



## **Cumbria Family Support**

# **CONFIDENTIALITY AND INFORMATION SHARING POLICY AND PROCEDURES**

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Adopted by Management Committee – 26<sup>th</sup> May 2021

## **1. Introduction**

- 1.1 In the course of its work Cumbria Family Support (CFS) obtains information about service users, volunteers and staff members.
- 1.2 CFS recognises the importance of treating personal information with the utmost respect, and is committed to involving service users, staff, and volunteers in decisions about how personal information is used, wherever this is possible.
- 1.3 These policies and procedures lay out how personal information will be protected, and information shared appropriately when this is necessary.
- 1.4 At all times, CFS will ensure that it acts according to relevant legislation including General Data Protection Regulations (2018) which is enforced by the Information Commissioners Office (ICO).
- 1.5 There are times when it is necessary for CFS to share information with other agencies, and so confidentiality within the context of CFS's activities will be "organisational confidentiality": information received will be confidential to the organisation as a whole and not to any one individual within it.
- 1.6 Information will not be shared within CFS other than on a "need to know" basis.
- 1.7 Information will not be passed outside CFS without the express permission of the provider of that information unless it is necessary to do so in order to protect a child, young person, or vulnerable adult.
- 1.8 The government provides guidance on information sharing in "Information sharing Advice for practitioners providing safeguarding services to children, young people, parents and carers" (HM Government March 2015).

## **2. Policy Principles**

- 2.1 All personal information will be regarded in the first instance as confidential.
- 2.2 All staff, volunteers and Board members must be familiar, and comply with, the Confidentiality and Information Sharing Policy and Procedures.
- 2.3 This policy should be read in conjunction with the Information Security Policy.
- 2.4 Information given in confidence will be used only for the purpose for which it was given.
- 2.5 Information will be shared with other agencies only in the circumstances defined in these procedures, and on a "need to know" basis within CFS.

## **3. Data Protection**

- 3.1 Cumbria Family Support is committed to the principles of good data processing and sharing of personal information. Cumbria Family Support 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 organisation 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.
- 3.2 It is the duty of all employees and Board members to accept and understand their responsibilities for Data Protection, Confidentiality and Information Sharing, and to follow agreed procedures.
- 3.3 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.
- 3.4 CFS will ensure that all staff work to the following requirements of the General Data Protection Regulations 2018 (GDPR) :
  - (a) processed lawfully, fairly and in a transparent manner in relation to individuals ('lawfulness, fairness and transparency')
  - (b) 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 ('purpose limitation')
  - (c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ('data minimisation')
  - (d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay ('accuracy')
  - (e) kept in a form 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 in accordance with Article 89(1) subject to implementation of the appropriate technical and organisational measures required by this Regulation in order to safeguard the rights and freedoms of the data subject ('storage limitation')
  - (f) 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 organisational measures ('integrity and confidentiality')
- 3.5 CFS 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.
- 3.6 CFS will not sell or transfer personal information regarding children, young people and families to other organisations for profit.

3.7 Sensitive personal information (as defined in the General Data Protection Regulations) will not be disclosed to other persons or organisations without the explicit written consent of the data subject, other than in the circumstances defined in these procedures.

#### **4 . Recording and Storing information**

4.1 When families first engage with CFS 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.

4.2 Informed consent to share information with other appropriate individuals and agencies will be sought - other than in the circumstances defined in these procedures – and recorded in writing.

4.3 All contact with children and families must be recorded objectively and accurately. This will ensure

- CFS provides the best possible service to familie
- 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 there is a change of worker.
- The organisation is able to provide accurate data to support bids and funding applications.

4.4 All information about contact with families should be kept in a secure filing cabinet or computer either in the CFS Offices or, where essential, temporarily at the CFS staff members home address (and returned to CFS offices as soon as practically possible/appropriate).

#### **5. Sensitive Personal Data**

5.1 In the GDPR “sensitive personal data” means personal data consisting of information as to—

- a. racial or ethnic origin
- b. sex life or sexual orientation
- c. political opinions
- d. data concerning health
- e. religious or philosophical beliefs
- f. trade union membership
- g. processing of genetic data, biometric data for the purpose of uniquely identifying a natural person

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

5.3 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.

5.4 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, unless the following conditions for information sharing are met.

