

# College Statement on Privacy and Confidentiality

## General Principles

The College upholds general respect for privacy and understands this to imply a concern for confidentiality in matters relating to health and welfare.

These guidelines pertain to all members of the College and those who work within the College, with the exception of the College Doctors, the College Nurse and University Counsellors, who are in their professional capacity, legally bound to confidentiality. The special considerations that apply to medical confidentiality are set out in more detail below.

## Whom to Inform

There are a number of Senior Members in the College from whom Junior Members may wish to seek advice or whom they may wish to consult about their problems. In addition to the Doctors, the Nurse and the Chaplain, students may consult their personal tutor, the Junior Dean, the Dean or, in the case of specific financial problems, the Bursar. There are also a number of Junior Members available for advice, such as Peer Supporters, the Welfare Officer and the JCR/MCR President.

## Welfare and Academic work

The College believes that a) discussion of Junior Members' distress or personal problems should not in general be seen as resulting in adverse academic, employment or other consequences and b) discussion of Junior Members' academic progress should generally be confined to exchange of information on issues relating to educational performance and discipline.

## Personal data held by the College

Under the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 the College has obligations as to the purposes for which data may be held and to the persons to whom it may be disclosed. In the case of sensitive personal data these obligations are particularly stringent. Further information is available on the College's website at [www.st-hildas.ox.ac.uk/content/privacy-notice](http://www.st-hildas.ox.ac.uk/content/privacy-notice) and the University's website at [www.admin.ox.ac.uk/councilsec/compliance/dataprotection/policy/](http://www.admin.ox.ac.uk/councilsec/compliance/dataprotection/policy/)

## Entitlement to Confidentiality

In the case of those aged under 18, there are limitations on the entitlement to confidentiality as between a child and her/his parents or guardians. In respect of those aged over 18, they are legally adult, the College therefore no longer has a role *in loco parentis* and will not *normally* contact families without consent.

## Need-to-Know

Whilst assurances about absolute confidentiality cannot be given in respect to personal discussions between Junior and Senior Members, information will only be disclosed on a need-to-know basis. Where possible those advising students will seek the consent of the individual for the onward disclosure of relevant information to those with a clear need-to-know. Where such consent is not forthcoming, the person entrusted with the information should make it clear that in exceptional circumstances, it may be necessary to disclose the information to others, whilst also making it clear that such disclosure would be on a need-to-know basis only, preserving strict confidentiality in relation to any third party.

## General Duty of Care

A general duty of care means that the College must consider the welfare of all members who may be affected by individual behaviour. Notwithstanding specific legislation and the expectation of an individual who provides information in confidence, in certain circumstances the College may owe a duty of care to individuals that cannot be discharged unless action is taken on information provided in confidence. It is not possible to provide an exact delineation of the extent of such a duty of care. However, where, for example, information concerns potential harm to an individual or to others, the College will weigh the duty of confidentiality against that potential harm. For example, if an

individual provided information in confidence about a serious sexual assault, the College would be at fault if it failed to take steps to ensure that the alleged perpetrator was not a continuing risk to that or other individuals.

### **Professional Guidelines:**

#### **a) The College Doctors and the Nurse**

There are explicit and strict guidelines on medical confidentiality which are codified by the General Medical Council. Like all doctors, the College doctors have the discretion to share information with other members of the healthcare team, for example the College nurse and vice-versa. There are limited exceptions to confidentiality - *statutory* and in the *public interest*. The General Medical Council states:

*'Disclosures may be necessary in the public interest where a failure to disclose information may expose the patient, or others, to risk of death or serious harm. In such circumstances you should disclose information promptly to an appropriate person or authority'*.

#### **b) The University Counsellors**

Although not located within the College, the University Counselling Service is an intrinsic part of the College welfare provision. The Service is an organizational member of the British Association for Counselling and Psychotherapy and thus agrees to abide by its Ethical Framework. Confidentiality remains with the staff of the Service and information will not normally be conveyed outside the Service without permission. If a student were considered to be a danger to her/himself or to others then the student's consent would still be sought before information was conveyed to others. If this consent were not given then a counsellor would consult with a senior member of the team before a decision to break confidentiality was taken. This would have particular relevance if the student were considered to be no longer able to take responsibility for her/his actions. Any breaking of confidentiality would be minimized both by restricting the information conveyed to that which is pertinent to the immediate situation and to those persons who can provide help required by the student.

#### **c) The Chaplain**

Like all ministers of religion, the Chaplain operates with strict ethical codes as regards information disclosed to him in confidence, whether in formal situations or in less formal pastoral work. As with the counsellors and doctors, he/she may very occasionally be required to divulge information given in confidence if the person concerned is seen to be a danger to her/himself or to others.

#### **d) The Bursar**

Like all other members of staff, in giving advice and helping with financial hardship the Bursar recognises the principle of confidentiality. Where consultation with other Senior Members is absolutely necessary, this will be carried out with discretion.

### **Obligation of Junior Members**

Junior Members have the same general obligation as other members of the College to respect the privacy of others in their everyday behaviour and also in what they say to the media, including student, local and national press. This obligation extends to the use of all forms of electronic communication.