



Confidentiality Policy	
Latest Review: Jan 2024	Next Review: Jan 2025
<p>Compliance:</p> <ul style="list-style-type: none"> • Care Act 2014 • Data Protection Act 2018 • Human Rights Act 1998 • Mental Capacity Act 2005 • Public Interest Disclosure Act 1998 • Common Law Duty of Confidentiality 	
<p>Associated Policies:</p> <ul style="list-style-type: none"> • Code of Conduct • GDPR Data Protection • Internet and Email Usage Policy and Guidelines • Maintaining Professional Boundaries • Safeguarding Adults • Safeguarding Children and Young People • Whistleblowing 	
<p>1. CONFIDENTIALITY STATEMENT</p> <p>Assist Trust is committed to providing a confidential service to all users of its services and believes that principles of confidentiality must be integrated across all aspects of the organisation. Assist Trust believes that users of its services deserve the right to confidentiality to protect their interests and to safeguard the organisation.</p> <p>The purpose of this policy document is to establish a clear and agreed understanding of what confidentiality means with Assist Trust, to encourage uniformity and to ensure that users of Assist Trust services know what they can expect from the organisation. Users of Assist Trust services refers not only to individuals who use the services but also groups and organisations. The policy document applies to all staff, volunteers and trustees of Assist Trust and continues to apply after their service or involvement with Assist Trust has ended. Any breach of confidentiality will be treated as a serious matter and may result in disciplinary action being taken.</p>	
<p>2. GENERAL PRINCIPLES</p> <p>2.1 Assist Trust recognises that colleagues (employees, volunteers and trustees) gain information about individuals and organisations during the course of their work or activities. In most cases such information will not be stated as</p>	

confidential and colleagues may have to exercise common sense and discretion in identifying whether information is expected to be confidential. This policy aims to give guidance but if in doubt, seek advice from your line manager.

2.2 It is essential that all documentation, information and computer systems used within Assist Trust, are protected to an adequate level from events which may jeopardise confidentiality. These events will include accidents as well as behaviour deliberately designed to breach confidentiality.

*Laptops or files taken out of the office should be kept under lock and key at all times.

* Colleagues are able to share information with their line manager in order to discuss issues and seek advice.

*Colleagues should avoid exchanging personal information or comments (gossip) about individuals with whom they have a professional relationship with.

* Colleagues should avoid talking about organisations or individuals in social settings.

* Colleagues will 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.

* There may be circumstances where colleagues would want to discuss difficult situations with each other to gain a wider perspective on how to approach a problem. Names or identifying information must remain confidential with Assist Trust.

* Where there is a legal duty on Assist Trust to disclose information, the person to whom the confidentiality is owed will be informed that disclosure has or will be made.

3 WHY INFORMATION IS HELD

3.1 Most information held by Assist Trust relates to the employees, trustees, users of our services, funders, contractors etc.

Information is kept to enable Assist Trust colleagues to understand the history and activities of individuals and organisations in order to deliver the most appropriate services.

Anonymised information about ethnicity and disability of users is kept for the purposes of monitoring Assist Trust's equal opportunities policy and also for reporting back to funders.

4 ACCESS TO INFORMATION

4.1 Information is confidential to Assist Trust as an organisation and may be passed to colleagues, line managers or trustees to ensure the best quality service for users of its services.

Where information is sensitive, i.e. it involves disputes or legal issues, it will be confidential to the employee dealing with the case and their line manager. Such information should be clearly labelled 'Confidential' and state the names of the colleagues entitled to access the information and the name of the individual or group who may request access to the information.

Colleagues will not withhold information from their line manager unless it is purely personal.

4.2 Users of Assist Trust services may have sight of records held in their name or that of their organisation. The request must be in writing to the Chief Executive giving 30 days' notice and be signed by the individual, or in the case of an organisation's records, by the Chair or Chief Executive. Sensitive information as outlined in paragraph 4.1 will only be made available to the person or organisation named on the file.

4.3 Employees of Assist Trust may have sight of their personnel records by giving 30 days' notice in writing to the Chief Executive.

4.4 When photocopying or working on confidential documents, colleagues must ensure they are not seen by people in passing. This also applies to information on computer screens.

5 STORING INFORMATION

5.1 General non-confidential information about organisations is kept in unlocked filing cabinets/shelves.

5.2 Employees' personnel information will be kept in lockable filing cabinets by line managers office manager and will be accessible to the Chief Executive.

5.3 Filing cabinet drawers holding confidential information should be lockable. All files containing confidential information should be labelled 'confidential'.

