

Appendix A

<p>Confidential Information</p> <p>Use the form below to determine if the information you are processing falls under the Common Law Duty of Confidentiality i.e. can be considered to be “Confidential”</p>	
1	<p>It was obtained by the Trust from a person or organisation (the confider) and there was a quality of confidence when the information was provided.</p> <p>Describe the information;</p> <p>Was the information obtained from another person or organisation?</p>
2	<p>Inappropriate disclosure would be a breach of confidence and the information was provided in circumstances where there was an obligation of confidence</p> <p>Did the confider expect the information to be held confidentially?</p> <p>Was the information marked “confidential”?</p>
3	<p>The person (confider) could bring a court action for that breach of confidence, and that court action would be likely to succeed</p> <p>The disclosure would be an unauthorised use of the information to the detriment of the confider.</p> <p>Would the confider be harmed if this information was disclosed for a purpose other than that for which it was give?</p>
<p>Conclusion:</p> <p>Remember that even if not confidential, identifiable data must still be processed in line with Data Protection Legislation.</p> <p>Please contact the IG team for assistance if unsure informationgovernancepht@nhs.net</p>	