

EAST CUMBRIA FAMILY SUPPORT ASSOCIATION

POLICY & PROCEDURES CONFIDENTIALITY



Introduction

In the course of its work East Cumbria Family Support Association (ECFSA) inevitably acquires information about a variety of stakeholders – service users, volunteers and staff members.

It is the policy of ECFSA to maintain a policy of confidentiality to all stakeholders and at all times to maintain compliance with relevant legislation (eg the Data Protection Act 1998). Enforced by ICO (Information Commissioners Office)

Confidentiality within the context of ECFSA's activities will be organisational confidentiality – that is information received will be confidential to the organisation as a whole and not to any one individual within it. Information received will not be passed outside the organisation without the express permission of the provider of that information and neither will it be passed internally other than on a “need to know” basis. However the circumstances where information may be shared without authorisation are listed later.

Policy Principles

All personal information will be regarded in the first instance as confidential. Both the provider of information and the recipient must be able to trust the organisation and its confidentiality policy.

All Board members, members of staff and volunteers will be informed of the Confidentiality Policy.

People providing information have a right to expect that information given in confidence will be used only for the purpose for which it was given.

All personal information will be shared only on a “need to know” basis. Where there is a legitimate need for sharing of information it will be done only with the informed consent of the person concerned, unless it is to the detriment of others.

Data Protection

ECFSA is committed to the principles of good data processing and sharing of personal information. The Association accepts its legal responsibilities and duties as a data controller to protect the rights of staff and individual children and young people and families. This policy sets out the standards and controls to which the Association and its staff will adhere in;

- a. Processing and sharing personal information about children, young people and families.
- b. Processing and storing personal and sensitive information about past, present and future employees.

It is the duty of all employees to accept and understand their responsibilities for Data Protection, Confidentiality and Information Sharing, and to follow agreed procedures.

It is the responsibility of the Chief Officer to ensure that personal and sensitive data for employees is processed and handled in accordance with the agreed procedures.

ECFSA will ensure that all staff work to the principles set out in the Data Protection Act 1998 which require personal information to be

1. Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless –
 - (a) at least one of the conditions in Schedule 2 is met, and
 - (b) in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met.
2. Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.
3. Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
4. Personal data shall be accurate and, where necessary, kept up to date.
5. Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
6. Personal data shall be processed in accordance with the rights of data subjects under this Act.
7. Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
8. Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

Confidentiality

ECFSA is committed to protecting the privacy of personal information stored on all systems, within the Data Protection Principles. Access to personal information about employees, children, young people and families will be controlled.

Disclosure of information to external agencies or organisations

ECFSA will not sell or transfer personal information regarding children, young people and families to other organisations for profit.

Sensitive personal information (as defined in the Data Protection Act) will not be disclosed to other persons or organisations without the explicit written consent of the data subject unless there is a requirement in law to do so.

Recording and Storing information

When families first engage with ECFSA staff will explain the type of information that will be recorded about them, how it will be used and the circumstances in which it might be shared. Informed consent to share information with other appropriate individuals and agencies will be sought and recorded in writing, except in exceptional circumstances

All contact with children and families must be recorded objectively and accurately. All information about contact with families should be kept in a secure filing cabinet or computer in ECFSA offices. No information should be stored away from these premises. The collection of information ensures that:

- ECFSA provides the best possible service to families.
- Colleagues and partners and contractual Agencies (where appropriate) have access to up to date information on each family's circumstances.
- The database along with other measures, can be used to monitor and ensure the effectiveness of interventions with children and families.
- Up to date information is available when workers are unavailable or change.
- The Association is able to provide accurate data to support bids and funding applications

Sensitive personal data:

In this Act “sensitive personal data” means personal data consisting of information as to—

- (a) the racial or ethnic origin of the data subject,
- (b) political opinions,
- (c) religious beliefs or other beliefs of a similar nature,
- (d) membership of a trade union (within the meaning of the **MT**Trade Union and Labour Relations (Consolidation) Act 1992),
- (e) physical or mental health or condition,
- (f) sexual life,
- (g) the commission or alleged commission of any offence, or
- (h) any proceedings for any offence committed or alleged to have been committed by him, the disposal of such proceedings or the sentence of any court in such proceedings.

While some of these categories are specific, others may have quite broad interpretations.

Information of this type is subject to specific controls. Data Protection law only allows sensitive personal information to be recorded or shared under certain conditions, one of which is that the person to whom it relates (‘the data subject’) has provided explicit consent to the disclosure.

Staff must ensure that they have the explicit consent of a child or young person (or in cases where it is appropriate, someone with parental responsibility) before recording or sharing sensitive personal information.

There are some circumstances in which it is judged to be in the public interest to share sensitive personal information even if consent is not obtained. These include

- Where there is evidence or reasonable cause to believe that a child is suffering' or is at risk of suffering, significant harm.
- To prevent significant harm arising to children and young people or serious harm to adults, including through the prevention, detection and prosecution of serious crime.
- There are also some circumstances where there is a statutory duty, for instance a court order, requiring information to be shared.

