



RADCLIFFE-ON-TRENT COMMUNITY YOUTH PROJECT CONFIDENTIALITY POLICY

Radcliffe-on-Trent Community Youth Project
Chair: Rosie Luce
www.rotcyp.org
A Company Registered in England & Wales: 7108896
Registered Charity Number: 1135489

1 General Principles

Radcliffe-on-Trent Community Youth Project (ROTCYP) recognises that colleagues (staff, volunteers, students, apprentices, 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 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 the trustees.

1. Information received by ROTCYP, as part of the services it provides, will be considered to be information for ROTCYP to share with colleagues and use to deliver its aims and objectives.
2. Colleagues should inform groups, organisations or individuals why they are requesting information and explain the purpose of storing and using this information. Colleagues should ask permission to keep and use this information.
3. Colleagues are able to share information with the trustees in order to discuss issues and seek advice. Colleagues will not disclose to anyone, other than the trustees, 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.
4. Colleagues should avoid exchanging personal information or comments (gossip) about individuals with whom they have a professional relationship.
5. Colleagues should avoid talking about organisations or individuals in social settings.
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.
7. If colleagues receive information from individuals outside of ROTCYP regarding the conduct of a colleague or group, then this should be dealt with sensitively. The appropriate colleague should tell the individual about the Complaints Procedure and advise them accordingly.
8. If members of staff, volunteers or trustees 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 trustee under the Whistleblowing Procedure. Any allegation, which is found to be malicious, or ill-founded, will be dealt with by ROTCYP under the Disciplinary Procedure.

9. Where there is a legal duty on ROTCYP to disclose information, the person that is affected will be informed that disclosure has or will be made, unless an exception applies e.g. circumstances under child or adult safeguarding procedures.

2 Why information is held

- 2.1 Most information held by ROTCYP relates to individuals or people using our services, members, staff, volunteers and trustees.
- 2.2 Information is kept to enable ROTCYP colleagues to understand the needs of individuals or people using our service 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 Access to information

- 3.1 Information is confidential to ROTCYP as an organisation and may be passed to colleagues or trustees to ensure the best quality service for people who use our services.
- 3.2 Where information is sensitive, i.e. it involves disputes or legal issues; it will be confidential to the trustees, colleague dealing with the case and their 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 the trustees unless it is purely personal to them and not business related.
- 3.4 People who use our services may see ROTCYP records which relate to them or their organisation (i.e. a subject access request). The request must be in writing to the Board of trustees giving forty calendar days' notice. ROTCYP may charge upto £10 for this request¹. The letter must be signed by the individual, or in the case of an organisation's records, by the Chair or Executive Officer or Manager.
- 3.5 Sensitive information as outlined in point 3.2 will only be made available to the person or organisation named on the file.
- 3.6 Members of staff or volunteers may see all of their personnel records by giving 14 working days' notice in writing to the Board of trustees.

¹ See, <https://ico.org.uk/for-organisations/guide-to-data-protection/principle-6-rights/subject-access-request/>

3.7 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.

3.8 Where possible, encrypted computers should be used but if not available, confidential documents should be password protected. Passwords should never be sent by email in the same email as the document itself.

4 Storing information

4.1 General non-confidential information about organisations is available to all ROTCYP colleagues and is available on the ROTCYP website.

4.2 Information about volunteers, interns and other individuals will be kept in a locked filing cabinet by the colleague directly responsible. Colleagues must ensure trustees know how to gain access.

4.3 Files or filing cabinet drawers bearing confidential information should be labelled 'confidential'.

4.4 In an emergency situation, the trustees may authorise access to files by other people.

4.5 Ensure confidential documentation or personal data is shredded before putting in the recycling bins.

5 Duty to disclose information

5.1 ROTCYP has a legal duty to disclose some information including:

5.1.1 Adult or Child abuse or Safeguarding e.g. domestic abuse and violence, child sexual exploitation concerns will be reported in line with the safeguarding procedures for example, the Multi Agency Safeguarding Board (MASH)/Early Help Unit.

5.1.2 Drug trafficking, money laundering, acts of terrorism or treason, modern slavery and harmful behaviours that can cause harm to others or to the person themselves will be disclosed to the police and or, health and/ or educational professional as appropriate.

5.2 In addition, colleagues believing an illegal act have taken place, or that a user is at risk of harming themselves or others, must report this to the trustees who will report it to the appropriate authorities as indicated in 5.1.1 and 5.1.2.

5.3 If safe to do so, ROTCYP should inform the users of this disclosure.

6 Disclosures

- 6.1 ROTCYP complies fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information.
- 6.2 ROTCYP will request pre-employment Disclosure and Barring Service (DBS) checks for new employees and volunteers whose posts involve contact with vulnerable children or adults, as specified by the Disclosure Guidance. Since 2015/16, outcomes of the DBS information is now sent directly to the applicants, original copies must be seen by ROTCYP and copies provided to ROTCYP.
- 6.3 ROTCYP will clearly state the need for, and level of, Disclosure on the recruitment advert.
- 6.4 Disclosures in the application copies must be provided to ROTCYP so that they keep within the 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.
- 6.5 Documents will be kept for a year and then destroyed by secure means for unsuccessful applicants. Photocopies will not be kept. However, ROTCYP may keep a record of the date of issue of a Disclosure, the name of the subject, the type of Disclosure requested, and the position for which the Disclosure was requested, the unique reference number of the Disclosure and the details of the recruitment decision taken.
- 6.6 Successful applicants' copies will be kept in their personal file and continue to be subject to the Data Protection Act.

7 Data Protection Act

- 7.1 Information about individuals, whether on computer or on paper, falls within the scope of the Data Protection Act and must comply with the data protection principles.

These are that personal data 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 individuals' rights under the Act
- Kept secure and protected
- Not transferred to other countries without adequate protection

7.2 ROTCYP will ensure that it complies with all aspects of the Data Protection Act. Please refer to ROTCYP Data Protection Policy for detailed information on how we will do this.

8 Breach of confidentiality

8.1 Colleagues who are dissatisfied with the conduct or actions of other colleagues or ROTCYP should raise this with the trustees using the grievance procedure, if necessary, and not discuss their dissatisfaction outside ROTCYP.

8.2 Colleagues accessing files without authorisation or breaching confidentiality may face disciplinary action. Ex members of staff, volunteers or trustees breaching confidentiality may face legal action.

9 Whistleblowing

9.1 Any colleagues who have concerns about the use of ROTCYP funds, or any practice by any employee must comply with the requirements of the Whistleblowing Policy.

This policy was approved by: Radcliffe-on-Trent Community Youth Project at a Trustee Board meeting on Tuesday 8th September 2016.

Review date: September 2018