SQS 14

The service unit respects the service users' rights for privacy and confidentiality.

14.1 The service unit has policy and procedures, where practicable, for ensuring that the privacy and dignity of individual service users are being respected, and the policy and procedures are accessible to service users, staff or other interested parties.

14.2 The service unit ensures that any personal care activities which may be required are conducted, where practicable, in a manner which respects the privacy and dignity of individual service users.

14.3 The service unit has policy and procedures for ensuring that service users' rights on confidentiality are being respected, and the policy and procedures are accessible to service users, staff or other interested parties.

A. INTRODUCTION TO SQS 14 - PRIVACY AND CONFIDENTIALITY

Service Quality Standard 14 deals with privacy and confidentiality. Privacy and confidentiality are similar concepts, but not the same.

Confidentiality means ensuring that written and spoken information which a service unit has about a service user is only communicated to staff or other professionals when necessary to provide services, and with the service user's consent (or in some cases guardian or family member's knowledge). Achieving confidentiality will require a service unit to:

- store service users' files and records in a secure manner;
- obtain the service users' consent (or that of their guardians or family members) before releasing information; and
- limit service users' information to those need to know.

Privacy means that a service user is free from intrusion or disturbance and able to conduct some activities in private, without others being able to observe or overhear.   In order to achieve privacy, a service unit will need to:

- conduct personal care activities in a way which respects privacy and dignity of individuals; and
- have an understanding of what constitutes private and dignified care.

All social welfare services units have a need to access personal information about service users and to maintain service users' records.   Therefore, all services will need to have policies and procedures to ensure that these processes are handled effectively.

However, some service types will have a greater need than others for policies and procedures that relate to respecting service users' rights for privacy.   For example, service units that provide personal hygiene and/or 24 hour services for people, such as long stay care homes or care and attention homes for the elderly, will need to have policies and detailed procedures covering such things as:

- providing support for bathing and toileting and procedures for ensuring dignity in these matters;
- service users' personal relationships; and
- arranging private time for service users and for private visitors.

Other services, such as counselling services will have different issues of privacy and confidentiality to address, such as:

- maintaining the confidentiality of information in service users' records; and
- ensuring discussions are conducted privately.

Privacy and confidentiality are also dealt with by the Personal Data (Privacy) Ordinance that came into effect in Hong Kong on 20 December 1996. The Ordinance controls the collection, holding, processing and use of personal data by data users and enables an individual to request access to and correction of any personal data relating to them. All social welfare services are required to comply with this Ordinance. On the other hand, the Code on Access to Information states the scope and procedures for public access to information held by the Government.

The Ordinance and the Code deal with some, but not all of the criteria of SQS 14. Therefore, complying with the Ordinance and / or the Code will achieve some, but not all requirements of SQS 14.

The areas of commonality between the Ordinance and SQS 14 mainly relate to the way in which personal data is stored and used. However, SQS 14 also covers information which is not contained on files (i.e. information provided verbally) and the way in which activities are conducted.

B. ESSENTIAL REQUIREMENTS FOR MEETING SQS 14

In order to meet this SQS, your service unit will need to:

1. Have a written policy stating its general approach to achieving service users' rights for privacy and dignity that is appropriate to the nature of your service;

2. Have written procedures covering range of measures to ensure that the privacy and dignity policy is effectively implemented;

3. Have written guidelines, where applicable, on aided personal care activities to ensure that the privacy and dignity of service users are respected;

4. Have a written policy stating its general approach to achieving confidentiality of service users' information, both written and verbal ;

5. Have written procedures covering range of measures to ensure that the confidentiality policy is effectively implemented;

6. Have procedures to ensure that service users' files and personal information are stored in a secure manner and accessible to staff on a need-to-know basis;

7. Have a mechanism for obtaining consent of service users before requesting from, providing or transferring their information to another agency;

8. Ensure that the relevant policies, procedures, guidelines and mechanisms are followed;

9. Ensure that service users are informed of their rights in relation to privacy and confidentiality; and

10. Ensure that all the above policies and procedures are accessible to service users, staff and other interested parties.

C. RESOURCES TO ASSIST YOUR SERVICE MEET SQS 14

As indicated earlier, the Personal Data (Privacy) Ordinance relates to some of the criteria of SQS 14. Various organizations, such as, the Hong Kong Council of Social Service (HKCSS), have prepared reference material (sample statements and forms) aimed to help services meet the Ordinance. We have not reproduced these here, but recommend that you access these materials.

This handbook contains:

- Guidelines for developing a policy on privacy;
- Guidelines for developing procedures to achieve the privacy policy;
- Guidelines for developing a policy on confidentiality; and
- Guidelines for developing procedures to achieve the confidentiality policy.

