

<b>OP 2</b>	<b>Service User Confidentiality Policy</b>
<b>Operational as of May 8<sup>th</sup> 2009</b>	<b>For review: April 7<sup>th</sup> 2010</b>

## **1 Policy Statement**

Ana Liffey Drug Project is committed to providing the best possible service to our service users. As part of this commitment Ana Liffey Drug Project takes seriously the confidentiality of those who use our services.

## **2 Purpose**

- 2.1 To ensure that the confidentiality of people using our services is protected in a consistent and appropriate manner.
- 2.2 To support staff in their duties regarding confidentiality.
- 2.3 To give service users the knowledge needed to make informed decisions. This includes knowledge of the circumstances in which ALDP may be obliged to extend confidentiality.
- 2.4 To clarify for all stakeholders the occasions when confidentiality may be extended.

## **3 Scope**

- 3.1 This policy covers confidentiality. ALDP understands confidentiality to mean that no information regarding a service user shall be given to any party external to the ALDP staff and management without that service user's prior express and informed consent to disclose such information, except under circumstances as outlined in this policy
- 3.2 This policy covers all people working under the banner of the ALDP. This includes all ALDP staff, locums and volunteers. This policy applies to these groups both inside and outside work. It also includes persons from other agencies conducting in-reach services in ALDP.

## **4 General**

- 4.1 Confidentiality can never be absolute. Absolute confidentiality should never be promised.
- 4.2 All service users are to be made aware of the project's confidentiality policy when they first enter the service, or as soon as possible thereafter.
- 4.3 All service users have the right to have a copy of any information held regarding them by ALDP. This must be requested in writing by the service user. ALDP staff should assist the service user in this if necessary. Any requests for information from a service user must be dealt with by the Services Co-ordinator. ALDP will endeavour to meet all such requests within 10 working days.
- 4.4 Confidentiality is between a service user and the organisation, unless it falls into a situation where confidentiality may be extended. It is never between a service user and an individual member of staff.
- 4.5 ALDP will not pass on ANY information regarding a service user to ANY third party, except in the following cases:
  - 4.5.1 Where consent has already been obtained as per the terms of this policy
  - 4.5.2 Where ALDP is legally obliged to extend confidentiality
  - 4.5.3 Where a decision is taken by ALDP management to extend confidentiality as per the terms of this policy

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- 4.6 All service users have the right to withdraw confidentiality at any time, except in cases where information has been disclosed which may require confidentiality to be extended as per the terms of this policy
- 4.7 All files on service users are to be kept in a secure place in the project
- 4.8 In addition to this policy, ALDP also strives to uphold confidentiality in line with relevant statutory provisions

## **5 Informing Service Users of the ALDP Confidentiality Policy**

- 5.1 All service users should be made aware of the following:
  - 5.1.1 Confidentiality is between the individual and the organisation
  - 5.1.2 Their right to have a copy of all information regarding them
  - 5.1.3 The circumstances in which confidentiality may be extended
  - 5.1.4 Consent to share information may be withdrawn at any time
- 5.2 Confidentiality should be reiterated consistently with service users each time it arises as an issue

## **6 Obtaining consent for sharing of information**

- 6.1 Before sharing information with any third party, consent should be obtained from the service user in question
- 6.2 The service user should be informed of:
  - 6.2.1 The third party with whom the information is to be shared
  - 6.2.2 Whether that third party has a confidentiality policy
  - 6.2.3 The reason for sharing the information
  - 6.2.4 That ALDP has no control over the information once it is given to a third party
- 6.3 Consent must be sought initially in writing, using the standard consent form in Template A. Thereafter, it may be sought verbally. Nonetheless, the service user should be informed each and every time information regarding them is to be shared with a third party.

## **7 Circumstances where confidentiality may be extended**

- 7.1 Disclosure of Criminality / Abuse / Self harm / Suicide
  - 7.1.1 Confidentiality **may** be extended where a service user discloses that:
    - 7.1.1.1 They have perpetrated sexual / physical abuse on another person
    - 7.1.1.2 They intend to perpetrate sexual / physical abuse on another person
    - 7.1.1.3 They have committed a criminal act
    - 7.1.1.4 They intend to commit a criminal act
    - 7.1.1.5 They have self-harmed / attempted suicide
    - 7.1.1.6 They intend to self harm / attempt suicide
  - 7.1.2 In the event of a service user disclosing any of these issues to a staff member, the staff member should inform the service user that they will need to report the issue to their line manager and to the Director. If management decides to pass on this information to any third party, the service user's consent should

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be obtained, where possible. If this is not possible, the service user should be informed of the decision to share the information and with whom it will be shared, why the decision has been taken, and of what ongoing support will be made available to them.

7.2 As required by law

7.2.1 Confidentiality may be extended if so required by Irish law

7.2.2 A request from any statutory agency seeking information on a service user where no consent has been given or is available should only be dealt with by the Director

7.3 Child Protection

7.3.1 Confidentiality may be extended pursuant to child protection issues. Please see the ALDP child protection policy for more information.

7.3.2 In the event of a concern regarding child protection, the staff member should inform their line manager. The issue will then be dealt with as per ALDP's child protection policy.

7.4 Other

7.4.1 There may be other situations in which confidentiality may be extended. These circumstances would be exceptional, and confidentiality would only be extended by decision of the Director.

**8 Sharing information with other organisations**

8.1 Information regarding service users should only be shared with other organisations as per the terms of this policy. The guidelines given in this section assume that basic consent to the sharing of information has already been given

8.2 Occasionally, ALDP may be asked to produce a report regarding a service user by an external agency, and wherever possible these reports should be seen by the service user before passing onto another agency. They should always include the services user's views and comments.

8.3 ALDP works in partnership with other agencies in order to provide the best possible service to service users. This may involve shared procedures and situations where information will be passed on, and these circumstances must be explained in advance to, and consent sought from, service users who may be affected.

**9 Becoming aware of information through work with other organisations**

9.1 When working with other organisations on behalf of ALDP, staff may become aware of information relating to a service user of ALDP. In this instance, consent to share the information with ALDP should be sought in accordance with the confidentiality policy of the other agency. If this is not possible, the staff member is obliged to:

9.1.1 Pass the information to their line manager at ALDP

9.1.2 Ensure that the service user is aware that confidentiality will be extended to the ALDP management team

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- 9.1.3 Ensure that a manager in the other agency is aware that confidentiality will be extended to the ALDP management team