

CONFIDENTIALITY POLICY

Version number:	2.3		
Author:	Clare Evans Quality & Governance Manager	Date:	05/03/19
Approved by:	Alan Hopley Chief Executive	Date:	15/12/19
Board approval confirmed:	Version 2.1	Date:	Oct 18
Update includes	<p>2.0 - Annual training requirement, link to Voluntary Norfolk Privacy Notice, general sense check and review.</p> <p>2.1 - Amendment of statement suggested by Trustees to include action for breach against non-staff and those whose relationship with charity has ended</p> <ul style="list-style-type: none"> - Extension of Declaration form to include Data Protection alongside Confidentiality, inclusion of breach notification procedure & requirement to sign declaration form on appointment <p>2.2 – Minor changes suggested by CCG following review of version 2.0 by Corporate Governance Team</p> <p>2.3 – update of job titles & data protection section 10</p>		
Next review due	June 2021		

1. Confidentiality Statement

Voluntary Norfolk is committed to providing a confidential service to all its service users and members of staff and believes that principles of confidentiality must be integrated across all aspects of the organisation to protect the interests of service users, members of staff and funding bodies and to safeguard the organisation.

Our confidentiality policy aims to establish a clear and agreed understanding of what confidentiality means within Voluntary Norfolk, to encourage uniformity and to ensure that service users, funders and members of staff know what they can expect from the organisation. Voluntary Norfolk service users are not only individuals who use the services provided by Voluntary Norfolk, its partnership projects and divisions but are also groups and organisations, which consult with Voluntary Norfolk and share with it confidential information about their agency.

The Voluntary Norfolk Confidentiality Policy and its associated duty to maintain confidentiality applies to all members of staff and continues to apply after their service or involvement with Voluntary Norfolk has ended. Any breach of confidentiality will be treated as a serious matter. If you are a current employee this may result in disciplinary action; if you have a different relationship with Voluntary Norfolk following investigation this may be terminated and even if your involvement with Voluntary Norfolk is no longer current we may consider taking legal action.

2. Definitions

In this policy, the following words and phrases have the following meanings:

Service user - includes any member organisation, client or other customer of the charity's activities, partnership projects or divisions and all visitors to Voluntary Norfolk premises.

Members of staff - includes any current or former trustee, director, employee, worker, agency worker, apprentice, intern, volunteer, contractor or consultant employed or engaged by Voluntary Norfolk.

3. General Principles

Voluntary Norfolk recognises that members of staff 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 members of staff may have to exercise common sense and discretion in identifying whether information is expected to be confidential.

This policy aims to give guidance to support members of staff in matter of confidentiality. If any doubt exists, members of staff should be cautious, maintain confidentiality and seek advice from their line manager, volunteer co-ordinator or the Data Protection Lead.

All members of staff will be required to complete confidentiality training on an annual basis and this will be reviewed on a regular basis e.g. for employees during annual performance development reviews.

Voluntary Norfolk will review the effectiveness of this policy on an annual basis by reviewing all documented grievances, complaints and significant events related to breaches of confidentiality.

3.1 Data Security

It is essential that all documentation, information and computer systems used within Voluntary Norfolk premises, 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.

Any information removed from Voluntary Norfolk premises must be at all times kept securely. This includes all data formats whether on paper, CD, DVD, disk, memory stick, laptops, desktops, on the cloud drive etc. For example, portable devices i.e. laptops, mobile phones, must be encrypted (password protected); files containing personal data must be password protected when downloaded to portable devices; laptops should not be left in cars but if absolutely necessary must be locked in the boot; paper files must be stored in a lockable briefcase; individual paper files must be used one at a time and locked away when not in use. At all times consider whether the information being removed is adequate, relevant and not excessive and remember to delete from portable devices information that is no longer required.

3.2 Required Behaviours

Members of staff:

- Must consider their responsibility to maintain confidentiality in all aspects of their work at all times - this duty of care extends outside of work and in social settings.
- Must complete annual confidentiality training either online or face to face.
- May share confidential information with their line manager, volunteer co-ordinator or the Data Protection Lead in order to discuss issues and seek advice and should not withhold information from these colleagues unless it is purely personal.
- Must avoid exchanging information or comments (gossip) about individuals and organisations with whom/which they have a professional relationship.
- Must not disclose personal information to anyone, other than their line manager, volunteer co-ordinator or the Data Protection Lead, 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.
- Must ensure confidential documents and/or information cannot be seen by people in passing e.g. when photocopying, in meetings or working on computer screens.
- Must ensure that confidential electronic information is double deleted.
- Members of staff must not share their passwords, other than to provide access to files by authorised personnel.
- Members of staff must not write down their passwords.
- Must use the provided confidential waste facilities for all confidential material which is no longer required i.e. printed e-mails, notes, scrap paper, reports, files that are not in the public domain and are no longer required.
- Must anonymise information in order to discuss situations, analysis or projects with each other or to gain a wider perspective on how to approach a problem. Identifying information e.g. names, addresses must remain confidential within Voluntary Norfolk.
- Must inform the person to whom confidentiality is owed that disclosure has or will be made, if there is a legal duty on Voluntary Norfolk to disclose information.

