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Bwrdd Iechyd Prifysgol
Caerdydd a'r Fro
Cardiff and Vale
University Health Board

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CLAUSES WITHIN EMPLOYMENT CONTRACTS PROCEDURE

Introduction and Aim

Cardiff and Vale University Health Board (the UHB) must comply with all aspects of the laws that are concerned with the processing of personal data. This includes legislation (Acts of Parliament), regulations and common law duties. Employment contracts for all staff working for the UHB must contain reference to the responsibilities held by individuals in respect of confidentiality and the use of personal data. The UHB must also have arrangements in place to ensure that contractors or third parties meet required standards for confidentiality and security. This responsibility is discharged through the contractual clauses and arrangements procedure.

Objectives

- To set out the responsibilities held by individuals in respect of confidentiality and the use of personal data that must be contained within the individuals employment contract
- To ensure that this procedure is applied comprehensively in employment contracts for all staff groups.

Scope

This procedure applies to all of our staff in all locations including those with honorary contracts

Equality Impact Assessment

An Equality Impact Assessment has been completed for the overarching IG Policy. The assessment found that there was some impact on the equality groups mentioned in relation to communication. An action plan has been developed to address those areas.

Documents to read alongside this Procedure

Information Governance Policy

Approved by

Information Governance Sub Committee

Accountable Executive or Clinical Board Director

Executive Director of Workforce and Organisational Development

Author(s)

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Summary of reviews/amendments			
Version Number	Date of Review Approved	Date Published	Summary of Amendments
1	22/06/2015	27/07/2017	New procedure

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1. Introduction

- 1.1. This document sets out the arrangements for employment contracts for UHB staff in respect of processing personal data in a confidential manner
- 1.2. The UHB must also have arrangements in place to ensure that contractors or third parties meet required standards for confidentiality and security. This responsibility is discharged through the contractual clauses and arrangements procedure.

2. Purpose

The purpose of this procedure is to provide assurance to the Senior Information Risk Officer (SIRO) and ultimately the Board that employment contracts and third party agreements include the responsibilities held by individuals in respect of confidentiality and the use of personal data.

3. Roles and responsibilities

- 3.1. The UHB managers will discharge this requirement using the Welsh national employment contract template and associate employment procedures.
- 3.2. The UHB managers will discharge this requirement for staff where the Welsh national employment contract template cannot be used by ensuring that the requirements set out in this procedure are met.

4. Information Governance Requirements

- 4.1. All staff and those undertaking work on behalf of the UHB need to be aware that they must meet information governance requirements. It shall be made clear to them that breaching these requirements, e.g. service user confidentiality, is a serious disciplinary offence. The UHB discharges this requirement through the inclusion of **section 22 of the Contract of Employment** and in more detail specific to the individuals' role in the job description.
- 4.2. Employment terms will address the following criteria as appropriate:
 - Legal responsibilities, including confidentiality and non-disclosure clauses;
 - Records management and information quality responsibilities;
 - Information security responsibilities, including encryption, home working and remote access; (where applicable);
 - Induction and training;

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- Actions to be taken if the employee, contractor or third party user disregards the organisation's information governance standards.

- 4.3. All contracts shall explicitly and unambiguously state staff responsibilities and the UHB's responsibilities to take disciplinary action in the event of an accidental or intentional breach by a member of staff. In the case of third parties (e.g. staff employed through agencies) who are not directly employed, the responsibility refers to liabilities due to negligence or misuse
- 4.4. Whilst clearly identifying the responsibilities will not automatically absolve an organisation of all blame, it will be of assistance should an individual deliberately or recklessly breach the law. Therefore, all information governance responsibilities for those undertaking work on behalf of the organisation shall have their responsibilities defined and documented in contracts.
- 4.5. Health and social care professionals must meet the codes of practice of their professional bodies, and each individual (employees, contractors, locums, etc) has a personal responsibility to comply not only with the law but also with provisions laid down in their contracts of employment supported by organisational guidelines and documented best practice.

5. Induction and Training

- 5.1. All staff and those undertaking work on behalf of the UHB need to be aware that they must undertake appropriate induction and information governance training appropriate to their job role. Wherever practicable the organisation will ensure that training is provided before access to patient identifiable data is granted.
- 5.2. The UHB discharges this requirement through the inclusion of **section 4 of the Contract of Employment** and in more detail specific to the individuals' role as set out in their job description. Individuals have a joint responsibility with the UHB to manage their training needs. Training, education and awareness shall be regularly updated.

6. Incident and Breach Reporting

- 6.1. All staff and those undertaking work on behalf of the UHB need to be aware that they must comply with the UHB Health and Safety/Risk Management policies including the incident reporting procedure. The UHB discharges this requirement through the inclusion of **section 35 of the Contract of Employment** and in more detail specific to the individuals' role as set out in their job description. All individuals have a responsibility to report incidents through the formal route.
- 6.2. The UHB has incident management mechanisms in place for contractors and third party users through contractual arrangements.

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7. Disciplinary Procedures

- 7.1. All staff and those undertaking work on behalf of the UHB need to be aware that if they commit a breach of the UHBs policies and procedures in respect of data protection and confidentiality their acts or omissions will be subject to disciplinary action. The UHB discharges this requirement through the inclusion of **section 21 of the Contract of Employment**

8. Termination or Change of Employment

- 8.1. All staff and those undertaking work on behalf of the UHB need to be aware that they must comply with the UHB procedures when they leave the UHB or transfer to a different department. The UHB discharges this requirement in general terms through the inclusion of **section 23 of the Contract of Employment**. The UHB procedure for Termination or Transfer is completed by the authorised managers.