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Foundation Trust Office: 01325 74 3625  
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Request for Information Reference: 08.18.08

Direct line: 01325 743700  
Email: [cdda-tr.cddftfoi@nhs.net](mailto:cdda-tr.cddftfoi@nhs.net)

Email only

4 September 2018

### **Freedom of Information Act 2000 – Request for Information**

Thank you for your request for information received on 6 August 2018 in relation to the County Durham and Darlington NHS Foundation Trust (Trust). We are dealing with your request under the provisions of the Freedom of Information Act 2000.

You requested information regarding messaging platforms. Specifically you asked for:

***I am looking into incidents of Trust staff or contractors improperly using messaging platforms (such as, but not limited to, WhatsApp) to communicate information relating to patients.***

***For each of the last five years (2014 to 2018 inclusive), please tell me:***

- 1. How many staff or contractors at your Trust have been investigated for doing so?***

For all questions, the Trust has provided information for both the Trust itself, and its wholly owned subsidiary, Synchronicity Care Limited (SCL). SCL provides estates, facilities and procurement services to the Trust under the operating name of NHS County Durham and Darlington Services (CDDS).

Answer:

County Durham & Darlington NHS Foundation Trust (CDDFT) - Two members of staff have been investigated, one in 2017 and one in 2018.

SCL – no cases.

- 2. How many staff or contractors were sanctioned/ disciplined for doing so. For each sanction, please say what it was: for example, if it was a monetary fine, please give the value; if it was a suspension, please give the duration?**

CDDFT- No members of staff were sanctioned/disciplined as a result of the investigation outcome.

SCL – not applicable

- 3. For each incident of a staff member or contractor being investigated and / or sanctioned, please say: 1) what messaging platform was involved; 2) that individual's broad role at the Trust, for example doctor (junior or consultant), nurse, management?**

CDDFT:

- 1) Text messaging
- 2) 1 Allied Health Professional and 1 Admin and Clerical staff member

SCL - not applicable

- 4. For each incident of a staff member or contractor being investigated and / or sanctioned, please say whether the patient or patients concerned were informed that a possible misuse of their data had taken place?**

Answer: On completion of the two investigations, there was no suggestion that patient information had been misused or inappropriately disclosed, hence informing the patient was not relevant.

- 5. Does your Trust have explicit rules against such use? If so, please point to them?**

Answer: SCL CDDS - yes see attached and excerpts below.

For external contractors

### **Confidentiality and Dignity**

The environment in which work is carried out, will, inevitably, bring Contractors in to contact with users of the client's facilities. The client will remove from site, and prevent from carrying out any further work, any contractor:

- who, in the opinion of the client, intentionally, or otherwise, discloses any information concerning a user to any third party;
- Against whom a complaint is made by a user.
- The Contractor is reminded of the requirements of the Equality Act 2010 and his need to comply with it.

- This outlaws discrimination on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.
- Prohibited conduct includes harassment and victimisation.

### **Respect Confidentiality and Dignity**

Contractors must respect confidentiality and dignity of other users of the premises at all times.

Contractors must not discuss or disclose anything confidential they encounter whilst on site. This condition applies during your time working for the Client and after that ceases. If you are found to have used any information you have seen or heard whilst within the Trust you and your employer may face legal action.

SCL staff are expected to follow the Trust's own procedures as noted below

For CDDFT – please see attached:

- Disciplinary Procedure (which includes the rules)
- Data Protection Policy
- IT Security Policy
- Transfer of Personal Information Policy

In line with the Information Commissioner's directive on the disclosure of information under the Freedom of Information Act 2000 your request will form part of our disclosure log. Therefore, a version of our response which will protect your anonymity will be posted on the County Durham and Darlington NHS Foundation Trust website.

If you have any queries or wish to discuss the information supplied, please do not hesitate to contact me on the above telephone number or at the above address.

If you are unhappy with the way your request for information has been handled, you can request a review by writing to:

The Chief Executive  
County Durham & Darlington NHS Foundation Trust  
Darlington Memorial Hospital  
Hollyhurst Road  
Darlington  
DL3 6HX

If, you remain dissatisfied with the handling of your request or complaint, you have a right to appeal to the Information Commissioner at:

The Information Commissioner's Office  
Wycliffe House

Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Telephone: 0303 123 1113  
Website: [www.ico.gov.uk](http://www.ico.gov.uk).

There is no charge for making an appeal.

Yours sincerely

**Joanna Tyrrell**  
**Freedom of Information Officer**