

## Adult Care Recording Guidance

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## 1. Introduction

Effective and timely case recording is pivotal to the work of Adult Care. It is vital to our customers and the integrity of our practice both individually and as an organisation. Our recording provides the evidence base for our customer's experience of Adult Care including the basis of any decisions made, determination of eligibility for support, our compliance with our statutory duties, capturing outcomes and measuring the effectiveness of our involvement in people's lives.

This guidance applies to all County Council staff working in/or with Adult Care that are responsible for recording personally identifiable information about adults, their families and carers.

This guidance aims to provide a robust set of recording standards which enable all staff to record personal information in a clear and consistent manner. The standards apply to records in any format.

Our recording practice is rightly subject to scrutiny from a number of sources.

- All customers have access to their records through the subject access process.
- Cases giving rise to complaint will be subject to rigorous review by managers, independent reviewers or auditors and potentially the Local Government Ombudsman.
- Increasingly more complex cases may require legal oversight with the necessity for recording to be integral to court proceedings.
- Quality Assurance measures include regular audits of case work evidenced in customer records.
- Cases may increasingly be subject to critical or serious case review.

Ensuring that excellent recording is integral to excellent practice should therefore be a shared aim of all people employed in Adult Care.

Guidance is written with reference to relevant legislation setting out what we should be capturing and how we should manage people's information. A summary of legislation relevant to Adult Care practice can be found at [Lincolnshire Procedures Manual for Adult Care](#)

More specifically, the pieces of legislation or additional guidance that set out Adult Care's requirements for recording and managing information are:

LCC Information Governance Information Sharing Policy 2016

[http://george/upload/private/attachments/1072/Information\\_Sharing\\_Policy.pdf](http://george/upload/private/attachments/1072/Information_Sharing_Policy.pdf)

Human Rights Act 1988 ([appendix 1](#))

The Data Protection Act 1998 ([appendix 1](#)) The Caldicott principles ([appendix 2](#))

Freedom of Information principles ([appendix 1](#)) [Adult Care Quality Practice Standards](#)

## 2. General Principles

The Council is committed to achieving the highest possible standards of recording, maintenance storage and sharing of high quality records.

In production of these records the organisation will:

- Ensure a person centred approach to all recording.
- Ensure case recording policy and procedures for record maintenance are consistently applied.
- Ensure recording assists high quality planning and case management to enable the protection and wellbeing of people.
- Ensure Information Sharing Policy and Guidance are adhered to by all employees.
- Maintain documentary evidence of Adult Care's involvement to allow auditing of performance; and
- Update and revise policy statements to ensure compliance with legislation and good practice.
- 
- Ensuring:
- 
- There is an audit trail of a clear decision making process.
- Case records are maintained on all people being supported.
- Clear standards are specified for monitoring, auditing and supervision processes, roles and responsibilities.
- Recording is timely, accurate and up to date.
- In all recording, a distinction is made between fact and opinion.
- Recording reflects and is sensitive to culture, ethnicity, gender, disability, age, sexual orientation and the religious belief of the person being supported.
- People are informed of their rights and given appropriate access to their records.
- Policy reviews, induction, auditing, supervision and training will ensure high quality practice in recording and maintaining a person's record; and
- Appropriate storage and filing of information will ensure the safety of sensitive and confidential information and compliance with Data Protection requirements.

### 2.1 Quality Practice Standards for Assessment and Care Management

The 14 standards set out in our Quality Practice Standards link professional capability with our Quality Assurance Framework in support of providing safe, effective and positive experiences of Adult Care. Effective recording is integral to evidencing the quality of our practice across all 14 of the practice standards.

Standard 13 is specifically about the quality of our recording:

## 2.2 Standard 13: the Quality of Our Recording

- The quality of the case recording conforms to the Adult Care Recording Guidance.
- All recording should be of a good written standard – including grammar and spelling.
- Recording shall be person centred and recorded in a way that would be meaningful to the person if they were to request access to their record;
- All decisions, their rationale and people involved in making decisions should be clearly recorded.
- Recording should be clear, concise and factual and proportionate with any opinion expressed clearly distinguished and attributed.
- Case notes will include only information which is relevant to that case.
- Where emails are copied in to case notes, they should only include information relevant to the person and the case note should not include long conversational trails.
- There will be a robust audit trail of clear and accurate decision making, risk assessments and appropriate recording.

## 3 Roles and Responsibilities

**The Director of Adult Social Services** is responsible for ensuring that the Council meets its legal responsibilities corporately and so has overall responsibility for case recording in the Council. As the accountable officer s/he is responsible for the management of the organisation and for ensuring appropriate mechanisms are in place to support people who meet its eligibility criteria.

The Adult Care **Caldicott Guardian** (see [appendix 2](#)) has a particular responsibility for reflecting customer's interests regarding the use of personally identifiable information. They are responsible for ensuring personally identifiable information about people and carers is shared in an appropriate and secure manner.

**Operational Managers** are responsible for the quality of recording undertaken by staff in their service area. They are responsible for ensuring compliance with recording procedures and ensuring data quality exceptions are addressed.

**Area Managers** are responsible for ensuring that practice standard 13, 'The quality of our recording', is adhered to and that Quality Practice Audits (QPA) are undertaken in line with the Directorates QPA Process.

**Line Managers/Supervisors** are responsible for ensuring:

- The quality of case recording
- That case records are up to date and completed in accordance with this guidance
- Audits of case records are carried out
- Monitoring the use of 'restricted access' ensuring this is only authorised when appropriate.

**All staff** who create, receive and use records have case recording responsibilities. In particular, all staff must ensure that they keep appropriate records of their work, and manage and maintain those records in keeping with this guidance and all associated guidance and protocols.

**All staff** who have access to a person's record, have responsibility for recording all their work relating to people and carers in the person's record, in accordance with relevant guidance and protocols.

**All Council staff and partner agencies**, will only access a person's information on a 'need to know' basis and where a legitimate relationship exists between the social care professional and person. An Adult Care professional should only access a person's record in their professional capacity as an LCC employee. Any non legitimate access of a person's information may be subject to disciplinary action.

**All Council staff and partner agencies** shall maintain agreed requirements in relation to confidentiality of both the verbal and written communication and information relating to the people they are working with.

## 4 Recording Standards

### 4.1 Case Recording

Communication is essential in Adult Care. How we speak and how we listen has an enormous impact on how well we do our jobs and how successful we are in them. Good recording depends fundamentally on the ability to observe, listen, process and interpret information. You need to be aware of your own subjective perception and understanding, and how this may influence the way in which you provide support.

Recording is a crucial part of day to day Adult Care practice and takes a substantial amount of practitioner's time. All recording should be clear, accurate and easily understood. Good recording assists practitioners to plan and structure their involvement. All recording must be included in the record within two days of the event, unless a specific Adult Care procedure includes a different time scale. Recording involves:

- documenting the involvement with the individual
- including all communications: face to face, telephone, letter; this must include dates the communication occurred
- identification of a person's needs
- noting the progress people make towards their desired outcomes
- including the views of the person, family and carers
- including all risk assessments
- a brief life history of the person
- meeting statutory requirements
- reporting directorate performance. Good recording should:

- demonstrate a Practitioner's skill and competence
- be easy to read and in plain English, with any abbreviations explained
- be an accurate up to date record of work
- include a record of decisions taken and the reason for these decisions, including case discussions with managers that result in decisions being taken
- include a chronology of significant events
- be evidence based, objective and ethical
- separate fact from fiction.

#### 4.2 Recording of Emails

Email is an integral aspect of communication, correspondence, conversation and information flow both within and outside of Adult Care.

Practitioners are required to use discretion when determining what information contained within emails should form part of a customer record.

Case notes within the customer's record should be used for concise recording of case activity. Therefore case notes should not be used for the routine copying and pasting in full of all email conversations into the customer record.

Where the full text of an email is required as part of a customer record, the email should be indexed to the document store, with a case note summarising the content of the email and referencing the stored document.

Emails of the following nature should be retained in the document section in Mosaic and referenced in Case Notes'.

