

Confidentiality & Data Protection Policy & Procedure

Related policies/procedures:

Introduction:

Westway Open Arms recognises that colleagues (employees, volunteers, trustees, secondees and students/ordinands) gain information about individuals and organisations during the course of their work or activities. In many cases such information will not be stated as 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

Policy & Procedure:

1. General principles

- 1.1. Colleagues are able to share information with their line manager in order to discuss issues and seek advice.
- 1.2. Colleagues will avoid exchanging personal information or comments about individuals with whom they have a professional relationship.
- 1.3. Talking about the private life of a colleague is to be avoided at all times, unless the colleague in question has instigated the conversation.
- 1.4. Colleagues will avoid talking about organisations or individuals in social settings.
- 1.5. 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 a manager, in the case of an organisation.
- 1.6. 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. The organisation's consent must be sought before discussing the situation, unless the colleague is convinced beyond doubt that the organisation would not object to this. Alternatively, a discussion may take place with names or identifying information remaining confidential.
- 1.7. Where there is a legal duty on Westway Open Arms to disclose information, the person to whom the confidentiality is owed will be informed that disclosure has or will be made.

2. Why information is held

- 2.1. Most information held by Westway Open Arms relates to individuals, voluntary and community organisations, self-help groups, volunteers, students, employees, trustees or services that support or fund them.
- 2.2. Information is kept to enable Westway Open Arms colleagues to understand the history and activities of individuals or organisations in order to deliver the most appropriate services.

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- 2.3. Westway Open Arms has a role in putting people in touch with voluntary and community organisations and keeps contact details which are passed on to any enquirer, except where the group or organisation expressly requests that the details remain confidential.
- 2.4. Information about students is given to the training organisation and the college, but to no one else.
- 2.5. Information about ethnicity and disability of users is kept for the purposes of monitoring our equal opportunities policy, for health & safety purposes, and also for reporting back to funders.

3. Access to information

- 3.1. Information is confidential to Westway Open Arms as an organisation and may be passed to colleagues, Service/line managers or trustees, in accordance with the above guidelines, to ensure the best quality service for users.
- 3.2. Where information is sensitive, i.e. it involves personal sensitive information, disputes or legal issues, it will be confidential to the person dealing with the case and their Service/line manager. Such information should be clearly labelled 'Confidential' and should 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.
- 3.3. Colleagues will not withhold information from their Service/line manager unless it is purely personal.
- 3.4. Users/Clients may have sight of Westway Open Arms records held in their name or that of their organisation. The request must be in writing to the Director giving 14 days' notice and be signed by the individual, or in the case of an organisation's records, by the Chair or Vice Chair of Trustees. Sensitive information as outlined in para 3.2 will only be made available to the person or organisation named on the file.
- 3.5. Volunteers / employees may have sight of their personnel records by giving 14 days' notice in writing to the Director.
- 3.6. When photocopying, printing or working on confidential documents, colleagues must ensure people passing do not see them. This also applies to information on computer screens.

4. Storing information

- 4.1. All information and data, including drafts, must be stored **only** at Westway Open Arms, or otherwise on the official Westway Open Arms computerised storage system. Keys to confidential areas must be recorded when issued. Personal Passwords must not be used on individual documents. The Director must have access to all of the charity data and information at all times. External hard drives and/or USB devices, or personal computing equipment must not be used to store or process any of the charity's data or information.

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- 4.2. General non-confidential information about organisations is kept in unlocked filing cabinets and in computer files with open access to all Westway Open Arms colleagues.
- 4.3. Personnel information on employees, volunteers, students and other individuals working within Westway Open Arms will be kept in lockable filing cabinets by Service/line managers and will be accessible to the Director.
- 4.4. Files or filing cabinet drawers bearing confidential information should be labelled 'confidential'.
- 4.5. In an emergency situation, the Director may authorise access to files by other specified people.

