



Confidentiality Policy

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Version Control

Version	Date Amended	Reason
V1.1	03/03/22	Updated job titles & dates

1. Scope

This policy applies to all trustees, staff, consultants and volunteers of Survivors West Yorkshire. The data covered by the confidentiality policy includes:

- Information about the organisation, for example, its plans or finances;
- Information about other organisations;
- Information about individuals, for example, clients, volunteers and staff whether recorded electronically or in paper form.

All trustees, staff, consultants, volunteers and others who undertake work for or on behalf of Survivors West Yorkshire must respect the need for confidentiality or information held about anyone who comes into contact with the charity, and about any charity business. This is expected to continue even when contact has ceased with this person, and when the volunteer or staff member no longer works for Survivors West Yorkshire.

This policy should be read in conjunction with the Survivors West Yorkshire's Data Protection Policy.

2. Information about individuals

Survivors West Yorkshire is committed to ensuring confidential services to all individuals. The confidentiality is between the individual and the organisation, not the members of staff delivering a particular service.

Confidential information will not be sought from a client unless expressly in the interests of that client, i.e. to enable a better service delivery.

Information will only be passed to another agency or to other individuals outside of the charity with the consent of the client, where possible, this will be written consent. If a member of staff or volunteer intends to get information from another agency to help the client or to refer them to another agency then this must be explained to the client and their permission given.

No personal information about staff, volunteers or clients will be given to any third party including a member of their family, without recorded informed consent. Information will only be divulged on a 'need to know' basis.

Information will be treated in confidence and will not be divulged to anyone outside the organisation except where extenuating circumstances exist (see below). However, in order that we can provide the best possible help to our clients it may be necessary to share information with the Director Leads or any colleagues within Survivors West Yorkshire.

All customers and clients are entitled to privacy and will be made aware that they can specifically request to be seen in private.

In no circumstances should details of a client be discussed by anyone outside of the organisation or in an open plan area in such a manner that it is possible to identify this client, this includes speaking outside the office environment on a telephone.

3. Use of client information for publicity, reporting or training purposes

Survivors West Yorkshire does need to be able to give information where appropriate about the impact of our services.

If one of our services has an outcome which would provide useful material for publicity, reporting or training purposes, then wherever possible the permission of the client will be sought in writing before the story is told to anyone else. If permission cannot be obtained, then any details that would enable identification of the client to be made will be changed.

4. Limits to client confidentiality

In certain circumstances Survivors West Yorkshire reserves the right to break confidentiality should this be deemed necessary. These circumstances include:

- If a member of staff believes that a client could cause danger to themselves or to others (including self-harm or violence)
- If a member of staff suspects abuse or has knowledge of abuse;
- If disclosure is required by law, for example, by the police (to be read in conjunction with Survivors West Yorkshire's Counselling Records Disclosure Policy);
- If a person is felt to lack the mental capacity to make a decision. In such cases staff or volunteers will discuss with a manager and they will only act in the client's best interest;
- If the client gives information which indicates a possible terrorist threat.

The decision on whether to break confidentiality will be decided on a case by case basis and always in conjunction with a member of the Senior Management Team / Information Governance Lead. The rationale and decision to breach confidentiality must be recorded clearly in the 'Running Record' as a note.

The limits to our confidentiality are governed by the Children's Act 1989 and 2004, Prevention of Terrorism Act 2005, Mental Health Act 2005 and Police and Criminal Evidence Act 1984.

Limits to confidentiality may also be extended when working from within a secure unit or the prison estate.

Access to data

This policy operates on a 'need to know' basis and apart from staff and volunteers in the office of Survivors West Yorkshire, no one will have access to client or organisational information unless it is relevant to the service or their work.

Any workers disclosing information must always be prepared to justify any decision to breach a client's confidentiality.

All clients and customers have the right to request access to all information stored about them; and have a right to see a copy of this confidentiality policy on request.

If any party concerned has a sensory or physical impairment, efforts should be made to ensure that all aspects of this policy and exchanges between parties are understood.

Significant breaches of this policy will be handled under Survivors West Yorkshire's Disciplinary procedures.

