



## Confidentiality and Data Protection Policy

### Voluntary & Community Organisation

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## **Confidentiality and Data Protection Policy**

### **General principles and scope of the policy:**

#### **General principles**

The Yemeni Community Association (YCA) recognises that employees, volunteers and committee members use information about individuals and the organisation during the course of their work. In most cases, information will not be stated as confidential and it will be necessary to use common sense and discretion in deciding whether information is expected to be confidential. This policy aims to give guidance but if in doubt, seek advice from the management committee.

Employees, volunteers and committee members are able to share information with the Chairman or whom necessary to discuss and seek advice. However, staff should avoid talking about organisation's or individuals in social sittings.

Employees, volunteers and committee members will not discuss to anyone other than the management committee 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.

#### **The Scope of this policy**

The scope of the policy applies to the following areas:

- The provision of advice and support services
- The recruitment, employment, training, and work related activities of paid and voluntary members
- The development of the YCA's image and public relations
- The YCA's project's contact and working relationships with other agencies, organisations, business and contractors

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- The clients forum and all initiatives in which clients participate

The scope of this policy covers confidential information including:

- Details of a client's support issues, assessment information, any breaches, criminal records, medical records, CRB forms, employment records and personal contact details
- Employees, committee member, and volunteer personal files, personal salary and expense details, supervision/appraisal/disciplinary records, job application forms and references, training records and other work related issues, home addresses and personal phone numbers
- Paper work faxes emails and details from discussions from the YCA management, and committee meetings, public forum meetings and any that may occur.

### **Policy Statement**

The Yemeni Community Association is committed to best practices and will act responsibly and with integrity when handling personal information and data.

All clients and ex-clients, applicants, committee members, employees and volunteers will be informed of the YCA's 'Confidentiality & Data Protection Policy' at the earliest opportunity and the YCA will strive to ensure it has been clearly understood.

The YCA will only seek and keep information that is required for some specific purpose and that is adequate, relevant, up-to date, accurate not excessive for that purpose and that will be accessible only to those staff who need it to carry out their work.

Generally, individuals must give their informed consent before any information is shared or disclosed outside of the YCA. Breaches of confidentiality without consent should be exceptional and only if required by law, court order, or where overriding health and safety considerations apply.

Current and former clients, service users, and employees, volunteers and management committee members have a right to reasonable access to any file about them held by the YCA

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and to correct any inaccuracy in it. Information can only be withheld from an individual for the following reasons:

- There is information that relates to, or is from, a third party, who has not given their consent for access to such information.
- Or such information that is subject to legal privilege

Information will not be kept longer than necessary and destroyed when no longer required

Any organisational information that is not specifically confidential will be openly available.

### **What Information is confidential**

- All employees, volunteers, applicants and management committee members, personal files, salary details, supervision and appraisal notes, application forms and references
- All forms of communication internal and externally sent, including emails in which information about YCA affairs and any persons personal details and issues.
- All clients, both current and former, including details of support issues
- Interview notes and supporting information and assessment information
- Home addresses and personal phone numbers of clients, applicants, volunteers, staff and management committee members.

**PLEASE NOTE THIS LIST IS NOT EXHAUSTIVE.**

### **Procedures:**

#### **Gathering of Information**

The YCA is responsible for collection of information on all applicants to assess their eligibility/suitability

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The YCA will only approach third parties (other agencies, e.g. CRB and former employers) for information that is relevant to:

- a) Supporting a casual employee register application
- b) Supporting a paid job application
- c) Supporting an application to volunteer with the YCA
- d) Supporting an application to join the YCA Management Committee.

All applications for further information are normally made with an individual's consent. It should be noted that if consent is denied, the YCA may not be able to progress with, for example, a job/volunteering application, and that application may then fail.

Some personal information is kept on computer for service monitoring purposes and is covered under the Data Protection Act. Client database records and forms are also strictly confidential and are to be secured and kept out of view.

Personal information relating to clients is similarly of a highly confidential nature and is to be secured and kept out of view. This includes information relating to individual clients' issues.

### **Access to information**

Information is confidential to the YCA as an organisation and may be passed to staff, line manager or Trustees to ensure the best quality of service for users.

Current or former clients, applications, employees, volunteers and management committee members have the right to reasonable access to any file held about them by the organisation. Requests for such access should be made in writing and will be dealt with within two working weeks from the date of application.

Information received from or about third parties will be kept separately within personal files. Some third parties may have specifically given the information with the proviso that it was not to be disclosed to the person it referred to, and this is to be respected.

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Individuals with a right to access may request access to their files verbally. The file may be viewed once the third party information has been removed. If the individual wishes to have access to the third party information, the YCA will make contact with the relevant parties and seek their permission to disclose the information. Case notes and documentation held on file is the property of the YCA and may not be removed by the client or taken out of the office. Permission may be given to photocopy information, following consultation with the YCA. This process will be supervised.

### **Disclosure of Information**

At the beginning of a relationship with a service user, a member of the YCA team will explain the YCA policy on confidentiality. It will be made clear that there are exclusions from the general policy of not disclosing information without the client's permission.

Information will be shared between the YCA's employees, volunteers and committee members purely on a 'need to know' basis, i.e. information that is required to fulfil specific job functions and to assure risks to personal safety are managed. As such, there will be different levels of disclosure.

In order that employees, volunteers and committee members are fully supported and supervised, confidential information disclosed to employees, volunteers and committee members is to be shared with their Line Manager. Generally, disclosure to other persons or agencies will be made with the informed consent of the person to whom the information relates.

There is a legal duty to disclose some information:

- a)** Child abuse will be reported to the social services
- b)** Drug trafficking, money laundering, acts of terrorism or treason will be disclosed to the Police
- c)** If the health, safety, security or welfare of the client or others may be seriously compromised, the YCA has a moral duty to act appropriately on any information in its possession. Disclosure to the authorities or other agencies or individuals would only be

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made after careful and thorough consideration and would only be appropriate in exceptional circumstances.

### **Storage of Information :**

Applications forms and supporting information are to be treated as strictly confidential and are to be kept in a secure place out of view. Special care is to be taken with information coming in via fax or photocopying documents.

Information about users is kept in lockable filing cabinets and cupboards, as well as password protected computers.

Employees, personnel information will be kept in lockable filing cabinets. Files or filing cabinets drawers bearing confidential information should be labelled 'confidential'. In emergency situations, the YCA may authorise access to files by other people.

### **Data Protection Act**

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

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 the Act
- Kept secure and protected
- Not transferred out of Europe

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### **Breach of Confidentiality**

Employees, who are dissatisfied with the conduct or actions of other staff, should raise this with the management committee using the grievance procedure, if necessary and not discuss their dissatisfaction outside the YCA.

Employees, volunteers and committee members accessing unauthorised files or breaching confidentially may face disciplinary action. Employees, volunteers and committee members breaching confidentiality may face legal action.

### **Whistle blowing**

Where a member of staff has concerns about the use of YCA funds, he or she may refer directly to the YCA outside the usual grievance procedure.

Name(Printed):	Position:
Signature:	Date:

Name(Printed):	Position:
Signature:	Date:

**Last reviewed November 2015**