

## CONFIDENTIALITY POLICY AND PROCEDURES

<b>Author</b>	<b>Sarah Lloyd</b>
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### **PURPOSE**

The dignity and choice of older people meeting Age UK Bournemouth, Poole & East Dorset (Age UKBPED) must be recognised and always valued.

The right to privacy is essential to any service user so they have trust and confidence in the organisation and know they will be treated with respect and dignity.

In all our work we strive to ensure that older people and their carers have as much control of their lives as possible and that the work we do is in response to their needs and wishes.

Everything that is said to staff, Trustees and volunteers by older people should be regarded as confidential. Similarly, in Trustee, sub-committees and staff meetings, any discussion of older people and issues that have arisen should be regarded as confidential. Therefore, all matters should be treated as confidential.

### **SCOPE**

This policy explains how confidentiality is maintained within the organisation and what to do when this poses difficulties and dilemmas.

### **POLICY**

The principle of confidentiality covers any information concerning the internal affairs of and should be embraced equally by Trustees, staff and volunteers. There are several reasons for this policy:

- To protect people who contact us and those who use our services.
- To provide practical guidance to all Age UK BPED representatives.
- To protect the charity and all Age UK BPED representatives.
- To comply with the General Data Protection Regulations (GDPR; see separate Data Protection policy).

## **USE OF INFORMATION**

### **General enquiries**

Enquirers can make a general approach to Age UK BPED rather than an individual staff member or volunteer. As such, any information “belongs” to Age UK BPED, not the individual staff member. Confidentiality does not prevent discussion between Age UK BPED representatives to offer the fullest response to a request

### **Marketing**

Direct marketing including promotional activities are subject to the General Data Protection Regulations and the Privacy and Electronic Communications (EC Directive) regulations. No representative of Age UK BPED can make unsolicited phone calls or send emails to someone who has told Age UK BPED that they do not want correspondence from the charity. Permission must be sought and recorded for any marketing contract. All approved marketing by Age UK BPED representatives must identify the sender and the name and address of the charity.

When individuals say they do not want to receive marketing materials this request must be dealt with promptly (within five working days and in all cases within four working weeks).

### **Trustees**

Members of the Board of Trustees have a right to information held by Age UK BPED and are responsible for the policies and procedures of the organisation. However, no such information will not be disclosed unnecessarily to Trustees unless such disclosure is relevant and necessary. Individual Trustees will not elicit information of a personal nature except where it is relevant to resolving a defined task.

A record will be kept of all requests by Trustees to view a file containing details of personal nature. The record will summarise the nature and scope of the information disclosed and the reason for the disclosure.

Given their rights of access, it is vital that Trustees maintain strict confidentiality about the affairs of the organisation, its employees, users and anyone else involved with it.

### **Staff**

Senior Managers/Managers may “need to know” confidential information about other staff members.

Access, storage and disposal of confidential information about employees is subject to the same principles as confidential information held by staff in respect of users.

Confidential information will therefore: -

- Be restricted to those who need to know.

- Access to electronic personnel files and records will be restricted to those who need to know.
- Paper records will be kept securely locked in filing cabinets.

## **Volunteers**

A volunteers' pack is given to all new volunteers. This requires that they respect the privacy of users, maintain strict confidentiality about the affairs of the organisation and its employees and do not disclose to others information they have gained during their voluntary work.

Information concerning volunteers is stored on an internal database and kept in a locked cabinet. Volunteers have a right to expect that information given to Age UK BPED will be treated as confidential.

## **Additional requirements**

In relation to some services (such as Information and Advice) there may be additional confidentiality requirements that apply to meet regulatory or good practice guidance.

## **LOCATION**

Collecting personal information from service users should be carried out in privacy.

Offices – Interview rooms should be used, wherever possible. Visitors should always be asked whether they wish to discuss their circumstances privately.

Users Homes – Effort should be made to exclude people who have no legitimate interest in the information given. This includes anyone who the user does not want to be present, including spouses, children or their carers. If in doubt the interview should be postponed.

Venues where other activities take place – Should take place away from main activities. Service users should always be asked whether they wish to discuss their circumstances privately and a separate room should be made available.

Telephone – The conversation should take place with as much privacy as possible and where people who are not representatives of Age UK BPED cannot overhear

## **DISCLOSURE**

Any information given by any client must be used only for the purpose for which it is given and may not be released to another person without the permission of the user. However, a user may choose to waive confidentiality if it is in their own interest to do so in which case information may be given to a third party. The user's consent can be provided in writing or verbally but must be recorded.

## **Internally to another service**

When a client is referred to another service within Age UK BPED they have a right

to know and must give their permission, in writing or verbally, which will be recorded, for the referral.

### **To another organisation or individual**

If it is necessary to disclose information to another organisation or individual, the person about whom the information is concerned must give their permission before further action is taken. Consent will ideally be given in line with the organisations GDPR Policy/ Consent Statement, however where this is not possible the statement will be shared verbally and verbal consent can be accepted and recorded, validating actions taken on an individual's behalf.

Without this permission there is a breach of confidentiality because action would be taken without the knowledge or consent of the person and may not be in accordance with their wishes or in their best interests.

### **Disclosure in exceptional circumstances**

Our commitment to respect individual choice, independence and privacy may pose difficulties and dilemmas for us. There may be situations where an Age UK BPED representative has been unable to secure agreement of an individual to disclose information. The Age UK BPED representative must always discuss proposals to involve a third party against the wishes of a user with the Data controller/Chief Operating Officer or Chief Executive.

If after full discussion, it is decided that confidentiality should be broken the user must be informed immediately and reasons for our action should be explained.

### **Renewing Disclosure**

In line with GDPR consent to store and share information must be sought on an annual basis and recorded electronically.

## **RECORDS**

### **Record keeping in practice**

It is not always necessary to keep detailed records about enquiries or service users, but where there is a need to do so, the following procedures will apply

- Information on records should be as accurate as possible, and the source of the information included.
- Only records relevant to the service or services being used should be kept.
- All records should be based on fact. Personal observations about the character of
- The individual or their circumstances should not be recorded without supporting information.

Records should be reviewed at regular intervals and at least annually.

Measures should be taken to ensure data is not altered, destroyed or disclosed.

Written records should be kept in a locked filing cabinet to which access is restricted to the appropriate member of staff responsible for the service.

Service users, staff and volunteers have the right with reasonable notice, to view Age UK BPED records relating to them.

## **DISPOSAL**

Old records and files should be regularly monitored, and information destroyed when it is no longer appropriate to keep it. Any electronic files, papers, records containing names and addresses should, when no longer needed, be destroyed.

All personal information should be destroyed by shredding.

## **MAINTAINING CONFIDENTIALITY**

The Confidentiality Policy will form part of every staff member's statement of particulars of terms of employment. All staff will be required to confirm that they have read and understood the Confidentiality Policy and sign a declaration.

Breaches of confidentiality should be reported to the relevant line manager, recorded and investigated. Serious breaches will be reported to The Chief Operating Officer or Chief Executive and subsequently the Information Commissioner's Office if appropriate.

Any member of staff, Trustee or volunteers found neglecting or misusing personal information will be subject to disciplinary procedures.

If there is a safeguarding risk confidentiality will not apply

### **Associated policies**

Safeguarding Policy

GDPR policy

Retention Policy