



Subject	Confidentiality Policy
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### Policy Statement

The purpose of this policy is:

- To ensure the highest respect for staff, volunteers, client, and beneficiary information.
- To take reasonable steps to protect all beneficiaries' staff, volunteers, those connected with the activities of the charity and who come into contact with the charity from harm.
- To provide guidance to employees and volunteers on the extent to which confidentiality is to be preserved, circumstances in which they may breach confidentiality, and measures to be taken for the safeguarding of information.
- This policy is not applicable to the personal data of Life supporters held on the supporter database which is covered by Life's Privacy Notices. The treatment of supporter data is set out in the GDPR Policy.

This policy should be read in conjunction with Life's GDPR and Data Protection Policy and Life's Safeguarding Policy.

This policy covers not only information given at the free will of the individual but also information acquired accidentally or through observation, and third-party information.

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## Scope

This policy applies to all Life Staff, Trustees, volunteers, investors and contractors who may have access to confidential information. Any breach of the policy is likely to constitute a serious disciplinary matter for the individual concerned as implication may cause serious damage to the reputation and standing of the charity. This could constitute gross misconduct for which an offending employee may be dismissed without notice and a volunteer asked to step down or re-train depending on the decision of their Line Manager.

## Confidentiality

To protect confidentiality, we will keep confidential information secure. Only staff and volunteers with a "need to know" reason will have access to said information. This includes client records which will:

- Be recorded on Pregnancy Matters™ paperwork or on digital platform forms which are governed by our association with B.A.C.P and GDPR.
- Be kept in line with B.A.C.P Code of Ethics.
- Be given an individual unique identification number to help secure confidentiality
- Not be passed on to anyone outside of the charity, unless a legally justifiable need arises.
- Always try to gain consent when a need arises to share information.
- Ensure all Life Staff and volunteers receive compulsory GDPR training in line with their role with us. GDPR training will be refreshed for all every two years. All other relevant training around confidentiality will be conducted in line with departmental needs.

It is important to recognise that we cannot ensure complete confidentiality. There may be occasions when we might have to break confidentiality in the interest of safety, such as immediate risk to life or welfare of an individual(s). We would always aim to discuss this with the individual(s) first, but this cannot be guaranteed.

## Care of information

All sensitive and confidential information around staff, volunteers, clients, and beneficiaries is stored securely. Paper records are kept within a locked cabinet. All database systems that are in operation adhere to modern security protocols.

Life staff and volunteers will take care:

- To ensure confidentiality when discussing all confidential information with others in the work environment. For example: on the telephone, in meeting with client
- Not to leave information on general show when not in use. All paper copies of information are to be locked away immediately after use. Online documents must be logged out of after use with any download of documents being deleted so no trail of confidential information is left accessible.
- To keep records which include no more than the minimum information required.

Life staff and volunteers are educated to understand that when referring to records, legally this also includes:

- Diaries in which appointments are made.
- Any surviving jottings on sticky notes or scrap paper made before client notes are fully completed.
- Client drawings or writing made in any sessional work.
- Reviews and reports
- Emails
- Notes prepared in readiness for supervision.
- Any audio, video, recorded telephone messages that are in existence.
- WhatsApp and Text messages

All confidential records regarding staff, volunteers, clients, and beneficiaries should stay within a Life premise or Life server – e.g.: The Box, Omni ledger. In certain cases, it may be necessary for staff to take information off site. Necessary actions should be taken to safeguard any confidential documents e.g., coded lock box. Discuss this issue with your line manager if further clarification is needed.

#### Destroying confidential documents and information

All records and information must be destroyed or deleted when they are no longer required, in line with Life retention policies. Please refer to Life's GDPR Policy.

#### Circumstances in which confidentiality may be breached

We cannot guarantee complete confidentiality due to certain legal obligations upon us to ensure the safety and protection of individuals or protection of the Charity. Legal and statutory requirements affecting Life include, but are not limited to:

- Reporting accidents at work, in certain circumstances, to the Health and Safety Executive.
- Replying to certain specific enquiries from Government Departments e.g., Dept. of Employment, Dept. of Social Security, or the Inland Revenue. Not all such enquiries are covered by statutory requirements so a check on the legal status of the request will be made before supplying information.
- Providing names of residents of a house in multiple occupation for Council Tax purposes if Life is designated as the "responsible person".
- Reporting information regarding terrorist activities, drug or person trafficking or money laundering (Drug Trafficking Act 1994, Serious Crime Act 2015, Money Laundering and Terrorist Financing (Amendment) Regulations 2022)
- Where Safeguarding legislation and Safeguarding concerns take priority (Please see Life Safeguarding Policy).
- Giving evidence in court if a subpoena is issued for client records.
- Reporting notifiable diseases to the Director of Public Health where appropriate.

## Breaking Confidentiality

### Consent to break confidentiality

Consent is the approval or agreement for information to be shared with a third party. For consent to be legally valid, the individual must be informed, must have the capacity to make the decision in question and must give consent voluntarily. This means individuals should know and understand how their information is to be used or shared and they should understand the implications of their decision, especially where it may affect the ability of the charity to support them or their relationship with the Charity afterwards. This applies to both explicit and implied consent.

*Explicit Consent* – is unmistakable. It can be given in writing or verbally or conveyed through another form of communication such as signing. A person may have capacity to give consent but may not be able to write or speak. Explicit consent is required when sharing information with people who do not have access to a person's confidential information that you are responsible for, or if consent is being sought for using the information you hold for a different purpose than when it was originally required. It may also be needed when sharing information around a third party.

*Implied Consent* - This is where consent from the individual is not expressly spoken or written but can be taken as understood, for example nodding agreement or accepting care from someone.

Although the person has not given verbal or written consent, circumstances exist that would cause a reasonable person to believe the other had consented. The process of informing the person and seeking consent need not be followed where the consent of the person concerned can be implied, for example where a reference is requested, where the Dept. of Employment asks for information about a former employee in order to pay benefit or when a client has signed a disclaimer on a referral form.

### Breaching Confidentiality

Breaching Confidentiality is the disclosure of information to someone without the consent of the person who owns it. Life recognises that occasions may arise where there needs to be a breach in confidentiality because:

- Life owes a "duty of care" to staff, volunteers, clients, and beneficiaries. It may therefore be necessary to break confidentiality in cases where a person is acting, or likely to act in a way that could cause serious harm to themselves or put others at risk.
- Life has a legal obligation towards children and adults at risk of harm. If staff or volunteers know or suspect that a child or an adult at risk may be in danger of harm, they have a duty to inform the relevant safeguarding boards and service(s).
- We have a duty in the public interest not to withhold from the police, especially information concerning criminal activity of a serious nature. This should preferably be done with the

knowledge of the person concerned and whenever possible with their cooperation but there may be circumstances where the risk to others is too great for this to be advisable or possible.

### Sharing Information

Where it is thought necessary to share information with another individual or organisation this will be assessed based on their application and full consideration of whether there is a legal duty to disclose information. Where possible the individual(s) will be advised verbally that information has been requested and by whom. Where possible the consent of the person(s) about whom the request has been made will be sought.

Where there is a legal duty to pass information to others, such information will only be passed after discussion and approval of managers and directors of departments. Staff are not permitted to pass on such information without this approval. In the absence of an individual department lead the CEO's agreement will be sought. Where there is no legal obligation but there may be a duty of care to pass on information, the decision whether to do so will remain a decision of the Departmental lead or a necessary need for example - due to Safeguarding concerns. All decisions made will be recorded in the appropriate records to show why and how decisions to share or not to share were reached.

Points for consideration are:

- Is the risk a real one?
- How great is the danger to self or to another person?
- Will the breach of confidentiality avoid the harm?
- Is there any other way to mitigate the risk?

Where it is decided that information must be passed on to another individual or organisation the basis for disclosure must be clear and unambiguous. Those disclosing the information must first have an understanding as to the intended use for the information and by whom it was requested.

Requests from statutory bodies must be submitted in writing, even when there is a legal obligation on Life to comply with the request.

### Complaints

People who wish to make a complaint about an aspect of Life, its services, employees or volunteers may be concerned about the confidentiality of information they are giving. The preservation of confidentiality will be given high priority, subject to the exceptions listed above in section 5 and/or if it is necessary to breach confidentiality to fully investigate the complaint. The permission of the complainant will always try to be sought for this but in cases where the welfare of any individuals involved in a complaint is seriously at risk it may be necessary to breach confidentiality even if that permission has not been given.

### Access to information

Clients have a right to access their personal files. All requests to access information must be received in writing. Access must be granted under supervision in order to protect the confidentiality of other people's files and/or third-party information. An appointment will be made to allow appropriate staff to be present to answer any questions that may arise. The appointment must take place on Life premises. Paper files may not be removed from Life premises, but documents may be photocopied, on request.

When a letter about an individual is written to Life by a professional or carer the writer should be informed that the client is permitted access to his/her file and their advice sought on what action they wish Life to take. This could include returning the letter to the sender or, in exceptional cases, keeping the letter in a separate confidential place.

### Disciplinary Consequences

Employees who do not respect Life's confidentiality policy may face disciplinary procedures and possible legal action.

In line with Life's Volunteer Code of Conduct any volunteer that commits a serious breach of the confidentiality policy may be required to step down from their volunteer position.

We will investigate every breach of this policy. Life will have the right to terminate any employees contract in line with our Disciplinary Policy or dismiss any volunteer who wilfully or regularly breaches these confidentiality guidelines especially for personal profit.

Employees or volunteers should not:

- Use confidential information for any personal benefit or profit.
- Disclose confidential information to anyone outside of the charity.
- Replicate or change confidential documents or files without Departmental Heads permission.
- Use insecure devices for viewing confidential information.
- When no longer working for the charity, the individual is obliged to return any confidential files or information

### Whistleblowing

Whistleblowing is a term used to refer to the disclosure by employees or volunteers of malpractice either internally or externally, as well as illegal acts, or omissions at work. Whistleblowing is viewed by Life as a positive act that can make a valuable contribution to the charity's efficiency and long-term success. Please refer to Life's Whistleblowing Policy. It is not disloyal to colleagues or to Life to speak up. We are committed to achieving the highest possible standards of practice. To help achieve these standards we encourage freedom of speech.

Legislation which guides this document.

- Children Act (1989) 2004
- Drug Trafficking Act 1994
- Care Act 2014 (updated January 2023)
- Serious Crime Act 2015
- Money Laundering, Terrorist Financing Regulations 2017
- Mental Capacity (Amendment) Act 2019
- The Public Interest Disclosure Act 2020
- Human Rights Act 1998
- Health & Safety at Work Act 1974
- Sexual Offences Act 2003 (updated March 2023)
- GDPR and Data Protection Act 2018
- Please be aware separate Acts apply to Northern Ireland, Scotland, Jersey, and Isle of Man.

## Life- GDPR compliance

o This policy does not concern the collection, storage or processing of any personal data, nor does it affect any other policies or systems that concern personal data.

(If you have highlighted the above there is no need to complete the rest of this declaration)

1. I have read and understood the Life GDPR Policy and confirm that the Policy above fully complies with it in all areas.

2.

	Lawful Basis for this Policy:	Add 'yes' to which one(s) apply
a	Consent	
b	Contract	Yes
c	Legal Obligation	Yes
d	Vital interests	
e	Public Tasks	
f	Legitimate Interests	
g	Special Category (e.g., Children's data)	
	Please state the purpose for special category:	

3.

	I confirm that all personal data is:	Add 'yes' to which one(s) apply
a	Held only in the locations detailed in this Policy	Yes
b	Used only for the purposes stated	Yes
c	Held securely	Yes

4.

	By signing this Policy, you are agreeing to the following:
a.	A Data Processor Agreement is in place with all external organisations (Data Processors) who are in receipt of personal data under the terms of this Policy
b.	The relevant Policy Notices under this Policy have been published in an appropriate manner.

5.

	The person(s) responsible for data protection covered by this Policy are: (List Persons below)	Insert Date
	Liz Lloyd	01/07/2023



6. As the above-named person, I confirm that this Policy complies with the Data Protection Act 2018

Signed *Liz Lloyd*

Name: Liz Lloyd

Date: 01 July 2023

Note: Life has chosen not to appoint a Data Protection Officer which is permitted under GDPR and so this responsibility is devolved to the appropriate person named under this Policy.