- emails from external sources received as correspondence
- Documents received as attachments to emails
- emails that support practice decisions.
- In other cases it is acceptable to record part of an email in a case record which may include use of copy and paste, but it is worth noting the following:
  - do not copy and paste entire emails including signatures, pleasantries, disclaimers etc. into a case note
  - if all of an email is needed, index it
  - when copying and pasting or paraphrasing part of an email, ensure that the sender's name and date received is noted and that you have edited the full email.

Every Practitioner is responsible for a person's record once they are working with that individual. This will include ensuring all the person's basic details and relationships are accurate.

#### 4.3 Professional Bodies Comments upon Recording Standards

The Health and Care Professionals Council Standards of Conduct, Performance and Ethics states:

- you must respect the confidentiality of service users.
- you must treat information about service users as confidential and
- use it only for the purposes they have provided it for.
- you must communicate properly and effectively with service users and other practitioners.
- you must keep accurate records. <http://www.hpc-uk.org/>
  
- The College of Occupational Therapists Professional Standards for Occupational Therapist Practice (2011) State:
  - you have an obligation to keep care records that are fit for purpose and to process them according to legislation.
  - record keeping is an intrinsic part of the care that you provide. It is not an 'add-on' or an optional task.
  - you have a legal obligation to keep care records, whether in paper or electronic form, that are fit for purpose, to facilitate the care, treatment and support of service users.
  - your records should provide a comprehensive, accurate and justifiable account of all that you plan or provide for service users and, where appropriate, their carers or relatives.
  - you should protect time within your daily routine to fulfil your record keeping requirements.
  - the court's view is that if it isn't recorded then it didn't happen, was not said or was not done. (Lynch 2009, p50)
  
- Your duty of care:
  - good practice in record keeping protects the welfare of service users and, as such, forms part of your duty of care.
  - you must be aware of and meet all requirements in relation to record keeping, whether in legislation, guidance or policies.

In 2005 Brigit Dimond (Member of the Mental Health Act Commission) wrote:

"Failure...to maintain reasonable standards of record keeping could be evidence of professional misconduct and subject to professional conduct proceedings. Such failure could also lead to disciplinary action by an employer and have very strong influence on any action brought in the civil courts by a claimant who alleges that he/she has suffered harm as a result of inappropriate care or treatment possibly as a consequence of failures to maintain reasonable standards of record keeping."  
(Dimond, 2005, p. 460)

<https://www.rcot.co.uk/practice-resources/rcot-publications/downloads/keeping-records>



The Nursing and Midwifery Council Code (2008) states, “As a professional, you are personally accountable for actions and omissions in your practice and must always be able to justify your decisions”.

- you must respect people's right to confidentiality
- you must listen to the people in your care and respond to their concerns and preferences
- you must keep clear and accurate records of the discussions you have, the assessments you make, the treatment and medicines you give and how effective these have been
- you must complete records as soon as possible after an event has occurred
- you must not tamper with original records in any way
- you must ensure any entries you make in someone's paper records are clearly and legibly signed, dated and timed
- you must ensure any entries you make in someone's electronic records are clearly attributable to you
- you must ensure all records are kept securely.

<http://www.nmc-uk.org/Publications/Standards/The-code/Introduction/>

Effective recording is a cornerstone of our practice and a fundamental requirement for all staff registered with the Health and Care Professions Council. The ethos of the Adult Care’s approach to quality is that excellent practice and excellent recording go hand in hand – you cannot be an excellent practitioner without being an excellent recorder.

## 5 Case Record

The case record consists of all recorded information relating to the person. This will include recording by LCC staff and any information and documents received from external parties. This record will be a combination of documentation stored in paper files and electronic recording in Mosaic and other electronic systems.

The case record (previously case file) contains all recorded information held about a person, their family and carers, created or received and maintained by Adult Care while carrying out its work and kept as evidence of that work.

The case record will include legal documentation, safeguarding records, mental capacity documentation, assessments, support plans, complaints and relevant documents.

### 5.1 File Retrievals

Accessing historically held information should be routine in case management where the circumstances of the case dictate. This is especially important where there is any suggestion of historic concerns of a safeguarding nature.

Whereas increasingly historic information will be held in electronic systems, historic paper files should still be accessed where information is required to inform current

case activity.

