

Information Sharing Protocol

In respect of:

Independent Review of Children's Cardiac Services in Bristol

Participating organisations

- University Hospitals Bristol NHS Foundation Trust (UH Bristol)
- Independent Review of Children's Cardiac Services in Bristol (Bristol Review)

Purpose of the Protocol

This protocol provides a framework for the secure and confidential obtaining, holding, recording, storing, sharing and destruction of information provided by UH Bristol to facilitate the Bristol Review. The protocol also sets out how the sharing of designated information is compliant with relevant legal and regulatory requirements.

This protocol is between the Caldicott Guardian (referred to as the Access Controller), a person in an equivalent post of seniority within the Bristol Review, and the employees, volunteers or contractors accountable to that organisation.

This protocol will be published on the Review's website.

Objectives of the Protocol

The objective of this protocol is to ensure that information shared and used in the course of the Review is treated in such a way as to protect the confidentiality of the patient, and enables UH Bristol and the Bristol Review to discharge their legal and regulatory duties.

The rationale for disclosing all information reasonably requested by the Bristol Review is that, through an effective independent review, the Review will be assisted in fulfilling its terms of reference and the quality of healthcare in paediatric cardiac services will be improved.

Sharing of patient sensitive information

In order to discharge UH Bristol's duty of confidentiality, general information provided of a sensitive nature will have the patient identifiable information redacted.

However, to enable furtherance of the purposes of the Review, patient-identifiable information will normally be provided on a case-by-case basis, at the request of the Bristol Review. Disclosure will be provided as soon as possible and normally within 7 days of the request being communicated by the Review team.

Information from third parties

Information authored by third parties, such as Coroners' reports and associated papers, should normally be sought directly from the author by the Bristol Review in the first instance. Should the Bristol Review experience difficulties in obtaining information from third parties, for example where organisations have been abolished and records transferred to another organisation for storage, UH Bristol will endeavour to assist the Review by providing information from its own records.

Statements or documents prepared by Trust staff for submission to outside bodies such as coroners or regulators, are not considered to be information authored by a third party and will be disclosed by UH Bristol on request if UH Bristol holds this information.

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Timescales

The Bristol Review aims to give UHBristol reasonable notice of the information it requires, and UHBristol will endeavour to provide it in a timely way. Where it is not possible to meet requests within 7 days, UHBristol will inform the Bristol Review promptly and agree revised timescales. There may be occasions when the Bristol Review will make requests at short notice. UHBristol will give such requests high priority, and meet them as soon as possible and within 7 days at the latest.

General

The disclosure of documentation to the Bristol Review will be in line with the NHS advice document on information governance (professional and legal obligations) 2007 and in accordance with the Trust's policies on records management and the Records Management: NHS Code of Practice.

The Bristol Review will share information as required to enable the Review to carry out its functions and duties. Information will be shared by The Bristol Review in line with the relevant legislative framework and guidelines, including the Data Protection Act 1998, Access to Health Records Act 1990 and the common law duty of confidentiality.

All information is held within the European Union.

The signatory organisations will formally adopt this information sharing protocol. Each organisation will take responsibility for the dissemination and implementation of this protocol, including to third parties.

It is the responsibility of both parties to ensure that their data protection registration is kept current and up-to-date.

Data and information will be sent to the Bristol Review by UHBristol via encrypted email arrangements with separate password arrangements, in line with UHBristol IMT protocol.

Incident management: Loss or theft of information or inappropriate access by unauthorised party

Should this occur, internal data security breach procedures will be followed. The other party will be notified at the first opportunity, undertake an internal investigation, disclose the nature of any data security breach, and agree a joint action plan.

Where an incident identifies that the confidentiality of an individual may have been breached, consideration will be given to informing the individual(s) concerned. The decision to inform will be taken by UHBristol, in consultation with the Bristol Review and the UHBristol Caldicott Guardian.

Freedom of information

In the event of a Freedom of Information request pertaining to the designated information being received by the UHBristol, normal procedures apply regarding disclosure.

Information storage

All electronic and paper-based information will be stored in secure file locations. The storage of information on PC hard drives is not secure and is not acceptable. Any information that is copied onto portable data drives should be securely encrypted.

Data and Information Retention

All electronic and paper copies of information provided to the Bristol Review will be transferred to NHS England for secure storage, post-Review, in accordance with NHS England document retention standards. Information not so transferred will be securely destroyed.

Monitoring and Review Procedures

Both parties to the protocol agree to keep its contents under review, raising issues of concern promptly with relevant parties.

On behalf of the Bristol Review, I confirm that I have read and understood this protocol and hereby agree to the Terms and Conditions imposed therein.

Name: HEATHER MORLEY

Position: Secretary to the Review

Signature: Heather Morley

Date: 17th September 2014

On behalf of UHBristol NHS Fd., I confirm that I have read and understood this protocol and hereby agree to the Terms and Conditions imposed therein.

Name: JANE LUKER

Position: Caldicot Guardian / Deputy Medical Director

Signature: Jane Luker

Date: 17/9/14