We propose that policies already developed to satisfy the Personal Data (Privacy) Ordinance and the policies and guidelines prepared to achieve SQS 14 are consistent and cross-referenced.

The guidelines provided may be used either as:

- a basis for developing a policy and procedures specific to your service unit, in the event that you do not already have existing documents in this area; or
- a checklist for reviewing and, if necessary, amending your service unit's relevant policy and procedures, if you already have such items in place.

It is important to remember that the documents provided here are samples only, and should be re-written to reflect the nature and operation of your service.

Policies and guidelines need not be detailed. Brief documents, which present your message succinctly, are more likely to be read and understood by staff and service users.

GUIDELINES FOR DEVELOPING A POLICY ON PRIVACY

1.   Introduction

These guidelines have been prepared to assist a service unit develop a policy which specifies its approach to privacy and how it will be ensured. You should consider each issue and determine whether it is relevant for your service unit, and if so, state your service unit's position on the issue.

2.   Contents of the Policy

The policy will need to cover the following areas:

A.   Purpose of the policy

In this section, the purposes of the policy need to be outlined, they may include:

a) setting out service users' rights with respect to privacy and dignity;
b) setting out how the service unit will achieve privacy and dignity; and
c) specify the strategy to inform staff and service users about these expectations.

B.   Definition of privacy

In this section of the policy, you need to define privacy. You may wish to use the definitions we provided in the Introduction to SQS 14.   You may also wish to provide some examples that describe in concrete terms how these issues relate to your service.

C.   Policy

In this section of the policy, you need to set out in detail the service unit's approach to achieving service users' rights with respect to privacy.   The contents of this section will depend on the nature of your service, and may cover:

- areas where privacy and dignity are likely to be important for service delivery, these areas may include:
    - when a service user is receiving personal care such as bathing or toiletting;
    - when a service user is managing personal relationships; and
    - how service users can have private time;
- how the personal privacy of service users will be protected; and
- how the dignity of service users will be protected.

D.   Cross-references

In this section, you should consider how this policy aligns with other organisational policies and cross-reference as appropriate. For example, this policy may impact upon the policy relating to entering or leaving a service and the complaints policy.

E.   Administration issues

In this section of the policy, you will need to indicate:

- the date of the policy;
- how and to whom the policy will be distributed; and
- how and when the policy will be reviewed.

GUIDELINES FOR DEVELOPING PROCEDURES TO ACHIEVE THE PRIVACY POLICY

1. Introduction

These guidelines have been prepared to assist a service unit develop procedures to achieve the service unit's policy on privacy. Privacy measures will be very much influenced by the type of service you provide. For example, what is relevant for young children in day nurseries will be very different to what you might expect for homes for the elderly.

2. Contents of the procedures

The range of measures that will be relevant to your service unit to ensure that the privacy policy is effectively implemented will depend very much on the type of service your service unit provides. The contents of the procedures that we have provided in this section need to be reviewed carefully to ensure they are relevant to the service type you provide.

The contents of the procedures to ensure service users' privacy are indicated below:

A. Informing service users

In this section, you need to explain how you will inform service users about the service unit's commitment to confidentiality, privacy and dignity and how the service unit aims to meet these commitments. For example, you may summarise your approach in a *"Service Introduction Brochure"* or *"Service User Handbook"*. Alternatively, or in addition, you may raise these issues when service users first enter the service and periodically raise these issues at resident meetings or parent information sessions (if relevant).

B. Informing staff

In this section, you need to explain how you will inform staff about the service unit's commitment to confidentiality, privacy and dignity and how the service unit aims to meet these commitments. There are many ways to achieve this, for example:

- Including these issues in staff orientation
- Including these issues in regular staff training
- Discussing these issues periodically during staff supervision
- Providing all staff with a copy of the service unit's policy manual
- Providing all staff with a staff manual which outlines these issues (along with other issues such as payment arrangements, wearing uniforms, and so on).

C.   Treating people with respect

This section of the procedures can be used to provide concrete examples of how staff are expected to relate to service users.   For example, you might wish to specify how staff are expected to address their service users to accord appropriate respect.   This section may also include statements about behaving courteously, not being dismissive and so on.   Again, the areas you cover in this section will very much depend on the type of service users your service is dealing with.

D.   Approach to personal care

Personal care includes activities such as bathing, toiletting, dressing and meals.   For these activities, guidelines will be required. Different service types will have different requirements (e.g. residential vs. non-residential), and different approaches will be relevant for different service user groups (e.g. adults vs. children). For each of the personal care activities, guidelines on appropriate approaches need to be provided.   An example is provided below.

