



**I&A**

**Confidentiality & Privacy  
(including GDPR)**

**I&A 01**

Version no. 3.0

Signed \_\_\_\_\_

Review Date: 18/10/18

## **1. What this policy covers**

This policy sets out our commitment to confidentiality and privacy when delivering an I&A service and outlines what staff and volunteers should be aware of when carrying out the service.

## **2. Commitment**

We are committed to providing a confidential advice service to clients. We believe the principle of confidentiality must be integrated across all aspects of our services and management. We believe our clients deserve the right to confidentiality to protect their interests and safeguard Age UK Medway's services.

The following will be displayed in the waiting area/interview room:

Age UK Medway offers a confidential information and advice service — nothing you tell us will be shared with any other organisation or individual without your express permission, unless we are legally required to do so and we will explain this to you.

## **3. Practicalities of Confidentiality**

Our duty of confidentiality means that no information regarding a client will be given directly or indirectly to any third party which is external to the I&A staff and I&A manager, without that client giving their consent to disclose such information. We recognise that all service users should be able to access our service in confidence and that no other person should ever know that they have used Age UK Medway's services, unless they have agreed to the disclosure of that information, e.g. if you need to contact a third party on their behalf or the information needs to be passed on as part of a referral process. In this instance a written consent form will be completed by the client before any details are given out or discussed with a third party. This consent form should state specifically what information we will be sharing and what third party we are sharing it with.

Under exceptional circumstances we can be required by law to disclose information without the client's consent, for example if we are obliged to do so by court order, or if it is necessary for the protection of someone else or our client. If this should arise we will explore every way of meeting the legal requirement without breaching confidentiality, including seeking the client's consent, and will limit disclosure to the minimum that is needed.

We recognise the danger that information may be indirectly given out through staff informally discussing cases. All staff should ensure that no discussions relating to a service user of Age UK Medway take place outside of Age UK Medway's premises.

The Trustee Board will not receive details of individual clients or their cases.

We will ensure that all clients are seen in a confidential interview space if they require this. We will also ensure that clients cannot be heard.

All steps will be taken to ensure client contact with the I&A service remains private and is not announced where required/requested.

#### **4. Statistical recording**

We are committed to effective statistical recording of clients to enable us to monitor take-up of service and to identify any policy issues arising.

The I&A manager will ensure that all statistical records given to third parties, such as those given in support of funding applications or monitoring reports for the local authority, shall be produced in anonymous form, so individuals cannot be recognised.

#### **5. Case Files**

All copies of correspondence, calculation sheets and any other information relating to clients should be scanned on to their computer file, any original documents must be returned to the client (no originals should be retained).

Access to the Charitylog system is restricted and each individual has their own access password. All computers (desktops/laptops) are password protected and kept in the office which is secured via a coded key pad.

Any paper records of signposting/information/advice given by volunteers and other Age UK Medway staff without access to the computer system will be retained in the I&A filing cabinet for two years for reference, the information will also be entered on the computer system.

Any casework files must be kept in the I&A filing cabinets and it is the I&A manager's and I&A advice worker's responsibility to ensure that the I&A filing cabinets are secure at all times. Cabinets are either kept in the main office or in the conference room and are kept locked at all times.

## 6. Express consent to give information

It is the responsibility of I&A workers to ensure that where action is agreed to be taken by Age UK Medway on behalf of a client, that client must firstly sign a consent form. This should be placed on the service user's record.

As a general principle, Age UK Medway will not keep (or otherwise process) any personal data for longer than is necessary. If Age UK Medway no longer requires the personal data once it has finished using it for the purposes for which it was obtained, it will delete the personal data.

Age UK Medway may have legitimate business reasons to retain the personal data for a longer period. This may include, for example, retaining personnel records in case a claim arises relating to personal injury caused by Age UK Medway that does not become apparent until a future date. Age UK Medway should consider the likelihood of this arising when it determines its retention periods – the extent to which medical treatment is provided by Age UK Medway will, for example, affect the likelihood of Age UK Medway needing to rely on records at a later date.

In line with the GDPR, we are required to inform clients of what data we hold on them, how long for, when we will remove it and acquire consent to do so.

The data we may hold on clients is as follows:

- Name
- Date of birth
- National Insurance Number
- Contact details
- Address
- Next of kin name
- Next of kin contact details
- Next of kin address
- Start date/end date of services
- Third party referral details
- Financial details provided by you for a Benefit Calculation
- Scanned copies of benefit claim forms, which may include the following details:
  - Medication
  - Health history
  - GP
  - Health and Social Care Professional Contacts
  - Details of Government benefits being claimed

We will retain this data for 6 years in line with the AQS Regulations.

Age UK Medway I&A workers are responsible for checking with clients if it is acceptable to call them at home or work in relation to their case. All I&A workers must ensure that they make no reference to the case when making telephone contact with service users.

All details of express consent must be recorded on the case file.

Clients have the right to request removal of consent to data being held on them, which can be done by contacting 01634 572616. They will be provided with a "Removal of Consent" form.

## **7. Breaches of confidentiality**

We recognise that occasions may arise where individual workers feel they need to not maintain confidentiality, e.g. in the case of elder abuse or if you feel a person's safety is in danger. Any breach of confidentiality may damage the reputation of our services and therefore has to be approached most seriously. In each instance the following steps should be taken:

- 7.1.** You should raise the matter immediately with the I&A manager;
- 7.2.** You must discuss with the I&A manager the issues involved in the case and explain why you feel confidentiality should be breached and what would be achieved by breaching confidentiality. The I&A manager should take a written note of this discussion;
- 7.3.** The I&A manager is responsible for discussing with the worker what options are available in each set of circumstances. This should include how the breach of confidentiality can be avoided or minimised;
- 7.4.** The I&A manager is responsible for making a decision on whether confidentiality should be breached. If the I&A manager decides that confidentiality is to be breached then they should take the following steps:
  - The I&A manager should in the first instance contact the chief officer. The I&A manager should brief the chief officer and seek authorisation to breach confidentiality from the chief officer.
  - If the chief officer agrees to breach confidentiality, a full written report on the case should be made and any action agreed undertaken. The I&A manager is responsible for ensuring that all activities are actioned.

- If the chief officer does not agree to breach confidentiality then this is the final decision of the organisation.

## **8. Legislative Framework**

We will review this policy to ensure that it meets current statutory and legal requirements including the General Data Protection Regulation, Childrens Act, Rehabilitation of Offenders Act, Protection of Vulnerable Adults Act, Prevention of Terrorism Acts and the Human Rights Act. Training on the policy will include these aspects.

## **9. Ensuring the effectiveness of the policy**

All trustee board members as part of their induction will receive a copy of the confidentiality procedure. Existing and new workers will be introduced to the confidentiality procedure via induction and training.

The procedure will be reviewed annually and amended as required.

Review Date: January 2019