

GLOUCESTERSHIRE LMC DOCUMENT SUMMARY

<u>Document Title:</u> CQC Code of Practice on confidential personal information	
<u>Document Originator:</u> CQC	<u>Document Date:</u> December 2010
<u>Download Full Doc from:</u>	<u>Date of Summary:</u> 25 th January 2011
http://www.cqc.org.uk/db/documents/20101216_Code_of_Practice_on_CPI_final.pdf	
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<i>N.B. This summary was correct when issued. Its accuracy cannot be guaranteed in the long term, since policies and organisations change. Although every effort will be made to ensure that it is updated the Reader is urged to exercise caution if the document at the time of reading is more than a year old.</i>	
<u>Bottom Line:</u> The CQC will have huge powers and their code of practice is intended to reassure us that they will be wielded responsibly and reasonably.	

CQC Functions. Section 60(2) of the Health and Social Care Act 2008 gives the Care Quality Commission the following regulatory functions:

- The registration of health and social care activities, including not only the registration but also the enforcement and prosecution of those who fail to comply with the regulations.
- Carrying out reviews and investigations of health and adult social care services.
- Conducting studies of the economy, efficiency and effectiveness with which NHS bodies and local authorities commission, manage or provide health and adult social care services.
- Carrying out and publishing special reviews and studies that look at themes in health and social care, by focusing on services provided, pathways of care or the experience of care received by particular groups of people.

Further information is available on www.cqc.org.uk/reviewsandstudies.cfm

CQC Powers. To carry out these functions the CQC has extensive powers of entry and inspection, of accessing or obtaining documents or records (written or electronic), and of requiring any necessary information from practices (and other bodies).

What is 'necessary'? The CQC will judge whether the information is 'necessary'. To do so they will consider two factors:

- Firstly: Whether obtaining, using or disclosing the information is essential or highly desirable to perform a function without significant and disproportionate extra cost or effort. At all times CQC will try to minimise their interference with the privacy and rights of people who use care services so where possible will use other ways.
- Secondly: Whether it is necessary and in the public interest to perform the function in the particular circumstances. This means that CQC will consider whether the public interest served by performing the function justifies any potential impact on people's privacy. This requires careful consideration and balancing of:
 - Whether the person is capable of giving, and has given, consent.
 - Any objections, concerns or opinions expressed by them (or their family, carer or representative).
 - The general interest in maintaining trust in the confidentiality of health and social care services and the work of CQC.
 - The sensitivity of the information and the potential damage that could be caused by its use or disclosure.
 - The public interest to be served by performing the function – in particular, the extent to which performing it will protect the health, wellbeing, and legitimate rights and interests of others.

Appeals and Objections. Appeals, objections and delays can be made. (See: www.cqc.org.uk/contactus/howtoraiseaconcernorcomplaint/howtocomplainaboutcqc.cfm)