

# Mental Capacity to understand Data Protection Relating to My Purple Folder

This Purple Folder is a record of the owner's health and, as such, will contain confidential and personal information. It is important that the person who owns it understands this and is supported to maintain and store this folder safely.

If the owner does not have the capacity to understand the information stored and the data protection risks then the people that support them will need to make a best interest decision to hold, maintain and safe keep this folder.

## Mental Capacity Assessment

**Does the owner have the capacity to understand the following points?**

- This folder holds important health information about them, meaning anyone they give this folder can read this information
- It should only be health professionals and the people that support them who read and write in this folder
- The good thing about the folder is it will help health professionals know all the health treatments they are having and will help them know what helps the person to accept health treatment
- If they think some of their health problems are very private and they don't want other health professionals knowing about them, they can ask the health professional NOT to write about it in their folder.

**Could the owner understand and remember all this information about the Purple Folder?**

**Yes / No** (please delete as appropriate)

Please detail how they communicated to indicate this in the box below:

**If the answer above is no**, and they are not likely to be able to gain capacity to understand with more time then the people who support them need to make a **Best Interest Decision**.

- Does this person's learning disability mean they have barriers to receiving good healthcare?
- Could the Purple Folder help health professionals support the person and reduce the risk of delays in treatment and/or diagnosis? For example, this person may need alternative means of communication, have a reluctance to accept health interventions, difficulties understanding the risks and benefits of investigations/treatments, reasonable adjustment requirements and additional support needs.

***If yes, then a Purple Folder will be in their best interest to reduce the known risk of delays in health care diagnosis for people with learning disabilities.***

## Data Protection

The risks associated with data breach need to be considered and a plan agreed.

1. Where will the file be stored that will mitigate the risk of a data breach?

2. What steps will be taken when going out with the folder to ensure it is kept safely and returned?

3. If a health intervention of a personal/sensitive nature happens, the people who support the person and the health professional involved should discuss whether it is in the person's best interest for this information to be recorded in the Purple Folder (weighing up the element of whether other health professionals would 'need to know').

What has been done to ensure all who may support the owner to health appointments understands this?

**Owner's signature (if they have capacity):**

**Completed by:**

**Role/relationship to the owner:**

**Date:**

***The Purple Folder and this Mental Capacity Assessment should be reviewed annually at the time of the owners Annual Health Check.***