ARC Training Services

Confidentiality & Data Protection Policy

Supporting Excellence

Confidentiality and data protection are major issues within health and social care and this is reflected within the qualifications framework. There are a number of pieces of legislation that pertain to confidentiality and data protection.

The major acts are:

- Data Protection Act 2018 & (GDPR) General Data Protection Regulations
- The Access to Medical Reports Act 1988
- The Access to Health Records Act 1990
- The Freedom of Information Act 2000

There are several enforceable principles that underpin the issue of data protection. These include:

- Information about a person must be processed lawfully, fairly and in a transparent manner.
- The information must only be collected for specified, explicit and legitimate purposes.
- Information must be adequate, relevant and limited to what is necessary, in relation to the purposes.
- Information must be accurate and, where necessary, kept up to date.
- Information must be kept no longer than necessary and for the purpose originally specified. When the information is no longer needed, or the individual requests it's erased, it must be securely deleted or destroyed.
- Organisations must have measures and policies in place to ensure personal information is processed in a manner that ensures appropriate security, including protection against unlawful processing, accidental loss, destruction or damage

It is important to remember that evidence assessment records are confidential and portfolios, assessor and IQA records must be kept in a safe place to ensure that unauthorised people do not have access to them. Storage of evidence, confidentiality and data protection policies are discussed and documented by the learner and assessor during completion of the pre-assessment checklist. IQAs check to ensure these policies have been discussed and understood by checking for signatures and interviewing learners. If the (paper based) portfolio is kept at the place of work, ideally it should be in a locked cupboard. Guidance is given to learners on creating a secure password for LA portfolios.

Confidential records used as evidence

Learners may quite appropriately cite service users' confidential records as evidence in their qualification as long as the service user, or their advocate has given permission and informed consent for records to be used for this purpose.

Confidential records should never be included in learners' portfolios of evidence and should be examined in situ by the assessor. Assessors/Learner should describe and record what evidence such documents provide and where the evidence is located.

External consultants may wish to discuss such evidence with the centre as part of the verification process, but would not normally require sight of confidential service user's records.

However, should the external consultant have concerns about the quality of such evidence, they will, after discussion with their lead verifier, acquaint the centre management with their concerns, and seek consent to access such records from the organisation which has responsibility for the safekeeping of the particular service user's confidential records in question.

Data Protection

ARC will create and maintain computer and paper records on learners, assessors and IQAs both during the course and following completion. These records will be processed in order to maintain the centre records and will be held in compliance with the principles of the Data Protection Act 2018 & (GDPR) General Data Protection Regulations.

These records may be used for reports both internally within ARC and to external bodies working with ARC in learner administration, including information required for financial administration. A learner, assessor or internal quality assurer has the right to ask to see details of any personal information ARC has stored about them. A request must be made in writing.