

**Nema Homecare Limited**

Nema Home Care Limited 48 Station Way Buckhurst Hill Essex IG9 6LN

**Review Sheet**

Last
Reviewed
2 Apr 2026



Last
Amended
2 Apr 2026



This policy will be reviewed as needs require or at the following interval:
Annual

Business Impact:

Minimal action required. Circulate information amongst relevant parties.

Reason for this Review:

Scheduled review

Changes Made:

Yes

Summary:

This policy details the rights of Adults in relation to confidentiality, UK GDPR, data protection and the issues that staff need to be aware of. It has also been reviewed and updated in Section 1.1 to present information about Values, Aims and Objectives. For these changes to reflect in the policy, the system details questionnaire will need to be updated. References and further reading links have also been checked and updated.

Relevant Legislation:

- The Care Act 2014
- Freedom of Information Act 2000
- Human Rights Act 1998
- Data Protection Act 2018
- UK GDPR
- The Health and Social Care (Safety and Quality) Act 2015

- Author: NHS Digital, (2025), Code of Practice on Confidential Information [Online] Available from: <https://digital.nhs.uk/data-and-information/looking-after-information/data-security-and-information-governance/codes-of-practice-for-handling-information-in-health-and-care/code-of-practice-on-confidential-information> [Accessed: 02/04/2026]
- Author: GOV UK, (2024), Information Sharing Advice for Safeguarding Practitioners - Guidance on information sharing for people who provide safeguarding services to children, young people, parents and carers [Online] Available from: <https://www.gov.uk/government/publications/safeguarding-practitioners-information-sharing-advice> [Accessed: 02/04/2026]
- Author: National Data Guardian, (2021), Guidance about the Appointment of Caldicott Guardians, Their Role and Responsibilities [Online] Available from: <https://www.gov.uk/government/publications/national-data-guardian-guidance-on-the-appointment-of-caldicott-guardians-their-role-and-responsibilities> [Accessed: 02/04/2026]
- Author: ICO, (2025), Getting Started with Data Protection - A step-by-step guide [Online] Available from: <https://ico.org.uk/for->

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Underpinning Knowledge:	rganisations/advice-for-small-organisations/your-beginner-s-guide-to-data-protection/ [Accessed: 02/04/2026] • Author: National Cyber Security Centre, (2025), Small Business Guide: Cyber Security [Online] Available from: https://www.ncsc.gov.uk/collection/small-business-guide [Accessed: 02/04/2026] • Author: NHS Digital, (2025), Data and Technology that Improves Lives [Online] Available from: https://digital.nhs.uk/ [Accessed: 02/04/2026] • Author: NHS Digital, (2025), Data Security and Protection Toolkit [Online] Available from: https://www.dsptoolkit.nhs.uk/ [Accessed: 02/04/2026] • Author: NHS Digital, (2022), A Guide to Confidentiality in Health and Social Care [Online] Available from: https://digital.nhs.uk/data-and-information/looking-after-information/data-security-and-information-governance/codes-of-practice-for-handling-information-in-health-and-care/a-guide-to-confidentiality-in-health-and-social-care [Accessed: 02/04/2026] • Author: NICE, (2018), Decision-Making and Mental Capacity [Online] Available from: https://www.nice.org.uk/guidance/ng108 [Accessed: 02/04/2026] • Author: Digital Care Hub, (2025), Advice and Support to the Adult Social Care Sector on Technology, Data Protection and Cyber Security [Online] Available from: https://www.digitalcarehub.co.uk/ [Accessed: 02/04/2026]
Suggested Action:	• Encourage sharing the policy through the use of the QCS App
Equality Impact Assessment:	QCS have undertaken an equality analysis during the review of this policy. This statement is a written record that demonstrates that we have shown due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations with respect to the characteristics protected by equality law.



1. Purpose

1.1 About Nema Homecare Limited

Nema Home Care Limited was established as a private limited liability company in London, United Kingdom in May 2016.

