

Confidentiality Policy

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Confidentiality Policy

1. Purpose

This policy explains how Age UK Hertfordshire (AUKH) maintains the confidentiality of personal and sensitive data. It also sets out the protocols for any necessary disclosure of confidential information and the exceptional circumstances under which confidentiality may be broken without an individual's permission.

2. Scope

This policy applies to all staff, volunteers, and trustees and relates to our dealings with each other, our clients and the general public.

3. Introduction

Age UK Hertfordshire believes in the right of privacy and the need to respect all our stakeholders. This policy cannot guarantee absolute privacy, but aims to create and maintain an environment where personal dignity and individual rights are respected.

We offer a range of services to older people and believe that, in each service, confidentiality is an important issue. Older people are entitled to the help that they need to improve the quality of their lives and the work we do should respond to their expressed wishes.

It is important that we are trusted by everyone we are in contact with, knowing that they will be dealt with professionally, with respect and integrity.

4. What should be regarded as confidential?

Everything that is said to staff by clients, volunteers or colleagues should be regarded as confidential within the organisation.

Staff should advise clients that they may be required to share information with colleagues when necessary, within Age UK Hertfordshire; or with Partner agencies if we are working as a part of a Partnership, but that that this will be for the benefit of the client and it will remain confidential.

Staff should not agree to "keep secrets" for clients where this would involve not sharing information within Age UK Hertfordshire.

Similarly, any internal discussions around clients, volunteers or staff issues, as well as those involving commercially sensitive information, should be regarded as confidential by the participants, and not be released outside of that meeting unless previously agreed.

5. Records and Data

Where it is necessary, records are kept about clients, volunteers and staff. These records will be kept in a safe place and accessed only by those who need to see them, in order to run a quality service.

Only necessary information will be collected. The purpose of collection will be made clear to the individual concerned and information will only be used for that purpose. No information about clients, volunteers or staff will be passed to anyone without the person's consent. All clients, volunteers and staff have the right to complain about breaches of confidentiality through the Age UK Hertfordshire Complaints or Grievance procedures.

Records may be kept in hard copies, in a locked filing cabinet; or in a password-protected electronic document on computer systems where they will only be accessible by authorised personnel. Staff will ensure that they keep passwords secure and will never share them with other people who do not have the same access permissions.

The organisation's Retention of Documents Procedure should be referred to in relation to securely collecting, maintaining and destroying client records and sensitive data, both electronically and in hard copy. These procedures should be used by all staff and volunteers working for AUKH, and wherever the data is held. Staff and volunteers will be provided with a copy of the procedure and specific guidance on working with client data as part of their induction, and then regularly as part of any reviews.

Conversations relating to confidential matters affecting clients, volunteers or staff should not take place in situations where they may be heard by passers-by, i.e. in corridors, reception areas, lifts etc.

Everyone has the right to access their own personal records on request, to request the information is altered if it is incorrect and to retain a copy if they wish. All information kept on record should be based on fact, not on personal opinion. Individuals can request access to the information that is stored on them by requesting a Subject Access Request (SAR). A SAR needs to be formally request in writing from the HR department, who will then provide the information within one month of the date of the written request. This timeframe may be extended if the information requested is excessive. The individual may be required to provide proof of their identity before the information can be released.

This policy should be read in conjunction with Age UK Hertfordshire's Data Protection Policy and Privacy Standard, and all requirements adhered to.

6. Disclosure of Information

Clear permission is needed to share personal information with a third party i.e. an agency outside Age UK Hertfordshire, other than in the circumstances set out in section 7. Staff should ensure that when they disclose information, the third party is aware that it is confidential and that this confidentiality will be respected. Individuals have the right to veto disclosures and this must be respected.

When a client is referred to another service, either within Age UK Hertfordshire, or outside, the client has the right to know and must give permission for the referral.

The success of Age UK Hertfordshire depends on staff maintaining the trust of older people. Any worker found to neglect or misuse a client's confidentiality will be subject to disciplinary procedures.

7. Exceptions

There are circumstances in which Age UK Hertfordshire would be required to disclose information without the permission of the person concerned.

These include:

- Protection of life (e.g. where a person is considered to be actively suicidal, or where there is an immediate credible threat to another person);
- Safeguarding;
- Prevention of terrorism;
- To assist in a police investigation – e.g. into theft or suspicious death;
- Where a referral to the Disclosure and Barring Service (or any successor) is required;
- Where there is clear evidence that the public interest outweighs the right to confidentiality of the individual; or
- Where required to do so by any other legal requirement such as a Court Order or HMRC return

Sometimes, maintaining a policy of confidentiality can lead to a dilemma. For example, a staff member may find that maintaining a confidence could result in a life threatening situation for a client. Alternatively, an employee may become aware of actions of a criminal nature, if this happens, staff **must** discuss the situation with their Line Manager.

In exceptional cases, with the agreement of the Safeguarding Lead, confidentiality may need to be broken. If this situation arises, the general presumption is that the individual whose personal information is to be disclosed will be informed, and given an explanation regarding whether any further action needs to be taken, unless it would be harmful to do so.

Only the information necessary to address the immediate issue should be disclosed. Accurate, complete records must be kept of all decisions to disclose confidential information, setting out the reasons for the decision and the authorisation route

Age UK Hertfordshire's Whistleblowing Policy gives guidance to staff if they need to make a public interest disclosure.

8 Review and responsibilities

This policy will be reviewed as a minimum every three years.

All staff are responsible for ensuring that they are aware of the requirements of this Policy and always act in accordance with it. In conjunction with any reviews of this policy, staff will be required to read and confirm receipt of any changes to ensure compliance.

The Safeguarding Lead is responsible for ensuring that any disclosure of confidential information is a necessary and proportionate response to the circumstances of each case.