



Confidentiality Policy

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1. Policy Statement

Positive Life is committed to providing a confidential service to its users. No information given to the charity will be shared with any other organisation or individual without the user's expressed permission or in line with our Data Protection Policy.

For the purpose of this policy, confidentiality relates to the transmission of personal, sensitive or identifiable information about individuals or organisations (confidential information), which comes into the possession of Positive Life through its work.

The Charity holds personal data about its staff, service users and contractors etc which will only be used for the purposes for which it was gathered.

2. Purpose

The purpose of the Confidentiality Policy is to ensure that all staff, directors and others who work at Positive Life understand the charity's requirements in relation to the disclosure of personal data and confidential information.

3. Principles

The data covered by the confidentiality policy includes

- information about the charity, for example, its plans or finances
- information about other organisations
- information about individuals, for example, service users, staff and directors whether recorded electronically or in paper form

All staff, directors and others who work at Positive Life must respect the need for confidentiality of information held about anyone who comes into contact with the charity, and about any Positive Life business. This is expected to continue even when contact has ceased with this person, and when the trustee, staff member or others no longer works for Positive Life.

This policy should be read in conjunction with Positive Life's Data Protection Policy.

4. Information about individuals

Positive Life is committed to ensuring confidential services to all individuals. The confidentiality is between the individual and the charity, not the members of staff delivering a particular service. Confidential information will not be sought from a service user unless expressly in the interests of that service user, i.e. to enable a better service delivery.

Information will only be passed to another agency or to other individuals outside of the charity in extenuating circumstances and with the consent of the service user. Where possible this will be with written consent, or where there is extenuating circumstances (see para 6). If a member of staff or volunteer intends to get information from another agency to help the service user or to refer them to another agency then this must be explained to the service user and their permission given.

No personal information about staff, or service users will be given to any third party including a member of their family, without the consent of the service user. Information will only be divulged on a "need to know" basis.

All service users are entitled to privacy and will be made aware that they can specifically request to be seen in private.

Under no circumstances should details of a service user be discussed by anyone outside of the charity or in an open plan area in such a manner that it is possible to identify the service user.

Staff and others who work at Positive Life should take due care and attention when speaking to service users and using the telephone. No service user should be able to hear a conversation or personal details of another service user.

5. Use of service user information for publicity, reporting or training purposes

Positive Life does need to be able to give information where appropriate about the impact of our services.

In order to demonstrate the outcomes of our services we need to gather material for publicity, reporting or training purposes. Individual case studies will only be used with the permission of the service user. Where permission cannot be obtained all identifying details will be changed.

6. Limits to service user confidentiality

Positive Life recognises that in exceptional circumstances a situation may arise where an individual member of staff feel they need to breach confidentiality. Confidential or sensitive information relating to an individual may be divulged where there is risk of danger to the individual, the employee, the general public, or where it is against the law to withhold it. In these circumstances, information may be divulged to external agencies e.g. police or social services, on a need to know basis.

Examples of such circumstances include

- If a member of staff believes that a service user could cause danger to themselves or to others.
- If a member of staff suspects abuse or has knowledge of abuse
- If the service user gives information which indicates that a crime has been committed
- If disclosure is required by law, for example, by the police
- If a person is believed to lack the mental capacity to make a decision
- If the service user gives information which indicates a possible terrorist threat.

The decision on whether to break confidentiality will be decided on a case by case basis.

Where a member of staff feels confidentiality should be breached the following steps will be taken

1. The member of staff must raise the matter immediately with their Line Manager.
2. The member of staff must discuss with the Line Manager the issues involved in the case and explain why confidentiality should be breached and what would be achieved by breaching confidentiality. The Line Manager will take a written note of this discussion.
3. The Line Manager is responsible for discussing with the member of staff what options are available in each set of circumstances.

4. The Line Manager is responsible for making a decision on whether confidentiality will be breached. If the Line Manager decides that confidentiality is to be breached then they will take the following steps:

- The Line Manager must refer to the Chief Executive Officer in the first instance. They will brief the CEO on the full facts of the case.
- If the Chief Executive Officer authorises a breach of confidentiality, a full written report on the case will be made and any action agreed undertaken. The Line Manager is responsible for ensuring all activities are actioned.

If the Chief Executive Officer does not agree to breach confidentiality then this is the final decision of Positive Life.

7. Access to data

This Policy operates on a “need to know” basis and apart from staff and volunteers in the office of Positive Life, no-one will have access to service user or charity information unless it is relevant to the service or their work.

All service users have the right to request access to all information stored about them, and have a right to see a copy of this confidentiality policy on request.

If any party concerned has a sensory or physical impairment, efforts will be made to ensure that all aspects of this policy and exchanges between parties are understood.

8. Statistical Recording

Positive Life is committed to effective statistical recording of the use of its services in order to monitor usage and performance.

All statistical records given to third parties, such as to support funding applications or monitoring reports for the local authority will be produced in anonymous form, so individuals cannot be recognised.

9. Records

All personal paper-based and electronic data will be stored in accordance with the Data Protection Act 2018 and secured against unauthorised access, accidental disclosure, loss or destruction.

All personal paper-based and electronic data will only be accessible to those individuals authorised to have access.

All personal data will be dealt with sensitively and in the strictest confidence internally and externally.

Any information relating to service users who staff are currently working with will be kept in locked drawers. This includes notebooks, copies of correspondence and any other sources of information.

10. Evaluation and Monitoring

All directors will receive a copy of the confidentiality policy. Existing and new members of staff will be introduced to the confidentiality policy through induction and training.

11. Legislative Framework

Positive Life will monitor this policy to ensure it meets statutory and legal requirements including

- The Criminal Law Act (Northern Ireland) 1967
- Prevention of Terrorism Act (Northern Ireland), 1974 - 1989
- The Rehabilitation of Offenders (Northern Ireland) Order, 1978
- The Public Interest Disclosure (NI) Order 1998
- The Data Protection Act, 2018
- The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007

12. Non-adherence

Breaches of this policy will be dealt with under the Positive Life Grievance and/or Disciplinary procedures as appropriate.

13. Policy Review

The policy will be reviewed bi-annually by the Chief Executive and approved by the Board of Directors. It will also be reviewed in response to changes in relevant legislation, contractual arrangements, good practice or in response to an identified failing in its effectiveness.

14. Further Reading

- Data Protection & Retention Policy
- Managing Subject Access Requests Protocol
- Grievance Procedure
- Disciplinary Procedure