

# Policy Statement on Confidentiality

**Date of Review:** April 2017

**Date of Next Review:** April 2019

**Chair of Trustees' Signature:** .....

### **General Policy Statement**

- Accuro recognises and accepts that maintaining the confidentiality of certain information is necessary to maintain the integrity of the organisation.
- Accuro will therefore take all reasonable steps – and operate within the Data Protection Act 1998 and other relevant legislation – to prevent injury or distress to individuals or damage to the organisation by controlling access to information and clarifying the circumstances under which certain types of information may be disclosed to a third party.
- Accuro will initiate and maintain the necessary arrangements to ensure that this policy is implemented and monitored and will further ensure that this policy is kept up to date.
- All Accuro staff, trustees and volunteers in receipt of confidential information are required to co-operate in the implementation of this policy and to comply with it.
- Day to day implementation of the policy shall be the responsibility of Accuro's CEO.

### **1. Introduction**

#### 1.1 The aims of this policy are:

- a. To create a sense of awareness amongst staff, volunteers and trustees of the need to maintain confidentiality in relation to the organisation, its work and its clients and the potential implications should confidentiality be breached.
- b. To create a sense of awareness amongst staff, volunteers and trustees of the need to maintain confidentiality in relation to the organisation, its work and its clients and the potential implications should confidentiality be breached.
- c. To identify the types of information considered confidential and the circumstances under which certain information may be disclosed, to whom and who should authorise such a disclosure.
- d. To clarify who has access to information, whether this is automatic or must be authorised and by whom arrangements for ensuring information is stored securely.
- e. To identify the types of information held by the organisation, how it is used and why it is held.
- f. To clarify the employees duties in relation to maintaining confidentiality; stated or implied.

- g. To explain the procedure in relation to disclosure to the police, the courts, local authorities and others.
- h. To stress the importance of storing confidential information securely.

1.2 The policy will also define the penalties for any breach of confidentiality by a member of staff, volunteer or trustee.

## 2. Information

2.1 Due to the nature of its work Accuro holds a range of information which may be broadly categorised thus:

- a. Open access – information which may be freely distributed both inside and outside the organisation e.g. newsletters, publicity leaflets, annual reports and accounts, information booklets.
- b. Limited access – information which may be circulated freely within the agency but which the CEO must authorise should there be a request from an external source e.g. constitution, policies, procedures, etc.
- c. Restricted access – information which may be considered sensitive and which should be stored securely, usually available for staff or Trustee use only e.g. mailing lists; list of staff, trustees and service users names, addresses and contact numbers.
- d. Secure access – information of a sensitive nature which must be stored securely and which is accessible to named individuals only e.g. service users records, staff contracts, personnel files, references etc.

2.2 Information is stored in a variety of forms including card indexes, computers, paper-based files, booklets etc.

2.3 In the case of restricted or secure access information the material will be considered as falling within the provisions of the Data Protection Act 1998 or other relevant legislation however it is stored and must be surrounded by proper security. (See also Accuro's Data Protection Policy)

2.4 Information will be stored for only as long as it is needed or as required by statute and this will vary depending upon the type of information.

As a general guide:

- a. Staff records should be kept for 10 years after the member of staff has left.
- b. Volunteers and client records should be kept for 20 years after involvement with the agency has ceased and preferably indefinitely.
- c. Financial records must be kept for a minimum of 5 years.
- d. The CEO should be consulted about information not mentioned above.

- e. When it is no longer necessary to retain information it must be securely destroyed (e.g. for paper records by shredding)

**NB** Care shall be taken to ensure that stored information is accurate and up to date.

2.5 Information, which is current, should be checked and updated as frequently as necessary to maintain accuracy.

2.6 More information and guidance relating to the storage of information can be found in Accuro's Data Protection Policy.

### 3. Duty to Maintain Confidentiality

3.1 Legal obligations to maintain confidentiality may arise under the following circumstances:

- a. Explicitly under a contract where parties agree not to disclose certain information, nor to use it for other purposes.
- b. Implicitly under a contract e.g. in a contract of employment where it is implied that the employee will keep the employer's information confidential.
- c. In the line of professional duty e.g. information passed between doctor and patient, counsellor and client, etc.
- d. Under statute e.g. the Data Protection Act 1984 and other relevant legislation.

3.2 Social obligations to maintain confidentiality may arise from circumstances where information relating to an individual is inadvertently gained and where the release or passing on of such information will form an embarrassment to the individual.

### 4. Duty to Disclose

4.1 Although there is a duty to maintain confidentiality there are some circumstances in which there is a duty to disclose information e.g.

- a) A common law duty of care (particularly in relation to children or vulnerable adults)
- b) By statute (the obligation to report drug trafficking, money laundering, terrorist activity to the police)
- c) Under a contractual obligation (where services are purchased from an organisation by a local authority and requires certain information to be provided)

### 4.2

- a. In relation to actual or suspected child abuse the duty of care to the child overrides the duty of confidentiality. In such circumstances the Designated Safeguarding Officer should be advised and the details recorded prior to being reported to the relevant authorities although there should be no delay in making the report.
- b. In the case of actual or suspected abuse of vulnerable adults, the duty of care to the adult overrides the duty of confidentiality. In this case the procedures outlined in the Safeguarding Policy will be followed.

### 4.3 Disclosure to parents or carers

- a. Organisations working with children have no legal obligation to disclose information to parents unless it is a contractual term under which the organisation is carrying out the work.
- b. Organisations working with adults have no legal obligation to pass information on to carers or family members.

### 4.4 Disclosure to Police

- a. Except where specific statute applies there is no legal obligation to disclose information to the police or to allow access to the premises unless the police have a witness or search order. However, as a matter of policy Accuro would seek to co-operate with and assist the police with their enquiries as far as it is possible to do so.
- b. Accuro recognises that it is a criminal offence:
  - To deliberately mislead the police.
  - To receive payment of any kind for not notifying the police about a criminal act.
  - Not to notify the police about any act which could be constructed as drug trafficking, money laundering or terrorism.

### 4.5 Disclosure to the Court

The courts have the power to require disclosure of confidential information under certain circumstances but usually a court order is required.

All requests of this nature should be routed through the CEO or Chair of Accuro.

### 4.6 Absence of Legal Duty

Where there is no legal duty of confidentiality, Accuro will not disclose any information about a service user, their family, volunteer or member of staff without the consent or knowledge of the individual(s) concerned.

## 5. Remedies for Penalties for Breach of Confidentiality

- 5.1 Breach of confidentiality is viewed as a very serious matter by Accuro and all appropriate and reasonable steps will be taken to protect sensitive information. Within this, staff, volunteers and trustees will be required to signify their acceptance of confidentiality by signing a statement to this effect.
- 5.2 Members of the public or representatives of other organisations who feel there has been a breach of confidentiality should follow the organisations Complaint Procedure.
- 5.3 A member of staff or a volunteer within Accuro who feels they have been the subject of a breach of confidentiality should follow the organisations Grievance Procedure.
- 5.4 Members of staff who breach confidentiality or misuse information in such way as to bring the organisation (or other staff) into disrepute will be liable to disciplinary action which in serious cases is likely to result in dismissal.

# ACCURO

## Confidentiality Policy

---

I hereby acknowledge receipt of a copy of the **Accuro Policy on Confidentiality** and confirm that I have read this policy and agree to be bound by the conditions outlined therein.

**Signed:** .....

**Name:** .....

**Date:** .....

Please indicate in which role(s) you are involved with Accuro by deleting those which do not apply.

**Trustee**

**Volunteer**

**Paid Employee**

Once signed please detach this page and return it to the Accuro office.

Thank you.