

# Policy and Procedures on Confidentiality

**Policy Number : P&P-OPG-009**  
**Effective Date : 21 July 2022**

<b>Issue No.</b>	<b>Reviewed By</b>	<b>Approved By</b>	<b>Date Approved</b>
1	Chief Executive Officer	Management Committee	June 2016
2	Chief Executive Officer	Management Committee	20 July 2022

## **Policy and Procedures on Confidentiality**

### Purpose of the policy

1. The purpose of the Policy & Procedures on Confidentiality (Policy) is to safeguard all confidential information of the Hong Kong Breast Cancer Foundation (HKBCF) against unauthorized access, possession, reproduction, use or disclosure.

### Scope

2. This Policy applies to every person (Data User) who is involved in the collection, holding, processing or use of the confidential information owned by the HKBCF, or come into or may have come into contact with such information during the course of his/her employment, work or service with the HKBCF.

### Confidential information

3. The term "Confidential Information" means any information and data (whether recorded or not and, if recorded, in whatever form on whatever media and by whomsoever recorded) related to all or any aspect of the business, operations, dealings, activities, services, management and administration of the HKBCF and/or its subsidiaries and associated corporations.
4. Confidential Information include, but not limited to, patient records, employee records, personal data, contact details and any other information and records of individuals (including but not limited to patients, clients, visitors, employees, volunteers, partners, contractors and donors); and any other confidential information that the HKBCF has received and in the future will receive from third parties. The term "Confidential Information" is to be broadly defined and interpreted by the HKBCF.

### Principles in handling of confidential information

5. Data User shall comply with this Policy as well as the six data protection principles under the provisions of the Personal Data (Privacy) Ordinance, Cap.486 and the relevant Code of Practice.
6. Data User shall respect and safeguard individual's privacy and confidentiality, observe this Policy and ensure that Confidential Information is handled in accordance with this Policy.

### Maintaining confidential information

7. Data User shall acknowledge that in the course of his/her employment, work or service with the HKBCF, he/she may access, come into contact and come to knowledge of Confidential Information which is of private and sensitive in nature and is considered as strictly confidential.
8. Data User shall acknowledge that Confidential Information should not be accessed, possessed, reproduced, used or disclosed by him/her unless he/she has a need to do so in order to discharge his/her duties for the HKBCF.

#### Business operations confidentiality

9. Data User shall not discuss or release Confidential Information to friends or family members or other third party.
10. Data User shall not discuss or reveal Confidential Information to any third party unless he/she has a need to do so in order to discharge his/her duties for the HKBCF.

#### Patient confidentiality

11. Data User shall not disclose a patient's medical condition to any friends or family members without the patient's consent.
12. Data User shall not discuss patients in public or within the vicinity of other patients. Discussion of patients' information among co-workers can only be for treatment or operation etc. on a strictly need-to-know basis.
13. Data User shall not disclose a patient's presence in an office, clinic, or other medical facility, without the patient's consent, to any third party, and that may indicate the nature of the patient's illness and jeopardize the patient's confidentiality.
14. Patients' information is only released/shared on a strictly need-to-know basis.

#### Staff confidentiality

15. Data User shall comply with the provisions of the Personal data (Privacy) Ordinance to employment-related personal data obtained from job applicants, current and former employees and their family members.
16. The HKBCF shall not disclose to third parties the Personal Data collected from employees unless with the relevant employee's written consent or as required by law or by statutory authorities.
17. Personal data of a former employee may be retained for a period of up to seven years from the date the former employee ceases to be employed. The data may be retained for a longer period if there is a subsisting reason that obligates the HKBCF to do so, or the data is necessary for the HKBCF to fulfil contractual or legal obligations.

#### Approval for access, use or disclosure

18. In case the Data User encounters any situation which is not addressed in this Policy, Data User shall first obtain written approval from the Chief Executive Officer or Deputy Chief Executive Officer before he/she can access, use or disclose any Confidential Information.
19. All Confidential Information obtained, directly or indirectly, by the Data User from the Chief Executive Officer or Deputy Chief Executive Officer shall forthwith be returned to the HKBCF upon the cessation of Data User's employment, work or service with the HKBCF.

20. Documents or records that contain Confidential Information and are ready for disposal must be placed in a container stored for shredding and shall not be disposed in the regular trash or recycled.
21. Data User shall promptly inform the Chief Executive Officer or Deputy Chief Executive Officer of any loss, unauthorised disclosure, misappropriation or misuse by any person of any Confidential Information, upon Data User having knowledge of the same.

#### Unauthorized access, disclosure, misappropriation or misuse of Confidential Information

22. Data User undertakes to at all times, both during his/her employment, work or service with the HKBCF and after his/her cessation of employment, (a) hold in the strictest confidence and will not disclose any Confidential Information except to authorised persons who need to know and are bound by the same or similar written confidentiality undertaking to the extent necessary to discharge his/her responsibilities with the HKBCF and in a manner consistent with any such confidentiality undertaking; (b) access or use Confidential Information only for the exclusive benefit of the HKBCF as may be necessary in the ordinary course of performing his/her duties for the HKBCF; and (c) will cooperate with the HKBCF and use his/her best efforts to prevent the unauthorised disclosure, use or reproduction of any Confidential Information.
23. Data User acknowledges that any unauthorized access, use or disclosure of Confidential Information and/or any breach of this Policy by him/her will be subject to legal/disciplinary action which may include civil and criminal liabilities and/or summary dismissal.

#### Indemnity

24. Data User hereby unconditionally agrees to indemnify the HKBCF for any losses, liabilities, damages or expenses (including legal costs) which may be occasioned by any breach by Data User of the provisions of this Policy.
25. Data User further acknowledges and agrees that a breach of any term of this policy will cause such damage to the HKBCF as may be irreparable and for which monetary damages would not likely provide an adequate remedy and accordingly, that the HKBCF will be entitled to (without limitation to any other rights and remedies available at law or in equity) remedies of injunction, specific performance and other equitable relief for such breach and the Data User hereby waives his/her rights to object to or oppose the granting of such relief in relation to any breach of any term of this Policy.

#### Miscellaneous

26. In the event that Data User ceases his/her employment, work or service with the HKBCF, Data User hereby consents to the HKBCF notifying his/her new employer of his/her obligations under this Policy.
27. Each provision of this Policy will be treated as a separate and independent clause, and the unenforceability of any provision will in no way impair the enforceability of any other provision. If any provision is held to be unenforceable, such provision will be construed by the appropriate judicial body by limiting or reducing it to the minimum extent necessary to make it legally enforceable.
28. Data User's obligations under this Policy shall survive the cessation of his/her employment, work or service with the HKBCF, regardless of the manner of such cessation.

#### Updates or amendments

29. The HKBCF reserves the right and discretion in making any updates or amendments to the provisions of this Policy as and when necessary by the Management Committee of the HKBCF or by the delegated authority of Management Committee of the HKBCF. Data User will be advised of such amendments accordingly.