



General Manual

Subject: Confidentiality Policy
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Purpose of the Policy

The purpose of this policy is to ensure that the highest respect for staff, volunteer and client information is observed and protected. This policy should be read alongside Life GDPR Policy.

1 Introduction

A Confidentiality Policy is necessary for the following reasons:

- To protect clients, employees and volunteers from the possibility of information about them being passed on to individuals or organisations who have no right to that information.
- To reassure clients and donors that good care will be taken with personal information which they give to Life employees and volunteers and to be clear as to the circumstances when information can be shared with others.
- To provide guidance to employees and volunteers on the extent to which confidentiality is to be preserved, circumstances in which they may breach confidentiality, and measures to be taken for the safeguarding of information.
- To assist Life employees and volunteers in complying with legal and statutory requirements for the disclosure of information.
- To reassure anyone wishing to make a complaint to or about Life's services, that the confidentiality of any complaint will be given high priority in so far as this is consistent with the need to investigate the complaint

2. General statement of confidentiality

- All Life employees and volunteers are required to respect the right of clients and of other employees and volunteers to privacy and confidentiality as far as possible within the constraints of legal requirements and the safety of other people.
- Absolute confidentiality cannot be guaranteed, and this will be made clear to clients at the earliest possible opportunity through Pregnancy Matters™ Terms of service.
- Where it is thought necessary to pass on information to another individual or organisation this will be assessed on the basis of their application and full consideration of whether there is a legal duty to disclose information. The client will be advised verbally that information has been requested, and by whom. Where possible, the consent of the person about whom the request has been made will be sought.
- This policy covers not only information given at the free will of the person concerned or by other people about the person, but also information acquired accidentally or through observation.

3. Training for Staff and Volunteers in supporting the needs of Confidentiality.

All Life staff and volunteers will receive compulsory GDPR training in line with their role. All other training around confidentiality will be led in line with departmental need.

4. Circumstances in which confidentiality may be breached

Legal and Statutory Requirements

The general law does not give an absolute right to confidentiality except where there is a contractual provision to this effect.

Legal and statutory requirements affecting Life and Pregnancy Matters™ include, but are not limited to:

- Reporting accidents at work, in certain circumstances, to the Health and Safety Executive.
- Replying to certain specific enquiries from Government Departments e.g. Dept. of Employment or Dept. of Social Security, or the Inland Revenue. Not all such enquiries are covered by statutory requirements so a check on the legal status of the request should be made before supplying information.
- Providing names of residents of a house in multiple occupation for Council Tax purposes, if Pregnancy Matters™ is designated the "responsible person".
- Reporting information in regard to terrorist activities, drug or person trafficking or money laundering (Drug Trafficking Act 1994, Serious Crime Act 2007, Money Laundering Regulations 2007)
- Giving evidence in court if a subpoena is issued.
- Reporting notifiable diseases to the Director of Public Health where appropriate.

Duty of Care

Life owes a "duty of care" to staff, volunteers and clients. It may therefore be necessary to breach confidentiality where a client is acting, or likely to act, in a way that could cause serious harm to them self, or put other clients, staff or volunteer(s) at risk.

Life employees and volunteers have a duty of care towards children and vulnerable adults. If Life staff or volunteers know or suspect that a child is at risk the Social Services Child Protection Unit must be informed. If Life staff or volunteers know or suspect that a vulnerable adult has been or is being abused Social Services Care Management must be informed in accordance with Life's Safeguarding Procedures.

Giving Information to the Police

Employees and volunteers have a duty in the public interest not to withhold from the police any information concerning criminal activity of a serious nature. This should preferably be done with the knowledge of the person concerned and whenever possible with their cooperation but there may be circumstances where the risk to others is too great for this to be advisable or possible.

5. Passing on information to others

Where there is a legal duty to pass information to others, such information will only be passed after discussion and approval of Managers and Heads of Department. Staff are not permitted to pass on such information. Where there is no legal obligation but there may be a duty of care to pass on information the decision whether to do so will in the end remain one of Departmental judgment. We would always work towards “agreed consent to share” but where legally necessary or duty of care information will be shared.

Points for consideration are:

- Is the risk a real one?
- How great is the danger to self or to another person?
- Will the breach of confidentiality avoid the harm?
- Is there no other way of avoiding the harm?