5. Duty to disclose information

- 5.1. There is a legal duty to disclose some information including:
 - 5.1.1. Child abuse to be reported to the Social Services Department
 - 5.1.2. Drug trafficking, money laundering or acts of terrorism to be disclosed to the police.
- 5.2. In addition colleagues believing an illegal act has taken place, or that a user is at risk of harming themselves or others, must report this to the Director or Senior Person on Duty who will ensure that it is reported to the appropriate authorities.
- 5.3. Users/clients should be informed of this disclosure.

6. Disclosures

- 6.1 Westway Open Arms complies fully with the Disclosure and Barring Code of practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information.
- 6.2 Disclosure information is always kept separately from an applicant's personnel 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.
- 6.3 Documents will be kept for a year and then destroyed by secure means. Photocopies will not be kept. However, Westway Open Arms 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 and the details of the recruitment decision taken.

7. Data Protection Act

- 7.1. Information about individuals, whether on computer or on paper, falls within the scope of the The Data Protection Act 2018, which is the UK's implementation of the General Data Protection Regulation (GDPR), and must comply with the data protection principles. These are that personal data must be:

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- 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.

7.2 Sensitive personal data is defined as information relating to any of the following: racial or ethnic origin, political opinions, religious beliefs, trade union membership, health, sexuality or sex life, offences and/or convictions.

8. Breach of confidentiality

- 8.1. Employees or volunteers who are dissatisfied with the conduct or actions of other colleagues or Westway Open Arms should raise this with their line manager using the grievance procedure, if necessary, and not discuss their dissatisfaction outside Westway Open Arms with anyone not officially involved.
- 8.2. Colleagues accessing unauthorised files or breaching confidentially may face disciplinary action.

9. Whistle blowing

- 9.1. Where the Treasurer has concerns about the use of Westway Open Arms funds, he or she may refer directly to the Chair or Vice Chair of Trustees outside the usual grievance procedure.
- 9.2 All colleagues hold the right to inform either his or her manager or one of the trustees if they believe that Westway Open Arms is being brought into disrepute by the actions of another colleague or trustee.

Review Plan: This policy & procedure will be reviewed by the 5 yearly review date shown below. The review process will be decided, actioned, and documented by the relevant departmental or sub-committee lead person.

Recommendations for changes arising from review will then be discussed, agreed and incorporated into the procedure and communicated to those concerned, including the Chair of the Board of Trustees.

Originator:	Governance & Compliance Trustee
Approved by:	Charity Director / Chair of Trustees
Date of approval:	October 2015
Review Date Due (5 yearly):	
Reviewed:	August 2021

Source Material: (eg. Charity Commission)

CONFIDENTIALITY AGREEMENT

This Confidentiality Agreement is between:

WESTWAY OPEN ARMS (Registered Charity Number 1153919)

And

NAME OF VOLUNTEER / TRUSTEE/ EMPLOYEE

While working with or employed by Westway Open Arms, in any capacity:

- a. You will receive or become aware of personal, financial and project information etc relating to its donors, clients, including identity, partners and beneficiary groups, systems and buildings, which is considered to be confidential to Westway Open Arms or the owner of that information.
- b. You are given access to this information in order that you may carry out your duties working with /at or volunteering with Westway Open Arms.

It is hereby agreed:

1. While working with Westway Open Arms in any capacity, and also after termination or cease (however caused) of work, you will observe strict confidentiality as to the affairs of Westway Open Arms. This particularly covers client identity and personal information, information on Westway Open Arms Database, partners and projects, systems and security. The same level of confidentiality must be followed for any Westway Open Arms information that you have at any time in your personal possession away from the charity.
2. You will at all times abide by all of the principles and requirements of the current Confidentiality & Data Protection Policy & Procedure (of which this form is a part).

Employee / Volunteer /Trustee Statement:

I acknowledge that I have read and understood the principles and requirements of the Confidentiality & Data Protection Policy & Procedure and that I accept and agree to abide by these during and after my association with Westway Open Arms.

Signed:

Print Name:

Date: