

The Perinatal Institute's Confidentiality and Consent Policy was reviewed by the Information Commissioner's Office who sent us the statement below:

From the information provided to us so far it appears that the processing is fair and lawful (as long as the fair processing information is adequate and as long as you comply with the common law duty of confidence). You outlined in your note to me that you felt this processing to be essential for both clinical audit and administrative audit. As such, it seems that it would be adequate to obtain implied consent when you collect the information (our understanding of the common law duty of confidence is that implied consent is valid in certain situations). Providing adequate fair processing information about what will happen to the data, who it will be disclosed to and whether or not it is optional is essential. You should remember that an individual has a right to object to any processing which is likely to cause damage or distress (S10 of the Act) so should consider whether or not you will actually retain some form of signature box for the care provider, even though you don't need to retain it for consent purposes. In our opinion it would not be necessary to go to PIAG as you are still obtaining implied consent.

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