Where it is decided that information must be passed on to another individual or organisation the basis on which disclosure is to be made must be clear and unambiguous. Those disclosing the information must first have an understanding as to the intended use of the information requested and by whom.

Requests from statutory bodies must be submitted in writing (email or letter), even when there is a legal obligation on Life to comply with the request.

Life will not pass on personal details (e.g. addresses, phone numbers) without consent of the individual concerned. However, an offer can be made to pass on or forward messages.

The process of informing the person and seeking consent need not be followed where the consent of the person concerned can be implied, for example where a reference is requested, where the Dept. of Employment asks for information about a former employee in order to pay benefit or when a client has signed a disclaimer on a referral form.

6. Care of information

All sensitive and confidential information around staff, volunteers and clients is stored securely. Paper records are kept within a locked cabinet and destroyed in line with Life's retention policy or within a safeguarded password protected data base.

Life staff and volunteers will take care:

- Not to be overheard when discussing confidential information on the phone, or with the client or appropriate staff.
- Not to leave information lying around and to keep confidential information in locked filing cabinets when not in use.
- To keep records which include no more than the minimum information required.

- To understand that when referring to records, legally this includes:
 - Diary in which appointments are made
 - Any surviving jottings on scrap paper made before client notes are made
 - Client drawings or writing made in any sessional work
 - Reviews and report
 - Emails
 - Notes prepared in readiness for supervision
 - Any audio, video, recorded telephone messages that are in existence.

To destroy information when it is no longer required in line with other policies and procedures

All confidential records in regard to staff, volunteers and clients should stay within a Life premises. In certain cases, it may be necessary for staff to take off site. Necessary action should be taken to safeguard any confidential documents e.g. coded lock box. If necessary, please discuss further with your line manager.

7. Complaints

People who wish to make a complaint about an aspect of Life, its services, employees or volunteers may be concerned about the confidentiality of information they are giving. The preservation of confidentiality will be given high priority, subject to the exceptions listed above in section 4 and/or if it is necessary to breach confidentiality to properly investigate the complaint. The permission of the complainant will always be sought for this but in cases where the welfare of the complainant or other people is seriously at risk it may be necessary to breach confidentiality even if that permission is withheld.

8. Access to information

Clients have a right to see their personal files. Access must be granted under supervision in order to protect the confidentiality of other people's files and/or third-party information. If the client requests access, it must be in writing and an appointment made. An appropriate staff member should be present to answer any questions that may arise. The file may not be removed from Life premises, but documents may be photocopied, on request. A charge may be made for this at the discretion of Life.

When a letter about an individual is written to Life by a professional or carer the writer should be informed that the client is permitted access to his/her file and their advice sought on what action they wish Life to take. This could include returning the letter to the sender or, in exceptional cases, keeping the letter in a separate confidential place.

9. Disciplinary Consequences

Employees who do not respect Life's confidentiality policy may face disciplinary and possibly, legal action.

In line with Life's volunteer code of conduct, any volunteer that commits a serious breach in breaking confidentiality policy will be required to step down from their volunteer position

We will investigate every breach of this policy. Life will have the right to terminate any employee or dismiss any volunteer who intentionally breaches these confidentiality guidelines for personal profit.

Employees or volunteers should not:

- Use confidential information for any personal benefit or profit
- Disclose confidential information to anyone outside of the charity
- Replicate or change confidential documents or files without Departmental Heads permission
- Breach Life's Bring Your own Device Policy by using insecure personal devices
- When no longer working for the charity the individual is required to return any confidential files or information

1. A Data Processor Agreement is in place with all external organisations (Data Processors) who are in receipt of personal data under the terms of this Policy:
(tick to confirm) ☒

2. The relevant Privacy Notices under this Policy have been published in an appropriate manner:
(tick to confirm) ☒

3. The person(s) responsible* for data protection covered by this policy are:
_Liz Lloyd_____ (date) __01/12/19_____
_____ (date) _____

4. As the above-named person, I confirm that this Policy complies with the General Data Protection Regulations 2018

Signed Liz Lloyd
Name Liz Lloyd
Date 01/12/19

Note: * Life has chosen not to appoint a Data Protection Officer which is permitted under GDPR and so this responsibility is devolved to the appropriate person named under this Policy.