There will be occasions when it may be necessary to retrieve records which have been sent to off-site storage. Business Support are responsible for completing the Restore retrieval e-form to retrieve file(s) from offsite storage on your behalf. A list of staff able to retrieve files is available from: [recordsmanagement@lincolnshire.gov.uk](mailto:recordsmanagement@lincolnshire.gov.uk).

There are costs associated with retrieving files from off-site storage. The costs for routine retrieval (within 3 days) are negligible (50pence) and costs should not be prohibitive where there is a sound practice reason for retrieving the file. Files requested for same day retrieval are considerably dearer (£33.60) and same day retrievals should only be used in exceptional circumstances with agreement of a Locality Lead.

When a record is requested, Restore will return all files relating to the individual. This ensures that records are not separated. Restore staff will remove requested files from the box and leave the original box on the shelf. Files returned will be re- filed in the original box at Restore using the barcode reference number. Once files are received from the MOSAIC movement field within the Paper file tab must be updated with the current file location.

NB. Please retain the box/grey envelope which the files arrive in as these need to be reused for returning files to Restore. Further details of Records Management can be found [here](#).

## 5.2 MOSAIC User Guide: Recording Paper File Locations

The Paper File Details section must be completed when recording the File Location for the first time in MOSAIC. Where a file has already been recorded in the Paper File Details section and requires moving on a temporary basis, you must complete the Paper File Movements section. This will stop the duplication of records.

A case record:

- will assist others in the continuity of support when practitioners are unavailable or change.
- will provide an essential tool for managers to monitor a workers practice and competence.
- record appropriate authorisation from managers/supervisors.
- is a major source of evidence for assessments, investigations, enquiries and allocation of resources.
- is the main source of information we hold about an individual.
- is a vital source of statistical and managerial information for the purpose of planning and reporting.
- assists in planning and structuring practitioner interventions.

The content of a person's record will be split into the different sections of the person's electronic record including; case notes, contacts, assessments, outcomes, plans and reviews .

It will also include:

- all personal details including the person's details, relationships, employment details and warnings .
- case notes record all interactions including visits, telephone calls and discussions with anyone related, concerned or involved with the person.
- the person's most recent assessments, plan (including outcomes) and reviews.
- all I safeguarding information recorded and/or stored in MOSAIC is now visible to all MOSAIC users

All correspondence and written information which is deemed to be significant to the person's care and support should be uploaded to their electronic record. The paper version is not destroyed; it is filed in their paper file.

A person's information is confidential, but there may be circumstances where it is necessary to restrict access to specific information or reports which Practitioners consider to be sensitive or harmful. This decision must be agreed by a manager/supervisor and recorded in the case notes the electronic or paper documents can then be stored with restricted access. The information would be accessed on a strict need to know basis, and, where appropriate, managers may restrict employees' access to whole files which contain a large amount of this type of information.

## 6 Information Sharing

[Data Protection legislation](#) has given people who are supported by Adult Care greater access to what is written about them. Front line practitioners must bear this in mind when they are writing in records. This can require some professional sensitivity when practitioners write down what they consider the necessary information about a person. They should be aware of how it would feel for that person to read what they have written.

Effective joint working depends on practitioners sharing personal information with other agencies. Practitioners should be open and honest with the person, family and carers, where appropriate, from the beginning about why, what, how and with whom their information will be, or could be shared. Practitioners must seek and record people's agreement to share information, unless it is unsafe or inappropriate to do so.

There are a number of individual information sharing agreements between Lincolnshire County Council and external organisations being commissioned by LCC. Adult Care will work within these at all times

Lincolnshire County Council's Policy and Guidance on Information Sharing for adult services must be adhered to. The rules governing access to information about a person aged 16 and over who lacks capacity are covered in section 16 of the Mental Capacity Act Code of Practice.

Disclosure without consent should be considered in the following situations:

- where there is reasonable cause to believe that a vulnerable adult may be suffering or may be at risk of suffering significant harm
- where the individual may cause significant harm to others
- where there is a statutory duty
- to assist with the prevention and detection of crime.

Details of all discussions must be recorded in the adult's case record. Employees must record their decision and the justification for not seeking consent to share information. This should include details of the relevant legislation or LCC policy referred to.

In these cases, employees should refer to their local Adult Safeguarding guidance [http://www.proceduresonline.com/lincolnshire/adultsc/chapters/p\\_adult\\_safeguarding.html](http://www.proceduresonline.com/lincolnshire/adultsc/chapters/p_adult_safeguarding.html) for further guidance.

'Information Governance' is a term used to describe the national initiative to develop an information management framework for the standards and requirements necessary for the safe and efficient handling of personal information. It is led by relevant legislation and guidance such as the Human Rights Act 1998, the Data Protection Act 1998, the Freedom of Information Act 2000 and Caldicott Standards <http://george/informationgovernance>.

## 7 Storage & Security of Information

All employees must consider how they store Council information, e.g. files, laptops, workbooks and diaries, to keep them secure whatever their working environment. Information on how to be vigilant in relation to information recorded, transported or stored can be found at [www.lincolnshire.gov.uk/informationgovernance](http://www.lincolnshire.gov.uk/informationgovernance). All information held about a person must be stored and disposed of securely, in accordance with the current [Records Management Policy](#).

All LCC employees have a duty to minimise the risk of information falling into the wrong hands when transporting, whether this is in paper form or electronic records. Laptops or other electronic equipment issued by LCC must be kept secure at all times; this is to ensure unauthorised access is not gained to information that should be restricted to employees with authorised access to LCC systems.

All LCC employees have a duty to ensure that all person identifiable information and equipment is not left unattended. LCC documents that have sensitive content must not be left in view of unauthorised individuals whatever your working environment. If

you are working at home, access to LCC information and systems must be restricted from family, friends and anyone visiting your home, to ensure confidentiality is maintained. Whatever your working environment unattended Laptop screens must be locked when you are logged into LCC systems, even when your laptop is unattended for a minute; it would only take a minute for an unauthorised individual to view restricted information.

## 8 **Secure Email**

LCC have access to GCSx email service and LCC secure mail service which are secure methods for data transfers by email.

GCSx email (Government Connect Secure Extranet) allows Government organisations to exchange person-identifiable sensitive, confidential or protectively marked data over email with other government organisations in a secure way. GCSx email provides a high level of security, as each accredited organisation has to achieve a high standard of network security, management and governance which then enables direct connection into a secure network environment. This service must be used when emailing sensitive or confidential information to government organisations such as the Police or NHS. Details of how to apply for a GCSx account are available on the Information Governance page at <http://george/gcsx>.

LCC Information Management Portal (IMP) allows for the sharing of documents such as Care Plans with providers in a secure way which avoids information passing through unsecured areas of the internet. It is used by areas such as Brokerage to securely share information with external providers.

LCC secure mail service is available for use by all staff and must be used when emailing person-identifiable sensitive or confidential data to private organisations that do not have access to the government GCSx email service. Further details on using this service are available at [www.lincolnshire.gov.uk/informationgovernance](http://www.lincolnshire.gov.uk/informationgovernance).

## 9 **Removable Media**

There are high risks to the Council if information is stored on unencrypted memory devices, such as memory sticks, if the device was lost or stolen.

Memory sticks are now available, with military level encryption to protect data. A loan service is available through the Business Support Corporate Support Team which allows short and long term loans of encrypted memory sticks. Employees requiring the use of a memory stick must have a genuine business reason for use and gain authorisation from their manager or above in line with the Removable Media policy. Details of how to apply for encrypted memory sticks are available at: <http://george/memorysticks>.

No other memory sticks or unencrypted memory devices are to be used to store, create or transfer Council information. There are high risks of Council information

falling into the wrong hands if unencrypted devices are lost or stolen. Loss of information has serious consequences that can impact on the Council's reputation and lead to fines. The Information Commissioner's Office is the governing body that oversees how the Council manages information and has the power to investigate authorities and impose fines of up to £500,000 for information breaches.

All requests for encrypted memory sticks should be made by completing a BS Memory Stick Request Form which is available in the organisational library in Outlook.

**IMPORTANT: It is not currently possible to use memory sticks within the Citrix environment, this is under review and may be subject to change in the future.**

Memory sticks will be allocated as appropriate and the encrypted memory stick user agreement form accompanying the memory stick must be completed and returned to the Corporate Support Team within 14 days. On receipt of the memory stick you must enter your staff number in the name field when using it for the first time as this will help LCC identify you as a user if lost.

