

Adopted: 21st June 2016
Reviewed: July 2018

CONFIDENTIALITY POLICY AND PROCEDURES

1.0 INTRODUCTION

The dignity and choice of older people coming into contact with Age UK Cambridgeshire & Peterborough (AUKCAP) must be recognized and valued at all times. 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. Sometimes specific facts will be underlined as confidential, this does not mean other information should not be treated in the same way.

2.0 ABOUT THIS POLICY

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

The principle of confidentiality covers any information concerning the internal affairs of AUKCAP 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 AUKCAP representatives.
- To protect the charity, its trustees, staff and volunteers.
- To comply with the General Data Protection Regulations (GDPR; see separate Data Protection policy).

Board members, staff and volunteers will be made aware of this policy when first joining the organisation and will be asked to sign that they have read and understood the policy and will abide by it. In the case of staff, their contracts will state the necessity of adhering to this policy and will make it clear that a breach could be a serious disciplinary matter.

3.0 USE OF INFORMATION

3.1 General enquiries

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

3.2 Marketing

Direct marketing including selling products or services and promotional activities are subject to the General Data Protection Regulations and Electronic Communications (EC) Directive regulations. No representative of AUKCAP can make unsolicited phone calls to someone who has told AUKCAP that they do not want calls from the charity. AUKCAP representatives cannot send unsolicited marketing materials by electronic mail or fax without getting permission first. All approved marketing by AUKCAP 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 (generally within 5 working days and in all cases within 4 working weeks).

3.3 Trustees

Members of the Board of Trustees have a right to information held by the organisation and are responsible for the policies and procedures of the organisation. However, any 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 a 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.

Trustees are required to sign a copy of this policy agreeing to observe strict confidentiality about AUKCAP affairs, unless this is information that is (or can reasonably be expected to be) public. Breaches of this requirement may lead to a Trustee being required to resign from the Board.

3.4 Staff

Service Managers/Team Leaders 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.
- Paper records will be kept securely locked in filing cabinets.
- Access to computer files will be restricted to those who need to know.

3.5 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. They are also required to sign this policy which binds them to these conditions.

Information concerning volunteers is held by the Volunteer Co-ordinator and/or service managers. Volunteers have a right to expect that information given to AUKCAP will be treated as confidential.

3.6 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.

4.0 **LOCATION**

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

- 4.1 Offices – Interview rooms should be used, wherever possible. Visitors should always be asked whether they wish to discuss their circumstances privately.
- 4.2 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.
- 4.3 Day Centres – Should take place away from main activities. Clients should always be asked whether they wish to discuss their circumstances privately and a separate room should be made available.
- 4.4 Telephone – The conversation should take place with as much privacy as possible and where people who are not representatives of AUKCAP cannot overhear. If you are in doubt, information should be confirmed when meeting face-to-face.

5.0 **DISCLOSURE**

Any information given by any service user must only be used 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 his/her own interest to do so in which case information may be given to a third party. The user's consent must be given in writing.

5.1

Internally to another service

When a service user is referred to another service within AUKCAP, they have a right to know and must give their permission, in writing, for the referral.

5.2

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. A consent form must be completed so that it is possible to validate 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.

5.3

Disclosure in exceptional circumstances

Not all situations are straightforward, in particular there may be occasions where, in the judgement of a staff member, a person is at serious risk or party to criminal activity but still does not want information to be passed on.

Our commitment to respect individual choice, independence and privacy may pose difficulties and dilemmas for us. There may be situations where an AUKCAP representative has been unable to secure agreement of an individual to disclose information. The AUKCAP representative must always discuss proposals to involve a third party against the wishes of a user with their line manager or AUKCAP's 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.

6.0 RECORDS

6.1 Background

AUKCAP is registered under the General Data Protection Regulations which forms part of the data protection regime in the UK, together with the Data Protection Act 2018 (DPA 2018). The Act gives protection against possible dangers arising from the use and storage of recorded personal information, both manual and computer held records AUKCAP must comply with the requirements that the data which we hold is:

- ◆ Processed lawfully, fairly and in a transparent manner in relation to individuals;
- ◆ 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;
- ◆ Must be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;

- ◆ Accurate and, where necessary kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regards to the purposes for which they are processed, are erased or rectified without delay;
- ◆ Kept in a format 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 subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals;
- ◆ 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 organisation measures.

6.2 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 AUKCAP's records relating to them.

7.0 DISPOSAL

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

All personal information should be destroyed by shredding.

Those records no longer required should be archived or destroyed:

Records required to meet statutory/other conditions – archived for the relevant period specified by statute, regulation or contractual agreement.

Routine enquiries - held for 6-12 months then destroyed.
(single and short contact)

Non-current service user records - held for 12 months, or for a (without casework) further 12 month period following a review and then destroyed.

Casework records - held for 6 years.

HR records - archived for 7 years, then destroyed.

7.2 The same principles should be applied to confidential information in memos, staff diaries, briefing papers and minutes of meetings. However, one full set of Board minutes should be permanently archived.

See AUKCAP's Data Protection Policy for a full list of record keeping storage and disposal requirements.

8.0 MAINTAINING CONFIDENTIALITY

8.1 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.

Trustees and volunteers will be required to confirm that they have read and understood the confidentiality policy and sign a declaration.

8.2 Breaches of confidentiality should be reported to the relevant line manager, recorded and investigated. Serious breaches will be reported to the Chief Executive. Any member of staff, trustee or volunteers found neglecting or misusing personal information will be subject to disciplinary procedures.

9.0 TERMS USED IN THIS DOCUMENT

Organisation: Age UK Cambridgeshire & Peterborough (AUKCAP)

AUKCAP Representative: any trustees, staff and volunteers acting on behalf of the organisation

Staff: any paid employee.

Volunteer: any unpaid representative of AUKCAP including trustees

Third Parties: those people who contact AUKCAP on behalf of an older person such as relatives, carers, friends or neighbours. Third parties also include Organisations and their representatives.

Service Users: all those people who directly use AUKCAP's services.

10.0 REVIEW

This policy will be reviewed within 24 months of adoption.

DECLARATION

I have read and understood the Age UK Cambridgeshire & Peterborough (AUKCAP) policy on Confidentiality and hereby agree to its requirements.

Name *(please print)*

Signed

Date

Please sign and return this portion

I have read and understood the Age UK Cambridgeshire & Peterborough (AUKCAP) policy on Confidentiality and hereby agree to its requirements.

Name *(please print)*

Signed

Date

Please sign this form and return it to **Marcia Short, AUKCAP.**