

Confidentiality and Data Protection Policy

1. General principles

- 1.1. Age UK Merton recognises that employees, volunteers, trustees & others who work within our organisation gain information about individuals and organisations during the course of their work or activities. In most cases such information will not be stated as confidential and we may have to exercise common sense and discretion in identifying whether information is expected to be confidential.
- 1.2. Age UK Merton is committed to ensuring that any personal information which is provided to us in the course of our work will be processed and stored in accordance with the Data Protection Act.
- 1.3. Confidentiality is a broader concept than data protection but there is overlap between the two areas.
 - 1.3.1. **Confidentiality** refers to all forms of information including personal information about people using services or employees or volunteers, information about the organisation, for example, its plans or finances and information about other organisations, whether the information is recorded or not.
 - 1.3.2. **Data protection** concerns only personal information which is recorded, whether this be in electronic or manual format.
- 1.4. Information received by Age UK Merton, as part of the services it provides, will be considered to be information for Age UK Merton to share with colleagues and use to deliver its aims and objectives.
- 1.5. All staff and volunteers should inform groups, organisations or individuals why they are requesting information and explain the purpose of storing and using this information. They should ask permission to keep and use this information and note Charity Log that permission was obtained.
- 1.6. Staff and volunteers are able to share information with their Line Manager in order to discuss issues and seek advice but should not disclose to anyone, other than their line manager, any information considered sensitive, personal, financial or private without the knowledge or consent of the individual, or an officer, in the case of an organisation
- 1.7. Staff and volunteers should avoid exchanging personal information or comments (gossip) about individuals with whom they have a professional relationship.
- 1.8. Staff and volunteers should avoid talking about organisations or individuals in social settings.
- 1.9. There may be circumstances where it would be appropriate for colleagues to discuss difficult situations with each other to gain a wider perspective on how to approach a problem.
- 1.10. If staff and volunteers receive information from individuals outside Age UK Merton regarding the conduct of a colleague or group, then this should be dealt with sensitively. The appropriate colleague should tell the individual about the Complaint Procedure and advise them accordingly.
- 1.11. If employees are dissatisfied with the conduct of a colleague, and have sensitive information that could be evidenced through investigation, they should discuss it with

the appropriate line manager. Any allegation, which is found to be malicious, or ill-founded, will be dealt with by Age UK Merton action under the Disciplinary Procedure

- 1.12. Where there is a legal duty on Age UK Merton to disclose information, the person that is affected will be informed that disclosure has or will be made.

2. Why information is held

- 2.1. Most information held by Age UK Merton relates to individuals or service users, members, employees, trustees, and volunteers.
- 2.2. Information is kept to enable Age UK Merton staff to understand the needs of individuals or service users in order to deliver the most appropriate services.
- 2.3. Information about users may be kept for the purposes of monitoring our equal opportunities policy and also for reporting back to funders.

3. Data Protection Act

- 3.1 The 1998 Data Protection Act came into force on 1 March 2000. The purpose of the Act is to protect the rights of individuals about whom data (information) is obtained, stored, processed and disclosed.

3.2 What is data protection?

- 3.2.1. Data protection is essentially that area of the law that governs what may, and what may not, be done with personal information. Such personal information may be in electronic (e.g. stored on computer hard drive) or manual form (in a manual filing system).

3.3 The law

- 3.3.1. The Data Protection Act is mandatory and Age UK Merton is required under law to comply with the Act. This means that we must:

- Notify and register with the Information Commissioner's (IC) Offices
- Adhere to the eight data protection principles below
- Educate and train staff in the correct use of data

3.4 Consequences of breaching the Data Protection Act:

- 3.4.1 Staff can be criminally liable if they knowingly or recklessly disclose personal data in breach of the Act.
- 3.4.2 A serious breach of data protection is also a disciplinary offence and will be dealt with under the Age UK Merton's disciplinary procedures. If a member of staff accesses another employee's personnel records without authority this constitutes a gross misconduct offence and could lead to summary dismissal.

3.5 Notification

- 3.5.1 The Information Commissioner maintains a public register of data controllers who process data (information) and who are required to notify their details to the Commissioner.

3.6 The Eight Data Protection principles

- 3.6.1 There are eight principles of data (information) processing with which the data controller must ensure compliance. In this instance Age UK Merton is the 'data controller'.

- 3.6.2 Personal data shall be:

Principle 1: processed fairly and lawfully

Principle 2: obtained only for the purpose stated

Principle 3: adequate, relevant and not excessive

Principle 4: accurate and, where necessary, kept up-to-date

Principle 5: not be kept for longer than is necessary for that purpose

Principle 6: processed in accordance with the rights of data subjects under the Act

Principle 7: appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to personal data

Principle 8: not transferred to countries without adequate protection

4. Access to information

4.1. Information is confidential to Age UK Merton as an organisation and may be passed to colleagues, line managers or trustees to ensure the best quality service for users.

4.2. Sensitive information involving disputes or legal issues, it will be confidential to the employee dealing with the case and their line manager.

4.3. Employees and volunteers will not withhold information from their line manager unless it is purely personal to them and not business related.

4.4. Service User access to files

4.4.1 Users may see Age UK Merton records which relate to them, but only the information about themselves. The letter must be signed by the individual.

4.4.1. The records must be provided 'promptly' and in any event within 40 days.

4.5. Employee access to records

4.5.1. Employees may see all of their personnel records by giving 14 days' notice in writing to the Chief Executive. The letter must be signed by the individual.

5. Storing information

5.1. The majority of personal information stored on Clients will be kept on Age UK Merton's secure database, Charity Log.

5.2. Additional confidential information will be kept in locked cabinets and in the case of electronic records, password protected

5.3. Age UK Merton will ensure that only authorised people have access to confidential records

6. Duty to disclose information

6.1. Age UK Merton has a legal duty to disclose some information including:

6.1.1. Child abuse

6.1.2. Drug trafficking, money laundering, acts of terrorism or treason and other criminal activities.

6.2. **Note:** If the information relates to an adult safeguarding issue then there is no duty to disclose unless the consent of the person at risk has been obtained except where:

6.2.1. The person at risk lacks the mental capacity to make a decision, and a risk assessment indicates that referral would be in their best interests.

6.2.2. Others may be at risk.

6.2.3. A crime has been committed)

7. Disclosures

7.1. Age UK Merton will request pre-employment Disclosure and Barring Service (DBS) checks for new employees and volunteers whose posts involve contact with vulnerable adults and will comply fully with the DBS Code of Practice regarding the correct

handling, use, storage, retention and disposal of Disclosures and Disclosure information.

8. Breach of confidentiality

- 8.1. Staff and volunteers who are dissatisfied with the conduct or actions of other colleagues or Age UK Merton should raise this with their line manager as a grievance if necessary, and not discuss their dissatisfaction outside Age UK Merton.
- 8.2. Employees accessing unauthorised files or breaching confidentially may face disciplinary action. Ex-employees breaching confidentiality may face legal action.

9. Further Information

- 9.1. The Information Commissioner's Office has a guide to Data Protection. See www.ico.org.uk/for_organisations/data_protection/the_guide

Age UK Merton's Data Protection Officer is Rhiannon Larkman

Date Implemented:	Future Review Dates					
	2017	2018	2019	2020	2021	2022
Date reviewed		√				
Date approved By Trustees	√	√ (GDPR)				