



Department  
of Health

# Confidentiality and Information Sharing for Direct Care

Guidance for health and care professionals



# Confidentiality and Information Sharing for Direct Care

This leaflet emphasises the importance of sharing information with professionals and other members of the team who are providing health or care services to an individual. It sets out five clear rules for information sharing as part of a person's direct care.

It provides an overview of the main things you need to think about when making decisions on information sharing in your day-to-day contact with individuals who use our services. It also explains support you can expect from your organisation on more detailed issues.

## **Rule 1: You should treat confidential information about individuals confidentially and respectfully.**

You must manage the information contained in care records respectfully and confidentially, using secure systems and processes, and share it in accordance with these five rules. You must keep individuals informed about the care you are providing, about the content of the records that you make, and about any proposed sharing of that content with others. If, as is their right, the individual asks for access to their records you must follow your organisation's documented procedures and, if appropriate, those of your regulatory and professional bodies.

## **Rule 2: You should share confidential information when it is needed for the direct care of an individual.**

As someone involved in providing care to an individual, you have a legal duty to keep complete, accurate and up-to-date records about the care you provide. Subject to the other rules, you must share **relevant** information with others involved in providing direct care to that individual, regardless of organisational boundaries. Where this requirement means sharing information with people who are not care professionals (e.g. voluntary sector staff, family members, carers and friends), you should seek the agreement of the individual first. Where an individual lacks capacity, you should make a judgement about whether sharing the information is in their best interests. Confidentiality should **not** be a barrier to safe and effective care.

**Rule 3: For purposes beyond direct care, you should not normally share confidential information that might enable individuals to be identified.**

For purposes other than direct care (e.g. for research or for service management), you should not normally share information that might enable individuals to be identified. You should follow your organisation's policies and procedures to make sure you are following this rule. There are exceptions to this rule however, so if you are asked to share patient level information you must obtain the approval of a senior clinician, senior social care manager, an information governance expert, or your Caldicott Guardian who will review the legal basis for sharing the information.

**Rule 4: You should respect an individual's request that their confidential information is not shared beyond their own care and treatment.**

When an individual objects to any proposed information sharing – whether for their direct care or for other purposes - you should respect their wishes. You should carefully explain the consequences of not sharing the information. If an individual has the capacity to make this decision then it is their choice. However, there are exceptions, such as where there is a legal requirement to share information, where the public good served by sharing information outweighs the public good served by protecting patient confidentiality, or where an individual lacks the capacity to decide. Where you cannot respect an individual's wishes, they have the right to be told the reasons. These are complex areas so you should seek advice from your manager or Caldicott Guardian.

**Rule 5: Your organisation's policies, procedures and systems should support you to follow this guidance.**

Your organisation should support you to follow these rules. All the necessary policies and procedures should be readily available and you should have access to information governance advice when you need it. If you find that you are being prevented from following these rules, particularly if this non-observance may result in worse outcomes for individuals, then you must raise your concerns with your manager or Caldicott Guardian.

If you have questions or need guidance on a particular issue please contact the following:

**Local senior manager / information governance lead**

**Name:** \_\_\_\_\_

**Tel:** \_\_\_\_\_

**Caldicott Guardian** \_\_\_\_\_

**Name:** \_\_\_\_\_

**Tel:** \_\_\_\_\_

More detailed guidance on confidentiality and information sharing is available from the Information Governance Alliance (IGA) at [www.hscic.gov.uk/iga](http://www.hscic.gov.uk/iga)

The IGA is a group of national health and care organisations that are working together to provide a joined up and consistent approach to information governance. It is being created as a focal point for good practice and guidance for the whole health and care system.

This leaflet has been reviewed and will be endorsed by the IGA once stakeholder engagement is complete.

For more information go to: [www.hscic.gov.uk/iga](http://www.hscic.gov.uk/iga)