Sharing Information

Sharing information is vital to ensure that children and young people with additional needs get the services they require. It is also essential to protect children and young people from suffering harm from abuse or neglect.

If the decision is taken to share information with another individual or agency it should be done in a proper way. This means:

- Share the information which is necessary for the purpose for which it is being shared.
- Check that the information is accurate and up to date.
- Share it in a secure way. All shared information is password protected.
- Inform the person to whom the information relates if you have not already and it is safe to do so – record this.

Summary

It is the responsibility of the Trustees to review this policy annually and to make revisions as necessary.

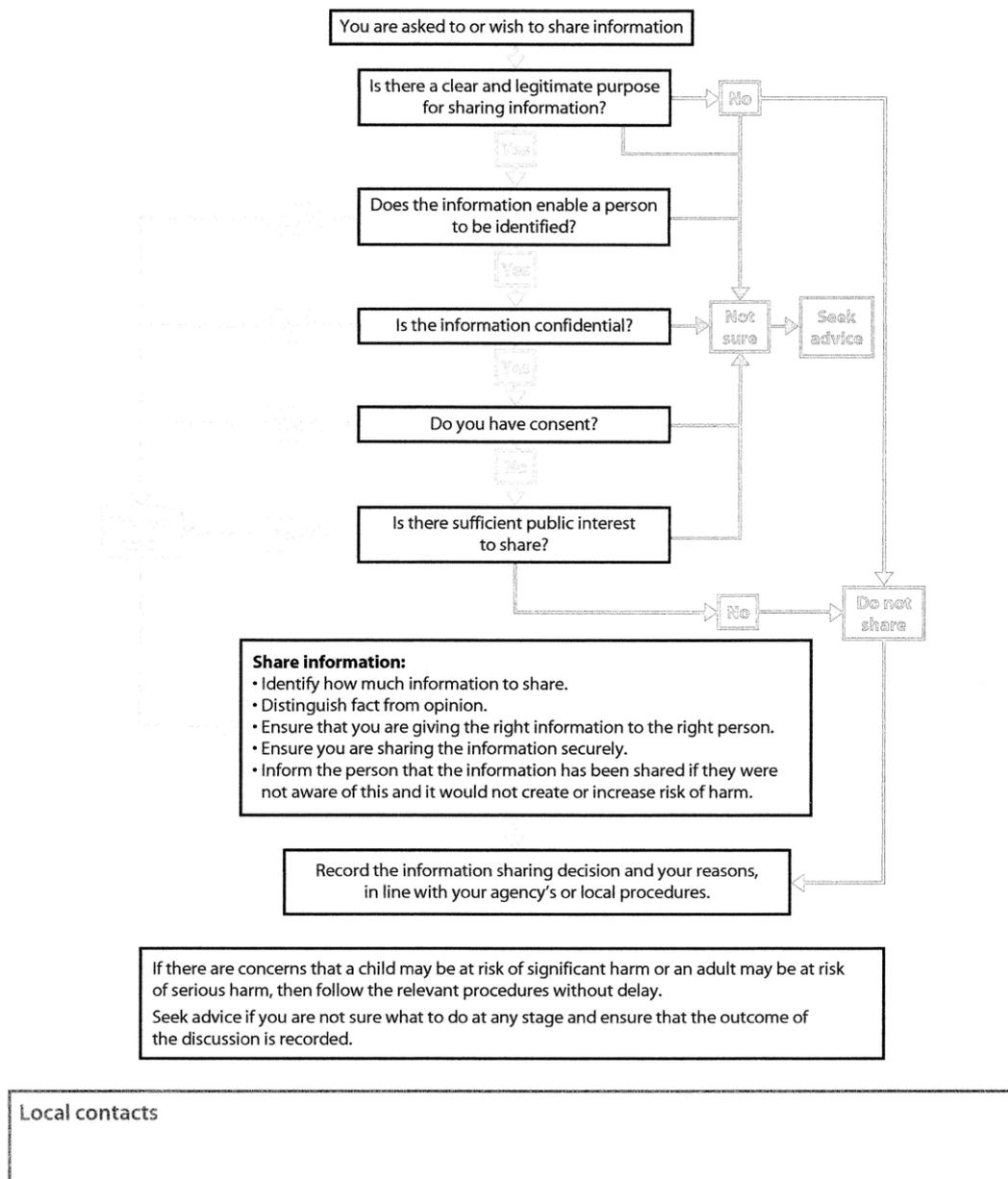
The Chief Officer will take responsibility for the implementation of the policy including:

- Ensuring that all records both computerised and manual are kept in a secure manner.
- That as part of their induction, staff will be informed of procedures for respecting the privacy of families and volunteers.
- That all volunteers will undertake training in confidentiality as part of their initial training.

I have read and understood the above confidentiality policy and agree to abide by it terms.

Signed: Date:

Flowchart of key questions for information sharing



Extract from HM Government *Information Sharing: Guidance for practitioners and managers*. Copies can be obtained from www.ecm.gov.uk/informationsharing