



# Partner Policy: Management of Clinical Records

## Introduction

WPO protects all participant information from unauthorised access and seeks to maintain confidentiality at all times. On occasion, however, WPO or a Partner will receive a formal request for the release of the clinical records held on a participant. These records may be held on the Case Management Systems of both the Partner and WPO and document all contact with, and assessments of, a participant. The request to access these records can be made by a participant directly or by a Third Party. This Policy documents the criteria necessary for such disclosures to be made. Participants may also request that their records be deleted or request access to a copy of any recordings made of their calls into the service. The Policy detailed below excludes those disclosures made through the formal Manager Referral process.

## Policy

Responsibility for the management of a clinical records release/deletion request depends on the contractual arrangements agreed between WPO and the Partner. Hence, on receipt of such a request, the Partner must inform the WPO Chief Security Office to ensure the contractual commitments agreed between WPO and the Partner are upheld.

Clinical records are not relinquished to any Third Party, or indeed to a participant themselves, without the consent of the named participant. The only exceptions to this may be when dictated by legal mandate, for matters of clinical urgency or when the information is requested by the representative of an organisation with whom WPO and signed a data-sharing agreement.

Participants will be asked to request a release through email; the email address used will be verified as the one held on record. The requestor's identity will also be verified via a phone call using the phone number recorded against them. In the situation where neither the email address nor the phone number we hold for the participant matches the information they are now providing; the participant will be asked to sign a formal Release of Information Request Form.

All communications between a Partner staff member and participants accessing the service are considered private and confidential. Participants own their personal information though the ownership of the Clinical Record will depend on the contractual arrangements agreed between WPO and the Partner.

Participants can request a letter/email confirming the reason they requested counselling and the dates they attended, a Clinical Report summarising their clinical issue(s) or their full Clinical Records. The latter will consist of all case notes held electronically (including the assessment questionnaire), the session notes submitted by the Provider and any Clinical Reports produced depending on what is available.

Any concern that the disclosure includes information that may cause harm or serious distress to the participant must be escalated to Clinical Management within WPO.

Call recordings (where available) are considered personal information and will be released within 30 calendar days of receipt of an appropriately authenticated request.

Any data deletion request from a participant will be completed within 30 calendar days of receipt of an appropriately authenticated request.

The timeline for the completion and delivery of a release of records is a maximum of 30 calendar days from the receipt of an appropriately authenticated request.

Case notes can be sent to the participant, or a Third Party, by Post or via a secured email.

Where the contract between WPO & the Partner specifies that the release/deletion of a participant's data must be managed by WPO, it will be logged on the WPO ISMS Compliance Tool.

Any clinician receiving a request for the Release of Information to any participant or third party must consult with their Clinical Management and cannot make any release unless signed-off by their Clinical Management.

Any request for access to case notes that is made directly to a Partner's Provider must be forwarded immediately to the Partner who will manage all such requests, as appropriate, from the moment they are informed.

Partners are obliged to release information requested by a Court Order even without the participant's consent.

Confidentiality continues after the death of a participant. Any requests for information requested by the family or a legal process can only be complied with if accompanied by a court order.

All consents are held as part of the clinical record.

Depending on the contractual commitments made between the Partner & WPO disclosures will either be made in the Partners or WPO's name.

Clinical Records will be held by Partners according to the WPO Retention Policy.

The Partner will return all the records about a participant on termination of the Partner's contract with WPO. The Partner will provide a confirmation to WPO that all participant records have been deleted from the Partner's systems.

## Clinical Practice

- On receipt of a request for the release of information to a Third Party (e.g. a solicitor or the Police) the Partner will contact the participant to authenticate the request and confirm what information the participant specifically wants to be released.
- Information relating to, or provided by, an individual other than the participant, who could be identified from that information, must be redacted from the release.
- Information pertaining to minors shall be released only with consent from the parental guardian (the adult with parental responsibility). The only exception to this maybe if, in the specific circumstances of the case, there is evidence that this is not in the best interests of the child. Where contractual commitments between the Partner & WPO dictate, all requests for the release of information pertaining to a minor will be escalated to the WPO Chief Security Office for resolution.
- The release of Couples records require the consent of both parties. If the participant in whose name the records are held requests a release; the information pertaining specifically to the partner must be redacted from the release, unless the partners consent is also received. If the partner in whose name the records are not held requests the release no release can be made unless the participant in whose name the records are held consents.

- The release of Families records require the consent of all parties (except minors). If the participant in whose name the records are held requests a release; the information pertaining specifically to the others must be redacted unless their consent to the release is also received. If a family member in whose name the records are not held requests the release, no release can be made unless the participant in whose name the records are held consents. No release can be made if a minor was involved in the intervention and there is evidence that, in the specific circumstances of the case, the release is not in the best interests of the minor; where contractual commitments between the Partner & WPO dictate this must be escalated to the WPO Chief Security Office for resolution.
- Any request received by a Provider or a Partner clinician relating to a government security clearance must be escalated immediately to the WPO Chief Security Office.

## CHANGE HISTORY:

**Document Original Author:** Alison Brown; Vice President Global Clinical Quality

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