Adopted by Management Committee – 26<sup>th</sup> May 2021

## 6. Information Sharing

- 6.1 Sharing information is a key part of the work of staff and volunteers. It could ensure that children and young people with additional needs get the services they require. It is also essential to protect children and young people and vulnerable adults from suffering harm from abuse or neglect.
- 6.2 Failures in information sharing have repeatedly been shown to have contributed to serious harm to, and the deaths of, children and young people.
- 6.3 There are circumstances where it is judged to be in the public interest to share information. These include :
- i Where there is evidence, or reasonable cause to believe, that a child is suffering, or is at risk of, significant harm.
  - ii To prevent significant harm to children and young people, or serious harm to adults, including through the prevention, detection, and prosecution of serious crime.
  - iii Where there is a statutory duty, for example a court order, requiring information to be shared.
- 6.4 If the decision is taken to share information with another individual or agency it should be done in the following way :
- Base your decision to share information on considerations of the safety and well-being of the child, young person, or adult concerned, and others who might be affected.
  - Seek advice from your manager.
  - Be open and honest with the child (if appropriate), young person, individual, and family members about : why, what, how, and with whom, information is to be shared.
  - Obtain informed consent to share information where this is possible.
  - You might share information in the absence of consent where you judge that it is necessary to do so in order to protect the welfare and safety of a child or young person, or harm to a vulnerable adult, or in the circumstances listed in 6.5 above.
  - Check that the information is accurate and up to date.
  - Ensure that you share only information which is necessary for the purpose for which you are sharing it.
  - Share it in a secure way. All shared information should be encrypted /password protected.
  - Record your decision *whether or not you decide to share information*

Guidance on the essentials of information sharing are given in the “Golden Rules” and Flowchart for Information Sharing at the end of this document.

## 7. Potential Conflict of Interests

- 7.1 If a staff member, volunteer or Trustee is aware of a personal connection that may cause a conflict of interest in relation to access to another person’s personal details, they must at the earliest opportunity notify their line manager (as reflected in the Employee Handbook). The main examples of such cases would be a personal connection or relationship with a family/family member that is being supported by CFS; however this policy covers personal connections/relationships across the whole paid staff team, volunteers and Trustees.<sup>1</sup>

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<sup>1</sup> It should of course be noted that Staff, volunteer and Trustee personal details should not be accessed by other team members beyond the Officer Manager or Chief Officer

- 7.2 Upon said notification the line manager will discuss the relationship with the person disclosing this and a decision will be made as to whether they are permitted to access the personal details as held by CFS. The person with whom the relationship/connection has been disclosed may be consulted with and offered the choice about whether they are happy for the information to be shared in line with normal practice, or if they wish for it to be protected, for example a Family Support Worker supporting a family that they are friends with outside of CFS business.
- 7.3 If a conflict of interest in relation to the Chief Officer arises this will be raised with the Chair of Trustees and a similar course of action taken.
- 7.4 A record of all the above discussion and access to information will be recorded on Appendix A and a copy retained in the their personnel file. If it relates to a family a copy of the Appendix A will also be held on the family folder.<sup>2</sup>

## **8. Implementation and Review**

- 8.1 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.
- 8.2 All staff, volunteers and trustees will be provided with a copy of these policies and procedures, and required to sign a declaration that they have read and understood them, and will abide by them.
- 8.3 The Board will review the policy and procedures every three years, and revise them appropriately.

Signed: ..... Date: .....

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<sup>2</sup> once the Case management System is in place, access to specific records can be managed at an individual level and access will be amended for said family record accordingly with no need for Appendix A to be stored on the CMS

**Arrangments in respect of potential conflict of interests**

**(1) Name of staff member/volunteer/Trustee:**

**(2) With whom is the personal connection/relationship:**

**(3) What is the nature of this:**

**(4) What measure will be put in place to protect the confidentiality of the affected parties:**

**(5) Who has been involved in this decision (e.g. was the affected party consulted)?**

Signed.....(staff member/volunteer/Trustee)

Name .....

Date.....

Signed.....(Line Manager)

Name .....

Date.....

**Appendix B:**

**Government Guidance Document: Information Sharing – Guidance for Practitioners providing safeguarding services to children, young people, parents and carers. March 2015/Updated July 2018**

<https://www.gov.uk/government/publications/safeguarding-practitioners-information-sharing-advice>