- Ensure any email marked Highly Confidential or Confidential and its contents remains confidential to the person it is addressed to and is not discussed or sent outside of Voluntary Norfolk either electronically or in hard copy format.
- Must seek guidance and agreement from the Chief Executive, or in their absence another member of the Senior Management Team, regarding any approach either to or from the Media. (Trustees may also seek guidance and agreement from the Chair).

All members of staff will be required to sign a Declaration of Confidentiality on appointment – see Appendix A.

3.3 Personal information

All personal data i.e. information that can identify an individual, is confidential and covered by the European General Data Protection Regulations (GDPR) and the 2018 Data Protection Act.

Members of staff must comply with the data protection principles in the Act. These are that personal information must be:

- Obtained and processed fairly and lawfully
- Held only for specified purposes
- Adequate, relevant and not excessive
- Accurate and up to date
- Not kept longer than necessary
- Processed in accordance with the Act
- Kept secure and protected
- Not transferred out of Europe

Personal data includes any information about services users, members of staff or any living individual from which they can be identified. Members of staff should read and abide by the *Voluntary Norfolk Data Protection Policy* and review the published *Voluntary Norfolk Privacy Notices* to better understand their responsibilities regarding the confidentiality and protection of personal information.

3.4 Corporate and commercial information

All corporate and/or commercial information gained during the course of working for Voluntary Norfolk or undertaking activities on behalf of Voluntary Norfolk remains confidential to Voluntary Norfolk and may only be passed to other members of staff, line managers or trustees in order to ensure the best outcomes for service users and/or the charity.

All material, data and information (intellectual property) created and collected during the course of Voluntary Norfolk activities will remain in the ownership of Voluntary Norfolk and may not be used without specific written permission from a member of

the Senior Management Team. Every member of staff must exercise their duty of care with regard to any data used in the course of their work, and ensure that the terms of this confidentiality policy and, where appropriate, the data protection policy are adhered to at all times.

Intellectual property includes data such as business contact details, database information, training course materials, published policies, procedures and other resources and more intangible assets such as business ideas, confidential knowledge and information on methods of working.

All documents that are commercially sensitive e.g. contracts, tender submissions, grant funding bids, service level agreements must be held in strict confidence. If a request is received to disclose any information from such documents, a member of the Senior Management Team must be consulted before any action is taken to release information.

Where information is personally or commercially sensitive i.e. it involves disputes or legal issues, it will be confidential to the member of staff dealing with the case, their line manager and the relevant member of the Senior Management Team. Should wider management discussion of the case be required then the personal or commercially sensitive information must be anonymised/redacted as appropriate to maintain confidentiality.

3.5 Storing Information

- General non-confidential information about organisations will be kept in unlocked filing cabinets/shelves with open access to all Voluntary Norfolk members of staff.
- Information about volunteers, and other individuals will be kept in lockable filing cabinets by those members of staff directly responsible for the secure storage of this information. These members of staff must ensure their line manager or volunteer co-ordinator knows how to gain access.
- Employees' personnel information will be kept in lockable filing cabinets by line managers and the Head of Resources & Facilities and will be accessible to the Chief Executive.
- Filing cabinet drawers holding confidential information must be lockable. All files containing confidential information must be labelled 'confidential'.
- In an emergency situation, the Chief Executive may authorise access to files by other people.
- Confidential information stored on computer will be protected by use of a password. Members of staff must keep a secure record of the passwords they use.

4. Duty to Disclose Information

On occasions there is a legal duty to disclose information including:

- Child abuse will be reported to the Social Services Department and the ISA (Independent Safeguarding Authority) via the Voluntary Norfolk Child Safeguarding Lead, their Deputy or the Lead Counter Signatory using the ISA referral form and guidance available from the ISA website.
- Drug trafficking, money laundering, acts of terrorism or treason will be disclosed to the police. (See separate Voluntary Norfolk procedures to prevent potential money laundering).

In addition members of staff believing an illegal act has taken place, or that a service user is at risk of harming themselves or others, must report this immediately to their line manager or volunteer co-ordinator and the Adult Safeguarding Lead or the Chief Executive (or in both their absence another member of the Senior Management Team), who will report it to the appropriate authorities without delay.

Voluntary Norfolk has a duty of care towards adults with care and support needs with whom members of staff have contact. All members of staff have a duty of public interest to report concerns relating to adult abuse, this overrides the duty of confidentiality. (See separate *Voluntary Norfolk Adult Safeguarding Policy*).

Voluntary Norfolk has a duty of care towards children and young people under the age of eighteen. It is a requirement that any member of staff 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 overrides the duty of confidentiality. (See separate *Voluntary Norfolk Child Safeguarding Policy*).

