

Information Governance

White Building
Littlemore Mental Health Centre
Sandford Road
Littlemore
Oxford
OX4 4XN

Tel: 0845 219 1269
Fax: 0845 219 1275
Web: www.oxfordhealth.nhs.uk

20 July 2018
Our ref: 18190120

Dear

Request for Information: Freedom of Information Act

Thank you for your email of 28 June, making a request for information under the Freedom of Information Act. You requested the following information and the Trust is able to provide the information below in response:

Request:

I am wanting to find out more in-depth information regarding your procedures when disclosing information about a Patient without their consent. To help make my questions easier for you to visualise and answer I have set out the following hypothetical scenario:

A voluntary out-patient is being treated by a psychologist employed by yourselves for depression with some suicidal-thoughts and relationship issues. The psychologist receives an unsolicited email from the partner of the patient with a general allegation that the patient has viewed child pornography, but the email does not contain any proof, only an allegation, and does not identify any specific child or group of children.

A) Please tell me the names and give outline details of all policies and procedures that would need to be followed by the psychologist and other staff in this scenario, including: i) the job titles of any applicable staff members that need to be informed and staff members who are responsible for making decisions regarding disclosure, ii) and what records must be kept and how long for.

B) If disclosure to the Police is decided what information about the Patient would be disclosed to ensure the disclosure complies with the DPA?

Bi) Who would be responsible for actually informing and dealing with Police?

Bii) Would the email received by the Psychologist be passed onto the Police?

Biii) If the email is passed on, how must the email be compliantly passed onto the Police?

Biv) Would the email address and/or name of the partner who sent the email be passed on to the Police?

Bv) Would the Patient be informed at any point that the Police have been informed?

C) What would be the legal basis for disclosure to the Police, including the names of any applicable laws?

D) If the Partner of the Patient is of the same-sex would you ensure that any information disclosed to the Police couldn't identify the sexual orientation of the Patient or the Partner?

Di) If you wouldn't take any precautions and thus the information disclosed would identify the sexual orientation of the Patient and Partner what is your legal basis and protection for this?

Response:

- a. Safeguarding Policies, Integrated Information Governance Policy, Incident Reporting Policy, Involving the Police Policy. i. Policies are incumbent on all staff. ii. Incident and clinical records are retained in accordance with the NHS Records Management Code of practice.
- b. The minimum necessary for the Police to consider the matter.
 - bi. The practitioner themselves, or Safeguarding staff.
 - bii. Possibly.
 - biii. If passed on then by secure method or by hand transfer.
 - biv. Possibly.
 - bv. Possibly.
- c. Police acts, data protection, safeguarding, common law.
- d. This would be determined on a case by case basis depending on the nature of the enquiries.
 - di. See c. above.

If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request a review of our decision, you should write to me and I will ensure the decision is reviewed. The Trust will consider undertaking a review if requested to do so within 40 working days of the date the response is received by the applicant, and will apply discretion if a longer period of time has passed.

Should you wish to make a complaint as a result of the outcome of such a review, you may apply directly to the Information Commissioner's Office (ICO) for a decision.

Generally, the ICO cannot make a decision unless you have exhausted the complaints procedure provided by the Trust for FoI Act matters.

The ICO can be contacted at:

The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

Please contact me if there are any further queries.

Kind regards,

Yours sincerely,

Mark Underwood

Head of Information Governance