## Appendix A

**Confidential Information**

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>| | |</p>
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| 1 | **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.**  

Describe the information;  

Was the information obtained from another person or organisation? |
| 2 | **Inappropriate disclosure would be a breach of confidence and the information was provided in circumstances where there was an obligation of confidence**  

Did the confider expect the information to be held confidentially?  

Was the information marked “confidential”? |
| 3 | **The person (confider) could bring a court action for that breach of confidence, and that court action would be likely to succeed**  

The disclosure would be an unauthorised use of the information to the detriment of the confider.  

Would the confider be harmed if this information was disclosed for a purpose other than that for which it was give? |

**Conclusion:**

Remember that even if not confidential, identifiable data must still be processed in line with Data Protection Legislation.

Please contact the IG team for assistance if unsure [informationgovernancepht@nhs.net](mailto:informationgovernancepht@nhs.net)