5.4 In an emergency situation, the Chief Executive may authorise access to files by other people.

5.5 Confidential information stored on computer will be protected by use of a password.

6 DUTY TO DISCLOSE INFORMATION

6.1 There is a legal duty to disclose some information including:

- Child abuse will be reported to the Social Services Department
- Drug trafficking, money laundering, acts of terrorism or treason will be disclosed to the police. (See separate Assist Trust procedures to prevent potential money laundering).
- In addition colleagues believing an illegal act has taken place, or that a user of Assist Trust's services is at risk of harming themselves or others, must report this to their line manager or the Chief Executive who will report this to the authorities.
- Assist Trust has a duty of care towards vulnerable adults with whom staff and volunteers have contact. All volunteers and staff have a duty of public interest to report concerns relating to adult abuse, this over rides the duty of confidentiality. (See separate Policy on Safeguarding Vulnerable Adults).
- Assist Trust has a duty of care towards children and young people under the age of eighteen. It is a requirement that any member of Assist Trust staff or any volunteer working on behalf of Assist Trust has a responsibility to pass on information and concerns regarding a child or young person who may have been or is likely to be harmed or abused, this over rides the duty of confidentiality. (See separate Policy on Safeguarding Young Persons).

Users of Assist Trust's services should be informed of this disclosure.

7. DISCLOSURES

7.1 Assist Trust complies fully with the Disclosure and Barring Service Code of practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information. (See separate Policy on the Secure Storage, Handling, Use, Retention and Disposal of Disclosures and Disclosure Information).

7.2 Disclosure information is always kept separately from an applicant's personal file in secure storage and access limited to those who are entitled to see it as part of their duties. It is a **criminal offence** to pass this information to anyone who is not entitled to receive it.

7.3 Documents will be kept up to 6 months and then destroyed by secure means. Photocopies will not be kept. However, Assist Trust may keep a record of the date of issue of a Disclosure, the name of the subject, the type of Disclosure requested, the position for which the Disclosure was requested, the unique reference number of the Disclosure, as allowed by the Disclosure and Barring Service.

8 DATA PROTECTION ACT 2018

8.1 Information about individuals, whether on computer or on paper, falls within the scope of the Data Protection Act 2018 and must comply with the data protection principles. These are that personal data must be:

- used fairly, lawfully and transparently
- used for specified, explicit purposes
- used in a way that is adequate, relevant and limited to only what is necessary
- accurate and, where necessary, kept up to date
- kept for no longer than is necessary
- handled in a way that ensures appropriate security, including protection against unlawful or unauthorised processing, access, loss, destruction or damage

Assist Trust has a separate Data Protection Act Policy.

9. BREACH OF CONFIDENTIALTY

Employees who are dissatisfied with the conduct or actions of other colleagues should raise this with their line manager as outlined in the grievance procedure.

Colleagues accessing unauthorised files or breaching confidentiality may face disciplinary action. Ex-employees breaching confidentiality may face legal action.

10. WHISTLE-BLOWING POLICY

Assist Trust has a Whistle-blowing Policy which is intended to encourage and enable staff and volunteers to raise serious concerns connected with any area within the organisation or any organisation that they come into contact with while carrying out activities on behalf of Assist Trust. The Whistle-blowing Policy applies to all employees and volunteers and is in addition to the Grievance and Complaints Policies.

11. DISPOSING OF CONFIDENTIAL MATERIAL

Colleagues are reminded that Assist Trust provides confidential waste facilities which should be used for all confidential material which is no longer required. All documentation (including printed e-mails, notes scrap paper, reports, files) that are not in the public domain should be destroyed using the confidential waste facilities provided.

Colleagues should ensure that confidential electronic information is double deleted.

12. MONITORING

The effectiveness of this policy and of confidentiality at Assist Trust will be monitored. This is done by :-

- Recording all complaints about breaches of confidentiality, which are then reported to the Governance Sub-Committee.

- Addressing issues of breaches or possible breaches of confidentiality directly with the person.

13. DATA PROTECTION

In the implementation of this policy, the organisation may process personal data and/or special category personal data collected in accordance with its GDPR and data protection policy. Data collected from the point at which this policy is invoked will only inform the organisation for the benefit of implementing this policy. All data is held securely and accessed by, and disclosed to, individuals only for the purposes of this policy. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the organisation's GDPR and data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the organisation's disciplinary procedure.

Signed and Authorised by:

Name:

Role:

Date:

Name:

Role:

Date: