

## **KEY POINTS YOU NEED TO KNOW ABOUT CONFIDENTIALITY**

### **PUBLIC AND PRIVATE INTEREST**

- Private interest- private individuals have an interest in keeping certain personal information confidential.
- Public interest- general public interest in protecting confidentiality in circumstances where a reasonable person might expect information to be held in confidence.

### **WHAT INFORMATION IS CONFIDENTIAL**

- Information is confidential if it:
  - Is not in the public domain and is in some way sensitive or significant
  - Was obtained in circumstances when an obligation to keep it in confidence might be expected
- A paradigm example of circumstances where an obligation of confidence might be expected is the doctor-patient relationship. This means that clinical information about a patient's diagnosis or treatment, any images of the patient, and any other information which could be used to identify a patient will be confidential.

### **WHEN CAN CONFIDENTIAL INFORMATION BE DISCLOSED?**

- Patient information should only be disclosed if:
  1. The individual is *unidentifiable* from the information,
  2. The individual has *consented* to the disclosure, or
  3. There is an overriding *public interest* in disclosure.
- The 6 Caldicott Principles advise that you should:
  1. Justify the purpose(s) for using confidential information
  2. Only use confidential information when absolutely necessary
  3. Use the minimum amount of confidential information that is required
  4. Access to confidential information should be on a strict need-to-know basis
  5. Everyone must understand his or her responsibilities
  6. Understand and comply with the law
- Decisions must be taken on a case-by-case basis by examining the relevant circumstances.