Personal care – bathing
- When assisting an adult service user bathe, communal bathing is not acceptable.
- A service user will be assisted in the showering cubicle where the door or curtain will be closed.

E.   Approach to relationships

Some service users will be involved in relationships, and the service unit needs to be sensitive to the privacy that may be needed by these service users.   For example, an elderly couple living in an elderly residential home may appreciate some private time.   The service unit should consider the best ways to provide privacy.

F.   Provision of opportunities for privacy

Depending on the type of service you provide, it may be appropriate to have a private area available.   Guidelines on the availability and use of such an area needs to be specified.

G.   Dealing with breaches of privacy

In an unfortunate event that a breach of privacy occurs, a service unit needs to have some mechanism to respond the individuals involved in the breach and set up strategies to ensure that such a breach does not occur in the future.   In many cases, the breach may be identified through a complaint made by a service user.   The complaints process (informed by SQS 15) should be followed.

H. **Cross references**

In this section, you should consider how these procedures align with other organisational procedures and cross-reference as appropriate.

I. **Administration issues**

In this section of the procedures, you will need to indicate:

- the date of the procedures;
- how and to whom the procedures will be distributed; and
- how and when the procedures will be reviewed.

GUIDELINES FOR DEVELOPING A POLICY ON CONFIDENTIALITY

1. Introduction

These guidelines have been prepared to assist a service unit develop a policy which specifies its approach to confidentiality and how it will be ensured.

2. Contents of the Policy

The policy will need to cover the following areas:

A. Purpose of the policy

In this section, the purposes of the policy need to be outlined, they may include:

a) setting out how the service unit will achieve confidentiality; and
b) specify the strategy to inform staff and service users about these expectations.

B. Definition of confidentiality

In this section of the policy, you need to define confidentiality. You may wish to use the definitions we provided in the Introduction to SQS 14. You may also wish to provide some examples that describe in concrete terms how these issues relate to your service.

C. Policy

In this section of the policy, you need to set out in detail the service unit's approach to achieving confidentiality. The policy and procedures your service unit has developed to respond to the Personal Data (Privacy) Ordinance (PDPO) can be a starting point. You may decide to cover only the areas, which are not dealt with by the PDPO. The PDPO focuses on information that is written. You may wish to focus this policy on information that is provided verbally. The areas that may be covered include:

- how information will be recorded and stored;
- the level and detail of information that will be kept;
- who will have access to service users' information; and
- the circumstances under which confidential information will be released.

D.   **Cross references**

In this section, you should consider how this policy aligns with other organisational policies and cross-reference as appropriate. For example, this policy may impact upon the complaints policy.

E.   **Administration issues**

In this section of the policy, you will need to indicate:

- the date of the policy;
- how and to whom the policy will be distributed; and
- how and when the policy will be reviewed.

GUIDELINES FOR DEVELOPING PROCEDURES TO ACHIEVE THE CONFIDENTIALITY POLICY

1. Introduction

These guidelines have been prepared to assist a service unit develop procedures to achieve the service unit's policy on confidentiality. The policy your service unit has developed to achieve the Personal Data (Privacy) Ordinance should be used as a starting point for the development of the service unit's confidentiality policy. It may be appropriate for the policy relating to the Personal Data (Privacy) Ordinance to be an annex to the service unit's confidentiality policy. Whatever the relationship between the two policies, it is essential that they are consistent and cross-referenced.

2. Contents of the procedures

The range of measures that will be relevant to your service unit to ensure that the confidentiality policy is effectively implemented will depend very much on the type of service your service unit provides. The contents of the procedures that we have provided in this section need to be reviewed carefully to ensure they are relevant to the service type you provide.

The contents of the procedures to ensure service users' confidentiality are indicated below:

A. Storing information

In this section of the guidelines, a statement on the location of personal information needs to be indicated.

B. Access to information

This section of the guidelines may include:

- a statement on who has access to personal information and for what purpose;
- how they access information; and
- whether any record of their access is made.

C. Releasing information

This section of the guidelines will give instructions on:

- circumstances under which information will be released; and
- obtaining consent.

D. **Dealing with confidentiality breaches**

We would expect that this section of the procedures would be cross-referenced with the guidelines that relate to the Personal Data (Privacy) Ordinance. The areas covered would include the actions to be taken against the person who commits the breach, and how such breaches will be prevented in the future.

E. **Cross-references**

In this section, you should consider how these procedures align with other organisational procedures and cross-reference as appropriate. For example, these procedures will need to be cross-referenced in the procedures you have developed to comply with the Personal Data (Privacy) Ordinance.

F. **Administration issues**

In this section of the procedures, you will need to indicate:

- the date of the procedures;
- how and to whom the procedures will be distributed; and
- how and when the procedures will be reviewed.

- End -