Nema Home Care Limited is a company with distinction in UK care industry having positioned ourselves in a strategic location at the London and Essex County Council to carry on the business of care that we specialised in and trained for. The wellbeing of all our adults is our priority. The management of Nema Home Care Limited is in the safe hands of trained, tested and approved Registered Managers. We are innovative and season organisation which technology is at the centre and we ensure that our adults receive, safe, effectice, caring and responsive service.

What are the values of Nema Homecare Limited?

The Agency aims to: *Offer skilled care to enable people supported by us to achieve their optimum state of health and well-being. *Treat all people supported by us and all people who work here with respect at all times. *Uphold the human and citizenship rights of all who work and visit here and of all Service Users. *Support individual choice and personal decision-making as the right of all Service Users. *Respect and encourage the right of independence of all Service Users. *Recognise the individual uniqueness of Service Users, staff and visitors, and treat them with dignity and respect at all times. *Respect individual requirement for privacy at all times and treat all information relating to individuals in a confidential manner. *Recognise the individual need for personal fulfilment and offer individualised programmes of meaningful activity to satisfy that need of Service Users and staff.

What are the Aims and Objectives of Nema Homecare Limited?

- . Delivering of high quality care service and support to all our Service Users. The service which is tailor-made is designed to meet their needs and preferences. In doing so we shall be flexible at all times.
- . Treating our Service Users with dignity and respect at all times. Ensuring our Service users is treated equally. Allowing them to have their privacy, also to encourage and support our Service Users to remain independent in their home environment and community
- . Guaranteeing our Service Users is actively involved in the care and support given to them. Our Service User must give us their consent before any re or treatment is given to them. Also ensuring that confidential information is protected at all times and only shared with others strictly in accordance with its policy on confidentiality
- . To provide the service based on the thorough needs assessment and risk assessment which will ensure that our Service User are safe in their own home and environment.
- . Working in partnership with all stakeholders within Health and Social Care sector who may be involved in some individual cases.
- . Make sure we maintain suitably qualified, competent and experienced staff strength to deliver the required standard service accordingly.

1.2 To detail the rights of Adults relating to confidentiality and data protection and issues that staff need to be aware of when processing confidential information within Nema Homecare Limited.

1.3 This is one of a suite of policies that relates to Data Protection, Information Governance, Data Quality and Security and the Human Rights of Adults and dovetails to form a framework that ensures full legal compliance and best practice.

1.4



Key Question	Quality Statements
SAFE	QSS4: Involving people to manage risks QSS5: Safe environments
WELL-LED	QSW5: Governance, management and sustainability

1.5 Relevant Legislation

- The Care Act 2014
- Freedom of Information Act 2000
- Human Rights Act 1998
- Data Protection Act 2018
- UK GDPR
- The Health and Social Care (Safety and Quality) Act 2015

2. Scope

2.1 Roles Affected:

- All Staff

2.2 People Affected:

- Adults

2.3 Stakeholders Affected:

- Family
- Advocates
- Commissioners
- External health professionals
- Local Authority
- NHS

3. Objectives

3.1 To outline the principles related to confidentiality and to support staff in applying these principles.

3.2 To establish the approach of Nema Homecare Limited to ensuring the confidentiality of personally identifiable information.

3.3 To inform Adults, their families, legal representatives, stakeholders and Nema Homecare Limited staff about the confidentiality obligations of Nema Homecare Limited and how we intend to meet them.



3.4 To inform staff working for, or on behalf of Nema Homecare Limited of their responsibilities with regards to confidentiality and personally identifiable information and how Nema Homecare Limited will enable these to be met.

4. Policy

4.1 Nema Homecare Limited recognises that we have a duty of confidentiality to the Adults and staff. We believe that respecting a person's right to a private life, which includes confidentiality, is important in ensuring a trusting, caring and supportive environment where both Adults and staff are confident that information about them will be protected safely and not shared inappropriately or unnecessarily.

It is the policy of Nema Homecare Limited that we will only share information that is in the best interest of the Adults and with their consent. Sharing of information will be carried out in line with the UK General Data Protection Regulation (UK GDPR), Data Protection Act 2018, Mental Capacity Act and Best Interests policies and procedures at Nema Homecare Limited.

We aim to comply with the relevant legislation and include the [Caldicott Principles](#).

