

Confidentiality Agreement for Together We Talk Services

1. This Confidentiality Agreement is entered into on by and between You "The client" and Together We CIC.

2. Purpose of the Agreement

The purpose of this Agreement is to ensure that all information disclosed by the Client during any sessions with Together We remains confidential, subject to certain exceptions as outlined in this Agreement.

3. Governing Law

This Agreement shall be governed by and construed in accordance with the laws of England and Wales, including but not limited to the General Data Protection Regulation (UK GDPR).

4. Definition of Confidential Information

For the purposes of this Agreement, "Confidential Information" refers to any and all personal, sensitive, and private information obtained by Together We for the management of the Service and information disclosed by the Client during sessions, including but not limited to:

- Personal details, history and life experiences including and information as defined as "relating to an identified or identifiable natural person"
- Medical and psychological records
- Thoughts, feelings, and emotions
- Any other information the Client wishes to keep private from others
- includes information as defined as "any information relating to an identified or identifiable natural person"

5. Obligations of the Together We

Together We agrees to:

- Keep all Confidential Information strictly confidential.
- Not disclose any Confidential Information to any third party without the prior written consent of the Client, except as required by law or as a legal and authorised request by Police or Solicitors.
- Take all reasonable steps to protect the confidentiality of the Client's information.
- Processed information in accordance with the principles of UK GDPR.

6. Sharing Information with the NHS

Together We CIC is required to share certain client information with the NHS via the Mental Health Services Data Set (MHSDS). The MHSDS is a national data set managed by NHS England and is used to understand, monitor, and improve mental health services.

The information we submit may include:

- Basic demographic details (e.g. age, gender, and location)
- Clinical outcomes and progress information
- Service usage data, such as the number and type of appointments attended

This data sharing is a requirement of our NHS contracts and helps ensure that mental health services are appropriately funded, monitored, and developed to meet local and national needs.

Under the National Data Opt-Out policy, clients have the right to choose whether their confidential information is used for research or planning purposes beyond their direct care:

- If you do not opt out, your data may be used by approved organisations for research and service planning.
- If you choose to opt out, NHS Digital will ensure your data is not used for these purposes, except where there is a legal obligation or an overriding public interest, such as safeguarding.

Your data will still be used where required for:

- Providing your direct care and support
- Meeting legal or safeguarding obligations
- NHS reporting where mandated

You can manage your choice or find out more about the National Data Opt-Out here:

<https://www.nhs.uk/your-nhs-data-matters/>

Clients also have rights under UK GDPR regarding their personal data, including the right to access, rectify, and, in some cases, object to processing.

For more information about how the NHS uses data collected in the MHSDS, visit:

<https://digital.nhs.uk/data-and-information/data-collections-and-data-sets/data-sets/mental-health-services-data-set>

7. Exceptions to Confidentiality

The Together We practitioner may disclose Confidential Information without the Client's consent if:

- Risk of Harm: The Practitioner believes that the Client poses a serious risk of harm to themselves, to others, or is at risk from others.
- Abuse or Neglect: The Practitioner is required by law to report any suspected abuse or neglect of a child, elderly person, or vulnerable adult.
- Legal Requirement: The Practitioner is legally obligated under UK Law when ordered to by a court of law to disclose case notes of sessions.
- Supervision and Consultation: The Practitioner may discuss case details with professional supervisors or colleagues for the purposes of supervision, consultation or case management, but only without revealing the Client's identity unless consent is given by the Client.

8. Duration of Confidentiality

This Agreement shall remain in effect during the therapy session and shall continue indefinitely after the termination of the therapeutic relationship, with respect to the confidentiality of the information disclosed. Information will be retained for a period of 7 years under our data

retention policy, after which it will be securely destroyed, unless otherwise required by law. We may get in touch with during this time if you would prefer to opt out to contact following discharge please let your practitioner know.

9. Termination of the Agreement

This Agreement may be terminated by either party with written notice. However, the obligations regarding confidentiality shall survive the termination of this Agreement.

10. Client's Acknowledgment

By entering services with Together We, the Client acknowledges that they understand the terms of confidentiality as outlined in this Agreement and consents to the processing of their personal data as described in the Agreement. Furthermore, the client understands the circumstances under which their information may be disclosed and are aware that their data may be shared with the **NHS via the Mental Health Services Data Set (MHSDS)** as part of national service monitoring and improvement. They also agree to their information being discussed in supervision, consultation or case management. Additionally, they acknowledge that they have to right under UK GDPR to access, rectify, and erase their information held by Together We by submitting a Subject Access Request (SAR). Information on SARs can be found at

<https://ico.org.uk/for-the-public/getting-copies-of-your-information-subject-access-request/#:~:text=You%20have%20the%20right%20to,a%20SAR%20or%20a%20DSAR>

Important:

Any breaches of confidentiality should be reported to Together We Data Protection Officer (DPO) either by telephone: 0808 1961773 or email: referral@togetherwe.uk.

Additionally, clients have the right to lodge a complaint with the Information Commissioner's Office (ICO) if they believe their data protection rights have been violated.