

## Protocol 6

### Confidentiality and Information Sharing

#### Core Principle

It is recognised that maintaining confidentiality is crucial to the building of a trusting and respectful working relationship with the service user. It is equally important that all parties recognise that confidentiality is never absolute and service users should be given a clear understanding of the limitations to confidentiality at the outset. In this context it is important that all services have clear policy guidelines in relation to client confidentiality which comply with national legislation and guidelines. Service providers are responsible for ensuring that their staff understand and comply with their responsibilities under relevant legislation when report writing, explaining confidentiality and working with service users, storing/securing data, and sharing information with other agencies individuals (Data Protection Act 1988 & 2003; Freedom of Information Act 1997 & 2003; Child Care Act 1991; Children First: National Guidelines for the Protection and Welfare of Children 2011; Information Governance: a Guide for health and social care staff, HIQA 2011).<sup>†</sup>

Within the context of interagency care planning, service providers are responsible for ensuring that clients are encouraged to actively engage in this process and that they are given a clear understanding of the purpose and benefits of sharing agreed personal information. As part of the shared care planning process, information is shared for the purposes of service planning, and helping the service user meet the goals set out in the interagency care plan.

#### Outcomes

A. The service user understands issues relating to confidentiality, including their right to privacy, as well as the limits to confidentiality. The service provider must discuss these issues with the service user to ensure this understanding.

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<sup>†</sup> Legislation can be accessed at [www.irishstatutebook.ie](http://www.irishstatutebook.ie);  
Children First: National Guidelines can be accessed at [www.dohc.ie](http://www.dohc.ie); and  
Information Governance Guidelines can be accessed at [www.higa.ie](http://www.higa.ie)

- B. The service user is clear about the processes by which they can consent to agreed personal information being shared amongst different parties to the interagency care plan, as well as how to review and withdraw consent.
- C. Service providers develop their own or shared policies and procedures regarding confidentiality and sharing information which are compliant with relevant national legislation and guidelines. Service providers are responsible for ensuring that their staff are compliant with these. Policies are not limited to, but must include:
- a. limits of confidentiality;
  - b. acquiring consent/release of information and review/ withdrawal of same;
  - c. report writing;
  - d. recording of case notes;
  - e. secure storage of personal data both hardcopy and electronic;
  - f. sharing information within each agency;
  - g. sharing information with other agencies;
  - h. dealing with family members & informal enquiries;
  - i. dealing with under 18's;
  - j. modes of communicating personal information; and
  - k. dealing with accidental, planned, or deliberate disclosure without permission.
- D. Partner services demonstrate a willingness to work collaboratively by developing a local Confidentiality and Information Sharing Protocol, based on the National model.
- E. Services agree a definition of what information is considered appropriate and necessary; this is based on the role and responsibility of staff attending and engaged in the interagency care planning process and the role and function of their agencies.
- F. Services agree a process whereby disagreements and other issues pertaining to the sharing of client information can be addressed.
- G. Service providers or the nominated pilot rehabilitation coordinator submits the local shared Confidentiality and Information Sharing Protocol (along with associated policies), to the Data Commissioners Office to ensure compliance with the Data Protection Act.

## Key Processes

1. In the development of a local Confidentiality and Information Sharing Protocol, partner services should share all their policies and procedures relating to confidentiality and the sharing of client information. Policies and procedures should fall within a recognised good practice or quality standards framework and must comply with national legislation and guidelines (as outlined in this national protocol). A standard release of information form

should be agreed between the partner agencies setting out agreement to share necessary and appropriate information in the context of the interagency care plan and this should precede the commencement of any interagency process.

2. All staff participating in the interagency care planning process must be aware of the shared Confidentiality and Information Sharing Protocol, and relevant legislation/ guidelines, as well as their own agencies policies and procedures. Service providers are responsible for ensuring that their staff receive training in all aspects and areas relevant to their role in interagency care planning.
3. The key worker should explain the process of interagency care planning to the service user (see Protocol 2) and obtain written consent via a release of information form for the sharing of agreed information; this should occur before any interagency communication takes place. This form should specify the agencies involved in the interagency process and the information to be shared and the purpose of this.
4. The release of information form should be reviewed with the service user at regular intervals of not more than six months by the case manager (see Protocol 2), and if any additional agencies are invited to join the interagency care plan process then the consent of the service user must be obtained beforehand.
5. Service users must also be made aware of the limitations to confidentiality and the circumstances when this will apply.
6. Services must ensure that they follow the wishes of the service users in what information they share with other agencies; agencies must only request information which is relevant to their own role or that of the agency (see overarching principal 4).
7. Services must train their staff in how to manage potential disclosures at all stages in the working relationship including during interviews to ensure that the client is fully aware of the limitations to confidentiality before disclosure is made.
8. Where a dispute arises concerning the sharing of information, services should meet to review what information has been requested and why. The requesting agencies should be able to justify their need for the information and its context in relation to their own role with a service user. The case manager and interagency group should verify the request, discuss the issue with the service user, and agree a collective response. Any actions arising out of the sharing of the information need to be documented.
9. Services should have a clear policy on dealing with both formal and informal enquiries relating to service users, and this must be understood by staff, volunteers and service users alike. If it is clear that there has been a breach of confidentiality, whether accidental or not,

a follow up process must ensure that the service user is informed and steps taken to ensure the incident is not repeated.

10. The service provider must comply with the requirement to notify the office of the Data Commissioner of particular breaches of confidentiality as specified by the Data Commissioner.