4.2 Caldicott Guardian

Nema Homecare Limited understands its obligations to appoint a Caldicott Guardian in line with guidance from the National Data Guardian for Health and Social Care.

Further information is available in the Caldicott Guardian Policy and Procedure.

4.3 Core Principles of Confidentiality

- All staff will ensure that all Adult information remains confidential. Adults have the right to expect that personal information held about them is not accessed, used or disclosed improperly
- The same duty of confidentiality applies to personal information about staff with the exception of names and job titles. Information about Directors, which is published, and therefore is a matter of public record, is also excepted
- All staff have the individual responsibility for ensuring that they conform to the Caldicott principles, UK GDPR, Data Protection Act (DPA) 2018 and Article 8 Human Rights Act (HRA) 1998
- Staff must not inappropriately access, misuse or share any information or allow others to do so. Staff are personally liable for deliberate or reckless breaches of the UK GDPR, Data Protection Act and may be liable to disciplinary action and/or prosecution
- Any personal information given or received in confidence for one purpose may not generally be used for a different purpose, or passed to anyone else without the consent of the provider of the information

4.4 The Position of Nema Homecare Limited on Confidentiality

- We will share with Adults, their families and their carers, as far as the law allows, the information they want or need to know about their health, care and ongoing treatment, sensitively and in a way that they can understand
- Confidential information will not be used for a different purpose or passed on to anyone else without the consent of the information provider



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- There may be occasions when it could be detrimental to the Adult or to another individual if this principle is strictly adhered to
- There is a recognition that breaches of confidence are often unintentional. They are often caused by staff conversations being overheard, by files being left unattended, or by poor computer security. However, the consequences could be equally serious for all concerned
- Nema Homecare Limited will ensure that personally identifiable information will always be held securely and, when used, treated with respect. This rule will apply regardless of where the information is held
- Although the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act no longer applies to identifiable data that relate to a person once they have died, we respect that any duty of confidence established prior to death continues after the Adult has died
- All information regarding the Adults we support will be treated with respect and integrity
- We will be transparent in our approach to ensure that anyone associated with Nema Homecare Limited (whether Adult, staff or visitor) is fully aware of how, what, when, who and why we share any information about them and source their agreement before doing so

4.5 All relevant staff will be bound by their professional code of ethics issued by their relevant licensing body, such as the General Medical Council, The Nursing and Midwifery Council and the Royal Pharmaceutical Society. Care Workers will follow the Skills for Care Code of Conduct for Healthcare Support Workers and Adult Social Care Workers in England.

4.6 All staff must sign a confidentiality agreement as part of their contract of employment (a template can be found within the forms section of this policy). The confidentiality agreement also extends to agency and contract workers.

4.7 Responsibilities - Registered Home Care Manager

- Ensuring that systems and processes are in place for the security of records and they are reviewed to ensure that they remain fit for purpose
- Ensuring that all staff understand this policy at the start of employment and that its importance is reiterated during supervision or team meetings
- Ensuring that staff have received the appropriate training and are competent in their role
- Reviewing, monitoring and auditing practice within Nema Homecare Limited to ensure that staff remain knowledgeable
- Acting on any breaches in confidentiality in a timely manner and notifying the appropriate bodies
- Ensuring that confidentiality rules are never used as a barrier to sharing appropriate information and fulfilling Duty of Candour obligations

4.8 Responsibilities - All staff will ensure the following:

- That information received is **effectively protected** against improper disclosure when it is **received, stored, transmitted and disposed of**
- That confidential information is only accessed if it is appropriate to the job you undertake
- That every effort is made to ensure that Adults understand how information about them will be used before they supply any confidential information
- That when Adults give consent to the disclosure of information about them, they understand what will be disclosed, the reasons for disclosure and the likely