NB. For security reasons no details should be included that identify the memory stick with Lincolnshire County Council. Memory sticks must be returned to the Corporate Support Team at the end of a loan agreement, on request, or if a user leaves the Council.

## 10. Data Loss Reporting Procedure

If information is lost or stolen you have a duty to report this to your manager and the Information Governance team within 24 hours, and to the police if stolen. You are also required to complete a Data Loss Incident Form, which is available at [www.lincolnshire.gov.uk/informationgovernance](http://www.lincolnshire.gov.uk/informationgovernance). It is important that all data loss incidents are reported within the specified time frame to ensure we are complying with statutory requirements set by the Information Commissioner's Office (ICO), who are the governing body that oversees how the Council manages information and has the power to investigate authorities and impose fines for information breaches.

## 11. Appendices

### 11.1 Relevant Legislation

[Equality Act 2010](#)

[Disability Discrimination Act 1995](#) [Human Rights Act 1998](#)

[Data Protection Act 2003](#) [Freedom of Information Act 2000](#)

## 11.2 Caldicott Principles

These principles were developed by Dame Fiona Caldicott following a review of how the National Health Service managed personally-identifiable information, and in 2001 the six principles were applied to all Social Care and Health organisations.

Unlike the Data Protection Act which governs what data we hold, who holds it and what we use it for, the Caldicott Principles are concerned with how that data is managed, owned and protected.

The six Caldicott Principles give clear guidance on how to handle information within all organisations:

### **Principle 1 – Justify the purpose(s)**

Any proposed transfer or use of personal identifiable information within or from an organisation should be clearly defined and scrutinised, with reviews on a regular basis by an appropriate guardian.

### **Principle 2 – Don't use personal information unless it is absolutely necessary**

Personally identifiable information items should not be used unless there is no alternative.

### **Principle 3 – Use the minimum necessary personal/identifiable information**

Where personally identifiable information is considered to be essential, each individual item of information should be justified with the aim of reducing the possibility of identifying the person.

### **Principle 4 – Access to personal information should be on a strict need to know basis**

Only those individuals who need access to personally identifiable information should have access to it, and they should only have access to the information items they need to see.

### **Principle 5 – Everyone should be aware of their responsibilities**

Action should be taken to ensure that those handling personally identifiable information are aware of their individual responsibilities and obligations in respect of maintaining client confidentiality.

### **Principle 6 – Understand and comply with the law**

Every use of personally identifiable information must be lawful. A person in each organisation should be responsible for ensuring that the organisation complies with the legal requirements.

### **So what does all this mean and how does it affect me**

Think before you act.

On the telephone – who are you speaking to – listen to what they are telling you – record facts not assumptions.

When logging callers' details, repeat them back to clarify the information you have taken is accurate.

### **How does it affect me?**

The decisions, actions you take are your responsibility. You are the Data Processor from the view of the Data Protection Act; therefore you are in charge of the information which is made available to you.

### **Confidentiality is everybody's business**

We, as an organisation and individuals, have a duty to keep confidential, personal information which is made available to us. To not keep information safe, would be both a breach of the Data Protection Act and, in certain circumstances, a person's Human Rights.

### **Record information accurately**

Records must be accurate and up to date. Failure to do so is in breach of the Data Protection Act. It is vital for the provision of a high quality and efficient service to ensure that care is taken at all times when processing personal information. Mistakes, such as wrong dates of birth or wrong spelling of names, can have a huge impact if a request is made to access records under the Data Protection Act.

### **Share minimum information to complete the task**

Think before you act! Ask yourself the following questions. Who needs to know?

What is necessary for them to know, in order to proceed with the service requested?

Make sure the information is relevant to that service and record accurately who it has been made available to.

#### **Data Protection**

What data do we collect?

Who do we share it with?

What do we use it for?

#### **Caldicott**

How do we collect it? Who has it?

Who monitors it?

How do we share?

Do we do it appropriately?

### **Caldicott Guardians**

Arising from the Caldicott report and subsequent regulations, Councils with Adult Social Services Responsibilities are required to appoint a Caldicott Guardian to oversee the arrangements for the use and sharing of personal information.