5. Disclosure & Barring Service (DBS)

Voluntary Norfolk complies fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of disclosures and disclosure information. (See separate *Voluntary Norfolk Policy on the Secure Storage, Handling, Use, Retention and Disposal of Disclosures and Disclosure Information*)

Disclosure information is always kept separately from an applicant's personal file in secure storage with 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.

Documents will be kept up to 6 months and then destroyed by secure means. Photocopies will not be kept. However, Voluntary Norfolk 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. Details

of the recruitment decision taken for our own staff and volunteers who are DBS checked is also kept.

6. Breach of Confidentiality

Employees who are dissatisfied with the conduct or actions of other members of staff should raise this with their line manager as outlined in the *Voluntary Norfolk Grievance Procedure*.

If you know or suspect that a breach of confidentiality has occurred, you must immediately advise your line manager and contact the Data Protection Lead.

You must retain any evidence you have in relation to the breach and you must provide a written statement setting out any relevant information relating to the actual or suspected breach of confidentiality, including:

- your name, department and contact details
- the date of the actual or suspected breach
- the date of your discovery of the actual or suspected breach
- the date of your statement
- a summary of the facts relating to the actual or suspected breach, including the types and amount of confidential information involved
- what you believe to be the cause of the actual or suspected breach
- whether the actual or suspected breach is ongoing
- who you believe may be affected by the actual or suspected breach.

You must then follow the further advice of the Data Protection Lead and/or your Line Manager. You must never attempt to investigate the actual or suspected breach yourself and you must not attempt to notify those potentially affected by the breach.

Any breach of confidentiality will be treated as a serious matter. If you are a current employee this may result in disciplinary action; if you have a different relationship with Voluntary Norfolk following investigation this may be terminated and even if your involvement with Voluntary Norfolk is no longer current we may consider taking legal action.

7. Whistle-blowing Policy

Voluntary Norfolk has a Whistle-blowing Policy which is intended to encourage and enable members of staff 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 Voluntary Norfolk. The Whistle-blowing Policy applies to all employees and volunteers and is in addition to the Voluntary Norfolk Grievance and Complaints Policies.

8. Disposing of Confidential Material

Voluntary Norfolk provides confidential waste facilities which must be used for all confidential material that is no longer required. All documentation (including printed e-mails, notes, scrap paper, reports, files) that are not in the public domain must be disposed of using the confidential waste facilities provided.

Members of staff must ensure that confidential electronic information is double deleted.

9. Key contacts & responsibilities

The Trustees have overall responsibility for ensuring implementation and adherence to this policy. On a day to day basis this responsibility is delegated to the Chief Executive.

The Chief Executive is authorised to use his/her discretion in the operation and implementation of this policy and associated procedures; subject to reporting any substantive changes to the Board of Trustees and/or the relevant Sub-committee as appropriate.

The Data Protection Lead is Quality and Governance Manager, Clare Evans, who can be contacted as follows:

Email: clare.evans@voluntarynorfolk.org.uk

Telephone: 01603 883802

Post: St Clements House, 2-16 Colegate, Norwich, NR3 1BQ

10. Data Protection

In the implementation of this policy, Voluntary Norfolk may process personal data and/or special category personal data collected in accordance with our Data Protection policy. Data collected from the point at which this policy is invoked will only inform the charity 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 personal data constitutes a data breach and should be reported in accordance with the organisation's data protection policy immediately. For current employees this conduct may amount to a gross misconduct offence under Voluntary Norfolk's disciplinary procedure and could lead to summary dismissal; for those with a different relationship with Voluntary Norfolk following investigation this may be terminated and even if involvement with Voluntary Norfolk is no longer current we may consider taking legal action.

Appendix A



Statement of Confidentiality

Voluntary Norfolk is committed to providing a confidential service to all its service users and *members of staff and believes that principles of confidentiality and data protection must be integrated across all aspects of the organisation to protect the interests of service users, members of staff and funding bodies and to safeguard the organisation.

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The Voluntary Norfolk Confidentiality and Data Protection Policies apply to all members of staff and continues to apply after their service or involvement with Voluntary Norfolk has ended. Any breach of confidentiality or data protection will be treated as a serious matter. If you are a current employee this may result in disciplinary action; if you have a different relationship with Voluntary Norfolk following investigation this may be terminated and even if your involvement with Voluntary Norfolk is no longer current we may consider taking legal action.

* **Members of staff** - any former or current trustee, director, employee, worker, agency worker, apprentice, intern, volunteer, contractor or consultant employed or engaged by Voluntary Norfolk.

Declaration of Confidentiality

I have read and understood the Confidentiality Policy and the Data Protection Policy and agree to conform to the objectives and requirements outlined therein.

Signed:

Name (block capitals):

Role:

Date:

Please return the completed form to Clare Evans, Quality & Governance Manager at St Clements House, 2-16 Colegate, Norwich, NR3 1BQ or via email to clare.evans@voluntarynorfolk.org.uk