

Confidentiality Policy

Purpose

Our service users must be recognised and valued at all times. The right to privacy is essential to any service user so they have trust and confidence in our organisation and know they will be treated with respect and dignity. In all our work we strive to ensure all our service users have as much control of their lives and the work we do with is in response to their needs and wishes.

Everything that is said to staff, volunteers and trustees by service users should be regarded as confidential. Similarly, in any staff or Board meetings including subs any discussion of service users should be regarded as confidential. Sometimes specific facts will be highlighted as confidential, this does not mean other information should not be treated in the same way.

Scope

This policy explains how confidentiality is maintained within the organisation.

Policy

The principle of confidentiality covers any information concerning the internal affairs of The Broughton Trust and should be adopted equally by staff, volunteers and Trustees.

There are several reasons for this policy:

- To protect people who contact us and those who use our services.
- To provide practical guidance to The Broughton Trust representatives
- To protect the Charity, its staff, volunteers and Trustees
- To comply with General Data Protection Regulations (GDPR).

Staff, Volunteers and Trustees will be made aware of this policy when first joining the organisation and will be asked to sign at induction that they will read and understand the policy and will abide by it.

Use of Information

1 General enquiries

Enquirers can make a general approach to The Broughton Trust or to an individual staff member, volunteer or Trustee. As such, any information “belongs” to The Broughton Trust not the individual who received the enquiry. Confidentiality does not prevent discussion between them or other staff or volunteers in order to offer the fullest response to a request.

2 Marketing

Direct Marketing including promoting our services are subject to the GDPR. Nobody representing The Broughton Trust can make unsolicited phone calls to someone who has told us they do not want calls from this Charity. When individuals say they do not want to receive our marketing

materials this request must be dealt with promptly (generally within 5 working days and in all cases within 4 working weeks)

3 Trustees

Trustees Members of the Board of Trustees have a right to information held by the organisation and are responsible for the policies and procedures of the organisation. However, any such information will not be disclosed unnecessarily to Trustees unless such disclosure is relevant and necessary. Individual Trustees will not elicit information of a personal nature except where it is relevant to resolving a defined task for example a disciplinary or staff member. A record will be kept in the file who has had access to view and the reason for disclosure.

Given the rights of access it is vital that Trustees maintain strict confidentiality about the affairs of the organisation, its employers, volunteers, users and anyone else involved with it.

4 Staff

Managers may “need to know” confidential information about staff members.

Access, storage and disposal of confidential information about employees is subject to the same principles as confidential information held by staff in respect of service users.

Confidential information will therefore: -

- Be restricted to those who need to know.
- Paper records will be kept securely locked in filing cabinets.
- Access to computer files will be restricted to those who need to know.

5 Volunteers

A volunteers’ pack is given to all new volunteers. This requires that they respect the privacy of users, maintain strict confidentiality about the affairs of the organisation and its employees and do not disclose to others information they have gained during their voluntary work. They are also required to sign this policy which binds them to these conditions. Information concerning volunteers is held by the Deputy Chief Officer and/or managers. Volunteers have a right to expect that information given to the Broughton Trust will be treated as confidential.

6 Additional requirements

In relation to some services (such as information, advice and guidance) there may be additional confidentiality requirements that apply to meet regulatory or good practice guidance.

Location

Collecting personal information from service users should be carried out in privacy.

- Offices – Interview rooms should be used, wherever possible. Service Users should always be asked whether they wish to discuss their circumstances privately.
- Telephone – The conversation should take place with as much privacy as possible and not where people who are not representing the Broughton Trust overhear. If you are in doubt, information should be confirmed when meeting face-to-face.

Disclosure

Any information given by any service user must only be used for the purpose for which it is given and may not be released to another person without the permission of the user. However, a user may choose to waive confidentiality if it is in his/her own interest to do so in which case information may be given to a third party. The user's consent can be provided in writing or verbally.

To another organisation or individual

If it is necessary to disclose information to another organisation or individual, the person about whom the information is concerned, must give their permission before further action is taken. Consent will ideally be given in line with the organisations Consent Statement, however where not possible the statement will be shared verbally and verbal consent can be accepted and recorded, validating actions taken on an individual's behalf.

Without this permission there is a breach of confidentiality because action would be taken without the knowledge or consent of the person and may not be in accordance with their wishes or in their best interests.

Disclosure in exceptional circumstances

Not all situations are straightforward, in particular there may be occasions where, in the judgement of a staff member, a person is at serious risk or party to criminal activity but still does not want information to be passed on.

If after full discussion, it is decided that confidentiality should be broken the user must be informed immediately and reasons for our action should be explained.

RECORDS

Background: The Broughton Trust is registered with the Information Commissioners Office (ICO.) Reference number Z6104316. We also work under the General Data Protection Regulations which forms part of the data protection regime in the UK, together with the Data Protection Act 2018 (DPA 2018). The Act gives protection against possible dangers arising from the use and storage of recorded personal information, both manual and computer held records The Broughton Trust must comply with the requirements that the data which we hold is:

- Processed lawfully, fairly and in a transparent manner in relation to individuals.
- Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes. Further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes.
- Must be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
- Accurate and, where necessary kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regards to 6 the purposes for which they are processed, are erased or rectified without delay.

- Kept in a format which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed. Personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals.
- Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisation measures.

Record keeping in practice

It is not always necessary to keep detailed records about enquiries or service users, but where there is a need to do so, the following procedures will apply:

- Information on records should be as accurate as possible and the source of the information included.
- Only records relevant to the service or services being used should be kept.
- All records should be based on fact. Personal observations about the character of the individual or their circumstances should not be recorded without supporting information.
- Records should be reviewed at regular intervals and at least annually.
- Measures should be taken to ensure data is not altered, destroyed or disclosed.
- Written records should be kept in a locked filing cabinet/encrypted memory stick to which access is restricted to the appropriate member of staff responsible for the service.
- Service users, staff and volunteers have the right with reasonable notice, to view The Broughton Trusts records relating to them.

DISPOSAL

Old records and files should be regularly monitored and information destroyed when it is no longer necessary to keep it. Any files, papers, records containing names and addresses should when no longer needed be destroyed. All personal information should be destroyed by cross shredding.

Those records no longer required should be archived or destroyed:

Records required to meet statutory/other conditions – archived for the relevant period specified by statute, regulation or contractual agreement.

Routine enquiries - held for 6-12 months then destroyed. (single and short contact)

HR records - archived for 7 years, then destroyed.

The same principles should be applied to confidential information in memos, staff diaries, briefing papers and minutes of meetings. However, one full set of Board minutes should be permanently archived.

See The Broughton Trust Data Protection Policy for a full list of record keeping storage and disposal requirements.

MAINTAINING CONFIDENTIALITY

- The confidentiality policy will form part of every staff member's statement of particulars of terms of employment. All staff will be required to confirm that they have read and understood the confidentiality policy and sign a declaration.

Trustees and volunteers will be required to confirm that they have read and understood the confidentiality policy and sign a declaration.

- Breaches of confidentiality should be reported to the relevant line manager, recorded and investigated. Serious breaches will be reported to the Deputy Chief Office. Any member of staff, trustee or volunteers found neglecting or misusing personal information will be subject to disciplinary procedures.