Our rules for keeping private information safe
About the Care Quality Commission (CQC)

It is our job to make sure there are good health and adult social care services in England.

We are independent – not part of the Government.

This means we can speak up for the rights of people who use care services, their families and carers.

We check services run by:

- the NHS
- local councils
- private companies
- voluntary groups.
To make sure services stick to a law called the Health and Social Care Act 2008 we:

- find out how well services are doing
- make sure care services work well with each other
- work with other organisations to tell services how they should care for people
- tell people what we are doing.
About the Code of Practice

This EasyRead leaflet is about our rules or Code of Practice for keeping private information safe.

The Code of Practice has rules about:

- what private information we might use
- why we might use it
- how we can use it, and
- what we will do to keep this information safe.

We have written the Code for:

- Care Quality Commission staff
- people who use care services, and
- staff who work in care services.
Things we have to do:

- keep a register or list of all care services

- check whether services are sticking to the rules about giving care

- use the law to stop bad ways of working

- write reports about how services are doing

- check how councils and the NHS plan and buy services
● look at how services work together to support people

● check services are following the rules for people kept in care by a law called the Mental Health Act, and

● check things like X-ray machines are being used safely.

The law says our staff can check services by:

● going into care services at any time, and

● looking at information about a service and the people who use it.
This means we can see a lot of confidential or private information about people.

How we use your private information:

- we will only look at your information if we really need to

- we use that information to protect people, check that care services follow the rules, and make sure services are safe.

We will not ask for your permission to use your information but we will involve you in making our decision, if we can.

If we need information for other reasons then we’ll ask first, if we can.

- we tell you how and why we look at your information and listen to your views.
● we will only use as much information as we need to

● we will keep your private information safe

● we will only share private information when the law says that we can, and when there is a very good reason for doing it

● we will be as careful with information about people who have died as we are with other people

● we will stick to the law and government rules about private information.
● we will let people know how our staff are told to use and look after private information.

We will only look at your private information if:

● it is the only way we can do our job

● it would be much harder to do our job without it

● the work we are doing is so important that we have to use or share your information even if we risk upsetting you.

If you are unhappy about how we are going to look at or use your information, you can complain, our managers will listen to what you have to say.
Our staff will keep a record of when and why they have looked at or used private information, and we will check to make sure that they followed the rules.

**Mental Capacity**

Some people are not able, or need help, to make their own decisions.

If we need to ask someone about their private information, we will give them as much help as possible.

For example:

- we will make sure that you have all of the information you need in the way that is easiest for you to understand

- we will try to choose the best time and place to speak to you, and
● we will ask your family, friends or advocate to help.

How we get private information

We can get private information by using our **powers**. Powers are things the law says we can do:

● going into care services

● looking at information about a service and the people who use it.

We also get private information if:

● someone tells us about themselves or the service they use
● a person talks about what is happening to someone else. We call them a **third party**.

Unless you tell us that you are happy for us to share private information, we will think you want us to keep it private.

**How we use private information**

We sometimes need to use private information to check that care services are safe and that services follow the rules.

Sometimes when we use information, we can make sure no one can tell who we are talking about.
When we can, we will tell you how and why we have used your private information.

**Keeping private information safe**

Everyone who works for us has to stick to the rules and law about keeping people’s information safe.

We keep the information on our computers safe.

We lock away papers that have private information on them.

If we are sent private information that we do not need, we will not keep it. We will send it back or get rid of it safely.
We tell people about our rules that say how long we can keep different types of information.

When we have finished with private information we will:

- give it back to the person or

- get rid of it safely.

Sharing private information

We work with other organisations to make services better.
This means we sometimes need to tell them things to make sure they keep people safe.

We also share information with people like **Experts by Experience** so they can help us find out what people think of a service.

We will only share private information if:

- the law says we can
- we think we really need to.

If we can, we will tell the person we are going to share their information and listen to what they have to say.
Sometimes we have to share information when a person does not want us to.

We will only do this if it is really very important to share the information, for example to keep someone safe.

We will make sure other people keep this information safe.

We will have a written agreement with organisations that we share a lot of information with.

In very rare cases, we may need to put some private information in our reports, or use it in court if a care service has broken the rules.
We will do everything that we can to keep things private when this happens.

Making sure people stick to these rules

We will check that all our staff are sticking to these rules and write a report about what we find out.

We will look at these rules each year and see if we need to change any of them.
If you are worried or not happy about how we use private information, you can tell our Information Governance Manager.

By email:

information.access@cqc.org.uk

By phone

03000 616161

or by post

Information Governance Manager,
Citygate, Gallowgate,
Newcastle upon Tyne,
NE1 4PA.
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