

Contact tracing and service user confidentiality

The NHS is carrying out contact tracing for people who have contracted and tested positive for Covid-19. This means that they will be asked for details of people they have met, so that those people can in turn be contacted and asked to isolate.

This presents a challenge to a therapist. What do you do if you are tested positive and face having to share the details of service users in your contact tracing response?

As a point of good practice you should read the relevant section on the ICO's website. The Information Commissioner's Office is the statutory regulator for data and is the key source of information on this issue: <https://ico.org.uk/global/data-protection-and-coronavirus-information-hub/data-protection-and-coronavirus/>

Sharing service user details in response to contact tracing should be justifiable in the public interest. You would be sharing a name and contact details so that the NHS can find them and help combat a serious and imminent threat to public health. You wouldn't have to share any information about why you met them – so their access of therapy would remain confidential.

This may seem common sense, but it is worth raising it with your service users explicitly. It is advisable to explain that in the unlikely event that you are tested positive and need to respond to contact tracers, you will share relevant contacts. COSRT also suggests that you examine and if necessary amend your service user contract. Make sure it contains reference to confidentiality being limited in relation to public interest. And if you wish, make it more explicit by saying confidentiality may be broken for reasons of public interest related to public health.