2(h) of the General Data Protection Regulation (Please see below). If wishes are expressed that limit us sharing information, we will respect these wherever possible. However, if for any reason we do have to share information against an expressed wish, the service user will be informed at the earliest opportunity. If any information needs to be shared with anyone else for any other purpose, this will be also discussed with the service user.

*GDPR Article 6 1 (e) is as follows:*

*“processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller”*



Article 9 (h) is as follows:

*(h) processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of Union or Member State law or pursuant to contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3;*

### **Prevention of Crime**

Along with the special categories mentioned above, under a common law duty of confidentiality, we are permitted to disclose personal information to the police in order to:

- Prevent and detect crime,
- Administer justice (through the courts, or regulators),
- Prevent abuse or serious harm to others.

The police and any other such agencies may be contacted if a decision is made that the public interest and safety out-weighs the duty of confidentiality; usually where a serious offence is being investigated, such as rape, murder, kidnapping or fire-arm/bladed weapon related crimes, or if information relating to terrorism has been found/disclosed.

Should you require further clarification, please do not hesitate to contact me.

Please find enclosed an information sheet regarding copyright protection and the Trust's complaints procedure in the event that you are not satisfied with the response.

Yours sincerely

*Sue Smith*

**Sue Smith**  
**Information Rights Officer**

Enc: Copyright Protection and Complaints Procedure Information Leaflet.

If you would like to complete a short survey in relation to your Freedom of Information request please scan the QR code below or click [here](#).

