

## Wishing Well Music for Health Confidentiality Policy

To be read and used with reference to Wishing Well's Data Protection and Safeguarding policies.

### Guiding Principles:

1. Confidentiality is important in establishing and maintaining trusting and lasting relationships among partners, participants and staff.
2. Confidentiality is the cornerstone to ensuring that privileged information is accessible only to those authorised to have access.
3. Confidentiality acknowledges respect for an individual's right to privacy.
4. Confidentiality assumes that those who pledge to safeguard confidential information will do so.
5. Privileged information is only discussed in a private space, only heard by the people who need to hear it. Electronic information is anonymised or password protected/encrypted. The CEO is aware of any electronic records and their purpose
6. Confidentiality will only be breached when a participant is deemed to be at risk of abuse, or at risk of abusing or harming another person or themselves, or is involved in known criminal behaviour.

In the event of a Disclosure of abuse, or suspected abuse, the designated manager/senior staff member will be notified immediately.

### Scope

This policy applies to all data held or accessed by the Wishing Well Music for Health (Wishing Well) team, including CEO, board staff, volunteers and musicians during the course of their work, in regard of participants, Trust/partner staff, or any other person, where:

- **Personal data** means any information relating to an identified or identifiable natural person, as defined by the UK General Data Protection Regulation.<sup>1</sup>
- **Special category data means personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation**
- **Confidential data** means any information relating to an individual which was given to or is accessed by Wishing Well in confidence, or to which a duty of confidence is otherwise owed under the common law obligations.
- **Financial and operational data** regarding wishing Well

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<sup>1</sup> <https://www.legislation.gov.uk/ukdsi/2019/9780111177594/contents>

Group	Information Held	Actions to ensure confidentiality
Participants (usually patients)	NONE	
Musicians	Phone/address/email/DOB/UTR/DBS reference and date/BACS details.	password protected devices and password protected online filing (GDrive)
Staff and Consultants	Phone/address/email/DOB/UTR/DBS reference and date/BACS details.	password protected devices and password protected online filing (GDrive)
Supporters	NONE	

### Rationale

Wishing Well and its staff have legal obligations to protect the confidentiality and privacy of all persons whose data are held and accessed, including (but not limited to):

- Common law duty of confidence, which applies individually to every person working with information given in confidence, including all health records.
- General Data Protection Regulation (“**GDPR**”) and Data Protection Act 2018,<sup>2</sup> for all personal data processed by Wishing Well.
- Health and Social Care Act 2012,<sup>3</sup> obliging Wishing Well in working with Health Trusts and their patients to have regard to the Health & Social Care Information Centre ‘*Code of practice on confidential information*’.<sup>4</sup>
- Human Rights Act 1998,<sup>5</sup> obliging Wishing Well not to act in contravention of individuals’ right to respect for a private life as set out in the European Convention of Human Rights.

All Musicians, including apprentices, carrying out work for Wishing Well will adhere to detailed recommendations around confidentiality in Wishing Well’s Terms and Conditions which are gone through thoroughly at Induction.

### Policy Objectives

The objectives of this policy are:

<sup>2</sup> Data Protection Act 2018; <http://www.legislation.gov.uk/ukpga/2018/12/part/1/enacted>

<sup>3</sup> Health and Social Care Act 2012 s263; <http://www.legislation.gov.uk/ukpga/2012/7/contents>

<sup>4</sup> HSCIC “Code of practice on confidential information” – Dec 2014;

<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>

<sup>5</sup> Human Rights Act 1998; <http://www.legislation.gov.uk/ukpga/1998/42/contents>

- To ensure that personal data and confidential data relating to participants, staff and all other persons are protected, used and shared only in accordance with the law and in the best interests of individuals.
- To establish a framework within which the Wishing Well team are guided and supported to comply with the law and their individual obligations.

**A board member, will be appointed, whose duties include:**

- Informing and advising the Wishing Well team of their data protection obligations.
- Monitoring compliance with legislation and Wishing Well policies in relation to data protection.

**All Wishing Well staff**

Any person carrying out any function or working directly for or on behalf of Wishing Well (including but not limited to permanent, temporary, bank, contract, honorary and volunteer staff including Board members) will:

- Comply with the common law duty of confidence, the GDPR, and other relevant legislation.
- Comply with NHS<sup>6,7,8,9</sup> and legal requirements.
- Report all identified and suspected breaches of confidence or data protection obligations as incidents, in accordance with the *Incident Reporting & Management Policy/this policy (further notes needed)*.
- Seek advice from the CEO or DPO if in doubt of any part of this policy or individual obligations.
- In summary, **keep confidential and secure the personal information of participants, staff and all other persons, only using it where strictly necessary within the law.**

Every member of the Wishing Well team, will:

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<sup>6</sup> DH “Confidentiality: NHS Code of Practice” – Nov 2003;

<https://www.gov.uk/government/publications/confidentiality-nhs-code-of-practice>

<sup>7</sup> HSCIC “A guide to confidentiality in health and social care”, v1.1 – Sep 2013;

<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>

<sup>8</sup>

[https://www.nhs.uk/media/documents/NHSX\\_Records\\_Management\\_Code\\_of\\_Practice\\_2020\\_3.pdf](https://www.nhs.uk/media/documents/NHSX_Records_Management_Code_of_Practice_2020_3.pdf)

<sup>9</sup> Caldicott principles <https://www.ukcgic.uk/manual/principles>



- take all possible steps to preserve strict confidentiality regarding any information to which I have access through my work.
- never to pass any information obtained as part of my work at Wishing Well to anyone outside the Wishing Well team, unless I have been directed to do so by a more senior member of staff, and the reasons for doing so are clearly understood.
- to report any signs of risk of abuse to a senior member of staff.

#### **Incident management**

Actual and suspected breaches of confidence or data protection obligations are reported and managed as incidents, in accordance with the *Data Protection Policy and the Safeguarding Policy*

Related documents: Wishing Well Data Protection Policy

Adopted: September 2019

Polciy Reviewed: 26th April 2024