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consequence/s

- That Adults understand when information about them is likely to be disclosed to others, and that they have the opportunity to withhold their permission
- If disclosing information outside the team that could have personal consequences for the Adult, that consent is obtained from the Adult
- If the Adult withholds consent, or if consent cannot be obtained for whatever reason, disclosures may be made only where:
 - **They can be justified in the public interest (usually where disclosure is essential to protect the Adult or someone else from the risk of significant harm)**
 - **They are required by law or by order of a court**
- If required to disclose confidential information, staff will only release as much information as is necessary for the purpose
- That the person(s) to whom information is disclosed understands that it is given to them in confidence which they must respect
- When disclosing confidential information, staff must be prepared to explain and justify the decision. Where there are doubts, they will discuss them with Mr Olasunkanmi Adewusi
- Queries concerning this policy will be brought to the attention of Mr Olasunkanmi Adewusi
- During the induction period for new staff, they will be made aware of this policy and their individual responsibilities

5. Procedure

5.1 Nema Homecare Limited will detail with transparency how confidentiality is managed with Adults, employees and others at the earliest opportunity and seek their agreement, e.g. through existing systems such as recruitment and Nema Homecare Limited assessment processes.

Staff should refer to the Data Privacy templates and the External and Employee Privacy Policy and Procedure for further information that details how information is processed within Nema Homecare Limited.

5.2 Sharing Information With Other Health and Social Care Professionals

Information sharing between partners directly involved in the Adult's Care, and for the purpose of providing that Care, is essential to good practice.

Consent from the Adult for information sharing must be recorded following a discussion with the Adult or, in the absence of capacity to consent, their designated other.

The principles of sharing information are:

- Only information that needs to be shared
- Only with those who have a clear need to know, and
- There is a lawful basis for sharing information



5.3 General Principles of Confidentiality - Staff will:

- Understand and follow the Caldicott Principles as detailed within the Forms section of this policy
- Be aware that the Data Protection Act 2018 (DPA 2018), and the UK General Data Protection Regulation (UK GDPR) are not barriers to sharing information but provides a framework to ensure that personal information about living persons is shared appropriately
- Be open and honest with the person (and/or their family where appropriate) from the outset about why, what, how and with whom information will, or could be shared and will seek their agreement unless it is unsafe or inappropriate to do so
- Seek advice from Mr Olasunkanmi Adewusi if they are in any doubt, without disclosing the identity of the person where possible
- Share with consent where appropriate and, where possible, respect the wishes of those who do not consent to share confidential information. Staff may still share information without consent if, in their judgment, that lack of consent can be overridden in the public interest
- Consider safety and wellbeing. Staff must base information sharing decisions on considerations of the safety and wellbeing of the person and others who may be affected by their actions
- **Necessary, proportionate, relevant, accurate, timely and secure:** Ensure that the information shared is necessary for the purpose for which it is being shared, is shared only with those people who need to have it, is accurate and up to date, is shared in a timely fashion, and is shared securely
- Staff must keep a record of any decision and the reasons for it (to include what has been shared, with whom and for what purpose), and for a decision not to share

5.4 Maintaining Confidentiality

- All information regarding the people we support will be treated with respect and integrity
- In general, no information may be disclosed either verbally or in writing to other persons without the Adult's consent. This includes family, friends and private carers, and other professionals
- If in doubt, staff will consult the Line Manager or Mr Olasunkanmi Adewusi, Registered Home Care Manager
- Conversations relating to confidential matters affecting Adults will not take place anywhere that they may be overheard by others, i.e. in public places - such as supermarkets, public transport, open plan areas of the office, during training or group supervision where other staff not involved in the Adult's Care are present
- Written records and correspondence must be kept securely at all times when not being used by a member of staff. Timesheets, rotas, etc. must not be left in unattended vehicles
- Staff must not disclose any information that is confidential or that, if it were made public, may lead to a breakdown in the trust and confidence that the Adult and their families have in Nema Homecare Limited
- Staff must not pass on any information or make comments to the press or other media. Media enquiries should be referred to the person responsible for handling any media enquiries
- Nema Homecare Limited can refer to the Caldicott Guardian Policy and Procedure for further guidance



5.5 Safeguarding, The Care Act and Confidentiality

Where safeguarding issues arise and in order to fully understand what has gone wrong, Safeguarding Adult Boards may ask for information to be shared. Decisions about who needs to know and what needs to be known should be taken on a case-by-case basis, within locally agreed policies and the constraints of the legal framework. However:

- Staff must verify the identity of the person requesting the information whilst establishing if it can be anonymised (refer to 5.8)
- Information will only be shared on a 'need to know' basis when it is in the best interests of the adult
- Confidentiality must not be confused with secrecy
- Informed consent should be obtained but, if this is not possible and other adults are at risk of abuse or neglect, it may be necessary to override the requirement
- It is inappropriate for Nema Homecare Limited to give assurances of absolute confidentiality in cases where there are concerns about abuse, particularly in those situations when other adults may be at risk

5.6 Rights of all Adults

All Adults may view personal information we hold about them. Local and health authorities are not required to give access to information that is 'hurtful' or 'that would breach the confidentiality of another Adult'. The policy of Nema Homecare Limited is to record information in a way that, as far as possible, avoids a need for this exclusion. If the Adult believes their right to confidentiality is either being breached or undermined, they must have access to the complaint's procedure at Nema Homecare Limited.

Staff should refer to the Subject Access Requests Policy and Procedure for further details.

5.7 Rights of all Staff

All staff may view personal information held by Nema Homecare Limited that relates to them, by applying in writing to their Line Manager or Registered Home Care Manager, Mr Olasunkanmi Adewusi.

5.8 Data Security and Quality

- Any record that contains information about an individual must remain confidential unless it is in the public domain. All records must be factual and not include the personal opinions of the person writing the records. Staff should refer to the Record Keeping Policy and Procedure for further details
- Reproduction of information relating to the Adult (for example photocopying documents) will only be done with the consent of the Adult
- Confidential information to be posted must be marked 'Private & Confidential, for the attention of the addressee only', and sent by recorded/special delivery

Staff should refer to the guidance contained in the Forms section of this policy for best practice and requirements for data security. However, as a minimum:

- Information held within Nema Homecare Limited will not be shown to unauthorised individuals or be left where unauthorised personnel may access it. All records must be kept in a lockable cabinet in a lockable office, with restricted access
- All written records must be kept securely and only disposed of by shredding, after appropriate timescales. Staff must take care when recording personal identifiable information into personal notebooks or paper during shift handover and ensure the safekeeping and destruction of the information
- Written information also relates to door codes, lockers, key safe numbers and staff rotas. Staff must be provided only with secure information if required to carry out specific tasks in secure areas and locations with restricted access. Secure

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information must not be recorded on Adult records for use outside the office or on rotas supplied to staff. Staff must ensure that if they record Adult information to support the delivery of Care, for example a request to cover an unplanned absence, the information is recorded securely and safely destroyed after use

- Any rotas must be returned to the office for confidential disposal
- Any employee who breaches this policy may be subject to disciplinary action

5.9 Social Media

Staff are not permitted to discuss the people who use our services, other employees past or present, or Nema Homecare Limited on any social networking site as this may breach confidentiality and bring Nema Homecare Limited into disrepute. Staff must also be aware that this applies to taking and posting photographs or videos of Adults.

5.10 Mental Capacity and Confidentiality

The Mental Capacity Act 2005 and associated "Best Interest" applies to adults without capacity, and further details about the disclosure of confidential information about the Adult lacking capacity can be found in the Mental Capacity Act Code of Practice.

5.11 Anonymisation and Pseudonymisation Considerations**Anonymisation**

Anonymised information (i.e. where personal information is removed and both the giver and the receiver are unable to identify the Adult) is not confidential and may be used outside of data protection legislation. However, staff should be aware that information which contains small numbers of person identifiable information may lead to identification. For this reason, all disclosure of anonymised information should be reviewed on a case-by-case basis. Nema Homecare Limited will seek to anonymise collective data about individuals within Nema Homecare Limited.

Pseudonymisation

Pseudonymisation is the practice of removing and replacing actual data with a coded reference (a 'key'). Nema Homecare Limited will consider this practice where the use of the data needs to relate to individual records, but also needs to retain security and privacy for that individual. There is a higher privacy risk and security risk of the key system as the data will not truly be anonymised.

Personal data that has been pseudonymised can fall within the scope of data protection legislation depending on how difficult it is to assign it to a particular individual.

Further information can be found within the ICO Anonymisation Code of Practice.

5.12 Nema Homecare Limited Confidentiality**Suppliers**

Staff must extend the principles of confidentiality when considering Nema Homecare Limited sensitive information and the protection of any commercial data.

When Nema Homecare Limited engages a software vendor or data processor it will ensure and evidence that the new supplier adheres to UK GDPR.

Staff and/or external suppliers will ensure that information such as suppliers' prices, performance and costs are not disclosed to other suppliers or unauthorised persons. Nema Homecare Limited could consider requesting that suppliers sign a confidentiality agreement

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in order to protect the data of Nema Homecare Limited.

If there are any queries about how to support commercially sensitive information, these should be discussed with Mr Olasunkanmi Adewusi.

Meetings

Nema Homecare Limited has a right to have confidential meetings where information is discussed and then held securely and confidentially. Information held will be in line with the Freedom of Information Act (FOIA) 2000 and UK GDPR, the Data Protection Act 2018.

Complaints and Investigations

Complaints and investigations are treated confidentially and remain so unless there is a legal requirement to release information.

Media

Staff must not pass on any information, or make comments, to the press or other media. Media enquiries should be referred to the person responsible for handling any media enquiries.

5.13 Confidentiality Breach

Unauthorised access, use or disclosure may be in breach of the UK GDPR, DPA 2018, the Human Rights Act, and/or breach the policies of Nema Homecare Limited and may lead to disciplinary action.

Where there has been a breach in confidentiality, this will be recorded on an incident form at Nema Homecare Limited and reported to Mr Olasunkanmi Adewusi.

Significant breaches will be reported to Olasunkanmi Adewusi so that reporting to the relevant regulatory, professional bodies and the ICO is considered.

Breaches will be monitored by Mr Olasunkanmi Adewusi, reflected on with lessons learned and will form part of the quality assurance programme for Nema Homecare Limited.

Staff will refer people to the Complaints, Suggestions and Compliments Policy and Procedure at Nema Homecare Limited.

5.14 The National Cyber Security Centre

Alongside this policy the National Cyber Security Centre has provided a useful resource centre that will assist Nema Homecare Limited in improving and keeping up to date with Cyber Security. The Small Business Guidance is formulated under five steps:

- **Step 1: Backing up your data**
- **Step 2: Protecting your organisation from malware**
- **Step 3: Keeping smartphones and tablets safe**
- **Step 4: Using passwords to protect your data**
- **Step 5: Avoiding phishing attacks**

Alongside this guidance there are additional resources that are available to use. Nema Homecare Limited will make full use of this tool, such as the Cyber Action plan; a link to which is in the Underpinning Knowledge section.



6. Definitions

6.1 Data Protection Act 2018

- The Data Protection Act 2018 is a United Kingdom Act of Parliament that updates data protection laws in the UK
- It sits alongside the UK General Data Protection Regulation and implements the EU's Law Enforcement Directive

6.2 Caldicott

- The Caldicott Principles provide guidance to the NHS and adult social care records on the use and protection of personal, confidential data and emphasises the need for controls over the availability of such information and access to it
- Caldicott Report
- The Caldicott Report made a series of recommendations which led to the requirement for all NHS organisations (and adult social care records from the year 2000) to appoint a Caldicott Guardian who is responsible for compliance with the Caldicott confidentiality principles
- **Caldicott Guardian**
- A senior person responsible for protecting the confidentiality of peoples' health and care information and making sure it is used properly

6.3 Common Law Duty of Confidentiality

- Prohibits the use and disclosure of information provided in confidence unless there is a statutory requirement or court order to do so
- Such information may be disclosed only for purposes that the subject has been informed about and has consented to, provided also that there are no statutory restrictions on disclosure
- This duty is not absolute, but should only be overridden if the holder of the information can justify disclosure as being in the public interest, for example, to protect the vital interests of the data subjects or another person, or for the prevention or detection of a serious crime

6.4 Safe Haven

- **A Safe Haven** is a term used to explain an agreed set of arrangements that are in place in an organisation to ensure that confidential identifiable information (e.g. patient and staff information) can be communicated safely and securely
- It is a recognised phrase within the NHS but has relevant underlying principles for all community based services

6.5 Personal Information

- **Personal information** is information that can identify a person, in which the person is the focus of the information and which links that individual to details which would be regarded as private, for example, name and private address, name and home telephone number, etc.

6.6 Sensitive Personal Information

- **Sensitive personal information** is where the personal information contains details of that person's:
 - Health or physical condition
 - Sexual life
 - Ethnic origin
 - Religious beliefs



- Political views
- Criminal convictions

6.7 Business Sensitive information

- Information that, if disclosed, could harm or damage the reputation or image of an organisation

6.8 Public Interest

- Exceptional circumstances that justify overruling the right of an individual to confidentiality in order to serve a broader societal interest
- Decisions about the **public interest** are complex and must take account of both the potential harm that disclosure may cause and the interest of society in the continued provision of confidential services
- The Public Interest Disclosure Act (Whistleblowing) has more information about this

6.9 Consistent Identifier

- The Health and Social Care (Safety and Quality) Act 2015 includes a requirement for health and adult social care organisations to use a **consistent identifier** (the NHS Number) for all data sharing associated with or facilitating care for an individual
- The NHS Number is the national, unique **identifier** that makes it possible to share patient and Adult information across the NHS and social care safely, efficiently and accurately

6.10 Confidentiality

- **Confidentiality** means that professionals should not tell other people personal things about a Adult unless the Adult says they can, or if it is absolutely necessary

6.11 Statutory Duty to Disclose

- There are Acts of Parliament which require the production of confidential information
 - Prevention of Terrorism Acts
 - Road Traffic Act
 - Public Health Acts
 - Police and Criminal Evidence Act 1984
 - Misuse of Drugs Act 1971
- It is essential that there is good justification to disclose confidential information when relying upon an Act of Parliament. Public Health legislation requires the reporting of notifiable diseases

7. Key Facts - Professionals

Professionals providing this service should be aware of the following:

- Professionals can only tell other people the Adult's personal information if the Adult says they can or if they have to
- Professionals can share information without the Adult's consent if there is a risk of serious harm to the Adult or other or there is a risk of a serious crime
- When the Adult dies, the duty of confidentiality will continue to apply, even though the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act no longer applies

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- Necessary, proportionate, relevant, accurate, timely and secure: Ensure that the information you share is necessary for the purpose for which you are sharing it, is shared only with those people who need to have it, is accurate and up to date, is shared in a timely fashion, and is shared securely

8. Key Facts - People Affected by The Service

People affected by this service should be aware of the following:

- Every person has a right to confidentiality. However, staff may have to share information about you in your best interests
- Where possible, staff will obtain your consent to share information about you
- If you are unable to consent to share information because you lack mental capacity, staff will need to follow the Mental Capacity Act Code of Practice

Further Reading

GOV.UK - Information: To Share or not to Share - The Information Governance Review:

<https://www.gov.uk/government/publications/the-information-governance-review>

Care Quality Commission - Using Surveillance in your Care Service:

<https://www.cqc.org.uk/guidance-providers/all-services/using-surveillance-your-care-service>

Durham University - Provides a useful introduction to Anonymisation and Pseudonymisation:

<https://www.dur.ac.uk/ig/dp/anonymisation/>

Easy Read Online - Your Rights About your Personal Information:

<https://www.sldo.ac.uk/media/1821/easy-read-gdpr-info-sheet.pdf>

UK Caldicott Guardian Council:

<https://www.gov.uk/government/groups/uk-caldicott-guardian-council>

Additional Policies:

Suite of Data Protection Policies in the system at Nema Homecare Limited

Outstanding Practice



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To be "outstanding" in this policy area you could provide evidence that:

- The wide understanding of the policy is enabled by proactive use of the QCS App
- Robust systems and governance processes ensure that staff and Adult confidentiality is maintained at all times
- Staff are registered as Dignity Champions and can evidence that they follow the 'Dignity Dos'
- Each person's privacy needs and expectations should be identified, recorded, and met as far as is reasonably possible
- Staff treat Adults with kindness and respect and maintain Adult and information confidentiality