

Confidentiality protocol (1.1)

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Reference: The Data Protection Act 2018, The Health and Social Care Act 2012, Access to Health Records Act 1990 and The Medical Reports Act 1988

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1. Scope

This protocol applies to all staff members within the University of Bristol Safety and Health Service who through the course of their work may have access to, gain knowledge of or be entrusted with confidential medical information.

2. Introduction

The University is committed to the safe and secure storage of staff and students' occupational health records. Occupational health records are considered health records and therefore considered special category data under The Data Protection Act 2018. This includes all information that forms part of the clinical record regardless of the manner in which it is received either electronically, in writing or verbally.

The purpose of this protocol is;

- To ensure that confidential clinical information is effectively protected against improper disclosure at all times and that it is only released, with consent, to individuals who are entitled to receive it.

Reference: The Data Protection Act 2018, The Health and Social Care Act 2012, Access to Health Records Act 1990 and The Medical Reports Act 1988

- To ensure that all staff within the Safety and Health Service understand their responsibility to protect confidentiality.
- All safety and health protocols should adhere to the University of Bristol [Staff fair processing notice](#) | [University Secretary's Office](#) | [University of Bristol](#)

Health/Medical records are used to quantify the quality of care the employee or student has received as well as for audit purposes.

3. Responsibilities

It is the responsibility of each member of staff within Safety and Health Services and specifically the Occupational Health Service (OH) to protect medical information from inappropriate disclosure and to take every measure to ensure that patient-identifiable information is not made available to unauthorised persons.

All clinical members of the OH team are bound by professional codes of ethics and professional standards so that their compliance with confidential conduct is implicit. The outsourced service of the Occupational Health Physician is also bound by the professional code in line with GMC standards. All members of the Safety and Health service must have signed a confidentiality agreement in line with medical confidentiality and University Data protection guidance and are bound by this to protect medical records of University staff and students (appendix one).

Only members of the Occupational Health team are authorised to access the clinical rooms and occupational health files and notes. No access to the Safety and Health office should be given to non-safety and health staff who have not signed a confidentiality agreement (appendix one), to protect and maintain medical confidentiality and to ensure compliance with the relevant legislative Acts.

All staff within the OH team will be given confidentiality training on induction and refreshed annually. It is the responsibility of the Occupational Health Manager to ensure that adequate training, supervision and monitoring of staff is provided.

4. Process for ensuring confidentiality

4.1 Physical Security

Methods to ensure physical security include:

- Confidential health records must not be left unattended at any time in the Safety and Health office or leave the Occupational Health Service without authorisation from the appropriate Occupational Health member of the team. It is their

Reference: The Data Protection Act 2018, The Health and Social Care Act 2012, Access to Health Records Act 1990 and The Medical Reports Act 1988

responsibility to make a written note of the reasons for the notes being transferred to another party, date and any further actions required.

- Confidential information must be disposed of by shredding or placing in locked confidential waste bins. They should only be disposed of in line with retention schedules detailed within the Data Protection Act 2018.
- All health records must be stored in a lockable fireproof cabinet within a lockable room. Only Occupational Health staff have access to the keys of the cabinet and locked occupational health rooms and the keys must always be stored securely. The Occupational Health Service will hold a key register of all members of the OH team with access to these keys.

4.2 Safeguarding information

The following outline OH procedures and practices need to be followed at all times:

- All discussions detailing clinical details must be undertaken in a confidential room.
- When phoning do not disclose to an employee's colleague that you are trying to contact them if they are not available, or ask them to pass on a message to the employee – call back later. Avoid leaving messages on work phones that could be accessed by others.
- Ensure that faxes sent will be received by the correct recipient confidentially and at the time of sending.
- Computers must be password protected so that confidential information is not left open and accessible by others on the screen. All computers must be locked when left unattended.
- Computers should be positioned to prevent visitors to the Safety and Health office reception reading any confidential information on screen.
- Any computers that are replaced will be sent to the University IT department for full data cleansing.
- Delete unused personal files.
- Ensure that emails are sent to the correct person. All emails containing sensitive data must have the data encrypted by password in line with University policy.
- Ensure extreme care is taken when addressing any letters to ensure that they are sent to the correct person at the right address. Individual details should always be double checked prior to post containing sensitive data being sent out. Always use the 'confidential' stamp in a conspicuous position on the envelope when appropriate. All additional medical information should be placed in a sealed envelope, addressed to the individual and marked confidential, and then placed within an addressed envelope.

Reference: The Data Protection Act 2018, The Health and Social Care Act 2012, Access to Health Records Act 1990 and The Medical Reports Act 1988

- All sensitive reports if sent as an e mail attachment must be encrypted according to the University Data Protection Policy available at; <http://www.bristol.ac.uk/secretary/dataprotection>
- Passwords to open and modify documents must be kept securely and changed for each individual or when a breach of confidence has taken place, or a key member of staff leaves Safety and Health Services.

4.3 Release of patient-identifiable information

Information released by Occupational Health regarding an individual to any third party must have the informed consent of the individual and must have a legal basis as defined by the General Data Protection Regulations (GDPR). Written occupational health reports to managers/faculty contact or the relevant Human Resources Manager must be copied to the employee if they wish to see a copy of the report and in line with the updated Data Protection Act. The content of the report must be discussed with the employee prior to sending with informed consent as documented in their clinical notes and stated in their occupational health report – written consent can be gained if necessary and practical using an Occupational Health Consent form (Appendix 2). The individual has the opportunity to see the report before it is sent in line with data protection and has the opportunity to comment on any factual inaccuracies. The individual should be informed at the time of the appointment that they can comment on factual inaccuracies in the report but are unable to change clinical/medical opinions. All individuals have the right to withdraw their consent for the OH referral at any stage of the referral process.

If the assessing OH advisor or physician feels that they would benefit from obtaining a GP/Specialist report written consent needs to be given by the individual under the terms of the Access to Medical Reports Act 1988. The individual must complete Appendix 3. The individual has the option of seeing the report before it is sent and within 21 days of it being available. Details of the rights of individuals are contained in the notes attached to Appendix 3.

Written consent (Appendix 4) also must be obtained from the individual if OH records are requested from other providers.

Employees/Students can apply for access to their OH records under the provisions of The Data Protection Act. Requests for disclosure in connection with litigation must be discussed with the Occupational Health Manager prior to providing any information and all subject access requests must be sent initially to the University data protection department for processing.

There may be exceptional circumstances when confidentiality can be set aside in the interest of health and safety of the individual or third parties and information can be

Reference: The Data Protection Act 2018, The Health and Social Care Act 2012, Access to Health Records Act 1990 and The Medical Reports Act 1988

released without the consent of the employee. This must always be a decision made by a member of the OH clinical staff and in line with NMC/GMC standards.

Appendix 1- Medical confidentiality agreement

Occupational Health Service

1-9 Old Park Hill

Bristol

BS2 8BB

Tel: 0117 331 7655

Fax: 0117 331 7532

Email Staff: bristol-occhealth@bristol.ac.uk

Email Students: student-occhealth@bristol.ac.uk



Safety and Health Service

Medical Confidentiality Agreement

As a member of Safety and Health Services, during the course of your employment with the University of Bristol you may have access to or gain knowledge of or be entrusted with medical and/or personal information concerning individual members of staff or students. This information may contain matters of a highly sensitive or personal nature. Each member of the Safety and Health services team has an obligation not to divulge any of this information learned in respect of their work activities within the Safety and Health Service as detailed in the form below.

You understand that access to this information, whether it is in computerised or manual records, is made available only to those members of staff who have an absolute right and need to know - that is, the Occupational Health clinical and administrative teams.

You agree not to disclose to any person or make any use of such confidential information as described above at any time either during or after the end of your employment with the University. This duty includes keeping strictly confidential the names and other details relating to those individuals making and keeping appointments with the Occupational Health Service.

No medical/clinical, information, recommendation or opinion is to be given by administrative staff or the health and safety team without exception. All enquiries about medical or clinical matters must be referred to a qualified clinical member of the Occupational Health Service.

Breach of this undertaking will be viewed very seriously by the University and may be an offence under the Data Protection legislation/GDPR. Such a breach could result in disciplinary action being taken against you.

Reference: The Data Protection Act 2018, The Health and Social Care Act 2012, Access to Health Records Act 1990 and The Medical Reports Act 1988

I, the undersigned, understand and accept the above agreement. I have also read, understood and will adhere to, as required, the procedures as detailed in the Occupational Health Service Confidentiality Protocol.

Print Name	
Job Title	
Date	
Signed	

Appendix 2 – Consent form



Occupational Health Service

To be completed by employee/student:

Employee/student name:	Date of birth:
Contact telephone number:	
Contact email address:	

I am aware of the referral to Occupational Health (OH) and consent to this referral and the OH assessment. I give my consent to a report being prepared by the Occupational Health Adviser or Occupational Health Physician following this assessment, and for this report to be sent to Human Resources (HR) / My manager at the University of Bristol or in the case of students my faculty contact. Please indicate below one of the following options:

- I do not wish to have a copy of the OH report

Reference: The Data Protection Act 2018, The Health and Social Care Act 2012, Access to Health Records Act 1990 and The Medical Reports Act 1988

- I wish to be sent a copy of the OH report at the same time it is sent to HR/Manager or the Faculty contact
- I wish to be sent a copy of the report before it is sent to HR/Manager or Faculty contact. Please note if you wish to see a copy of the OH report prior to this being sent, we require you to provide your further consent to forward the OH report to HR/Manager or faculty contact within 3 working days if sent electronically or 5 working days if sent by post. OH are unable to change clinical/medical opinions in the report, however you are able to comment on factual inaccuracies.

If we do not receive your consent within this time frame, we will advise the referring contact that we are unable to provide them with a copy of the OH report. The University may then proceed with organisational process without the benefit of medical advice.

EMPLOYEE/STUDENT SIGNATURE:

DATE:

Appendix 3 – Medical report consent

Occupational Health Service

1-9 Old Park Hill

Bristol

BS2 8BB

Tel: 0117 331 7655

Fax: 0117 331 7532

Email Staff: bristol-occhealth@bristol.ac.uk

Email Students: student-occhealth@bristol.ac.uk



Occupational Health Service

Consent for Medical Report

Title:
Name:
Date of birth:
Address:

My General Practitioner/Specialist is:
Address:
Telephone number:

Please complete the attached form and return it to the address above

I have been informed of my statutory rights under the Access to Medical Reports Act 1988 and hereby consent to the University of Bristol Occupational Health Service requesting a report giving medical information regarding my current state of health and medical history from a doctor who has been responsible for my physical or mental health care.

I understand that this consent form will be sent as the original to the doctor and a copy held by the Occupational Health Service.

I give consent for a medical report to be issued ...

I wish to see the report before it is sent ...

I do not wish to give consent ...

Reference: The Data Protection Act 2018, The Health and Social Care Act 2012, Access to Health Records Act 1990 and The Medical Reports Act 1988

Print Name _____

Signature _____

Date _____



MEDICAL REPORT CONSENT FORM NOTES

The University of Bristol Occupational Health Service wishes to apply for a report giving information about your state of health. The content of any medical report is confidential and is made known only to the University Occupational Health Physician/Advisor. You are not obliged to give your consent to such an application being made, however, any decision regarding your employment will be made taking into account only those facts available. Your doctor/consultant will be asked to send the report directly to the University Occupational Health Advisor or Physician, where it will be held confidentially.

Before giving consent by signing below, you should be aware that you have certain rights under the Access to Medical Reports Act 1988, which are as follows.

- You can withhold your consent for an application for a report to be made to a doctor/nurse.
- You can ask to see the report before the Occupational Health Service receives it.
- If you have indicated on the consent form that you would like to see the report, the Occupational Health Service will inform the doctor of your request and notify you of the date that the application for the medical report is made.
- If you indicate on the consent form that you do not wish to see the report, but later change your mind, you may still notify your doctor that you wish to see the report before it is sent to the Occupational Health Service. You will then have 21 days from the date of your notification to the doctor, to make arrangements to see the report. Please note however that the doctor is not obliged to delay supplying the report in case you change your mind.
- If you have asked to see the report your doctor will not be able to supply it to the University without your further consent. Once you have read the report, you can ask the doctor in writing to amend any part of the report which you consider to be inaccurate or misleading. If your doctor does not agree to amend the report as requested, you will be able to attach a written statement to the report containing your view on its content.
- If you opt to see the report, your doctor is entitled to charge for this.
- Whether or not you decide to see the report before it is supplied to the University, the doctor is obliged to keep a copy of the report for at least 6 months. After it is supplied to the University Occupational Health Service you will be entitled to have access to that report. Any request for access to reports must be made in writing.
- Please note that under the terms of the Access to Medical Reports Act 1988, the doctor is not obliged to let you see any parts of the report which s/he believes could seriously harm your physical or mental health, or that of others, or which would reveal information about another person, or the identity of a person who has supplied the doctor with information

Reference: The Data Protection Act 2018, The Health and Social Care Act 2012, Access to Health Records Act 1990 and The Medical Reports Act 1988

about your health (unless that person consents or is a health professional involved in your care). In these circumstances, the doctor will notify and you will be limited to reading any remaining parts of the report.

Appendix 4 – Consent letter



Private & Confidential
Occupational Health Advisor
Address line 1
Address line 2
Address line 3
Address line 4

Date:

Occupational Health Service

PRIVATE AND CONFIDENTIAL

For the attention of the Occupational Health Advisor

Name:		DOB:	
Job title:		School/Service:	
Date started:		Date left employment:	

I give consent for you to provide information and/or copies of records that you hold regarding immunisations, and/or any blood test result(s) relating to immunisations, that I have received to:

The Occupational Health Advisor
Occupational Health Service
University of Bristol
1-9 Old Park Hill
Bristol
BS2 8BB

Tel: 0117 331 7655

Reference: The Data Protection Act 2018, The Health and Social Care Act 2012, Access to Health Records Act 1990 and The Medical Reports Act 1988

Fax: 0117 331 7532
Email: Bristol-occhealth@bristol.ac.uk

Signed Date

Immunisations Required	
Hepatitis B initial course dates	
Hepatitis B Booster dates	
Hepatitis B antibody /core antibody/surface antigen test results	
Tetanus booster dates	
Polio booster dates	
BCG scar – date seen	
Mantoux test result	
Other -	
Completed by	
Job Title	
Date	

Reference: The Data Protection Act 2018, The Health and Social Care Act 2012, Access to Health Records Act 1990 and The Medical Reports Act 1988