5. Evaluation and monitoring

All trustees, staff, consultants and volunteers will be given a copy of the policy when they join Survivors West Yorkshire and will sign the confidentiality statement that they will abide by this policy. Survivors West Yorkshire will ensure that all trustees, staff and volunteers are appropriately trained in the application of this policy.

The policy will be reviewed annually, and in response to changes in relevant legislation, contractual arrangements, good practice or in response to an identified failing in its effectiveness.

6. Information requests

It is possible that on occasions, particularly but not solely for the purposes of a criminal justice case, client records may need to be obtained by the Police, CPS or other parties.

All information requests will be handled by the Information Governance Lead in accordance with other policies, including but not exclusively the 'Data Protection Policy' and 'Counselling & Client Record Disclosure Policy'.

Client information will only be released with the written consent of the client and when the Contact Records Request Form has been returned (see Counselling & Client Records Disclosure Policy), except when an order of the court has been issued.

Survivors West Yorkshire process is to keep original copy in client file, 1 x copy to recipient, 1 x copy to requesting officer/CPS.

Survivors West Yorkshire will normally only release the running record of the client's engagement, unless otherwise specified (see Counselling & Client Records Disclosure Policy).

Survivors West Yorkshire will charge an administration fee of £25 for copying of records for disclosure. We aim to complete the process from request to handover within 30 days.

In the event of a client requesting their own records, known as 'subject access request (SAR)' or which they are entitled to ask for under section 7 of the Data Protection Act 1998 (DPA), an administration fee may be waived on the agreement of the Information Governance Lead and Chief Executive Officer. Only information relating directly to the individual will be permitted to be seen whilst information relating to others e.g. in a group setting, would be redacted. We aim to complete the process from request to handover within 30 days.

7. Safe Disposal of Information

Survivors West Yorkshire will dispose of all client files and information relating to an individual, both in paper and electronic form after 7 years of last contact with a client, in adherence with the Data Protection Act 1998 and as best practice as set out by the ICO.

All paper files and information will be shredded, using cross shredder, and electronic files will be permanently erased from the case management data base and backup drives.

However, anonymised statistical data that includes all individuals engaged with the service will be retained for service development, funding and reporting on.

Appendix 1
Survivors West Yorkshire
Confidentiality statement for trustees, staff, consultants and volunteers

When undertaking work for or on behalf of Survivors West Yorkshire, you will often need to have access to confidential information which may include, for example:

- Personal information about individuals who are clients or otherwise involved in the activities organised by Survivors West Yorkshire.
- Information about the internal business of Survivors West Yorkshire.
- Personal information about staff or volunteers working for Survivors West Yorkshire.

Survivors West Yorkshire is committed to keeping this information confidential, in order to protect people and Survivors West Yorkshire itself. 'Confidential' means that all access to information must be on a 'need to know' basis and properly authorised basis.

You must use only the information you have been authorised to use, and for purposes that have been authorised. You may not, during or after the termination of your employment or where required by law, share any information of a confidential nature relating to the company or its business or customers. Breach of this clause may lead to dismissal without notice.

You should also be aware that under the Data Protection Act, authorised access to data about individuals is a criminal offence. You must assume that information is confidential unless you know that it is intended by Survivors West Yorkshire to be made public and you have permission to make this information available.

You must also be particularly careful not to disclose confidential information to unauthorised people or cause a breach of security. In particular you must:

- Not compromise or seek to evade security measures (including computer passwords);
- Be particularly careful when sending information to other agencies and organisations;
- Not gossip about confidential information, either with colleagues or people outside Survivors West Yorkshire;
- Not disclose information – especially over the telephone – unless you are sure that you know who you are disclosing it to, and that they are authorised to have it.

If you are in doubt about whether to disclose information or not, do not guess.

Withhold the information while you check with an appropriate person whether the disclosure is appropriate. Your confidentiality obligations continue to apply indefinitely after you have stopped working or volunteering for Survivors West Yorkshire.

I have read and understood the above statement and the Confidentiality Policy. I accept my responsibilities regarding confidentiality.

Name	Signature	Date