

# 01. Confidentiality & Data Protection

## 1. Purpose of Policy

- i. Confidentiality refers to the right of individuals to restrict knowledge of a private and personal nature to those they choose to reveal information to and not to have it passed on to any other person.
- ii. Information is kept confidential within Carers Link by virtue of following the policy guidance below and by complying fully with the Data Protection Act 1998 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Personal Information and Data.
- iii. This policy includes our commitment to data protection by subscribing to the Personal Information Promise of the office of the Information Commissioner.

## 2. Definitions & Scope

- i. All employees, students and volunteers having access to information regarding the company, other employees, volunteers, carers or suppliers or any other personal or confidential information will be subject to this policy and are considered under the provision of the Data Protection Act 1998.
- ii. Carers Link East Dunbartonshire is registered under the Data Protection Act. The CEO acts as the Data Controller i.e. the person with overall responsibility, who determines the purposes for which, and the manner in which any personal data are, or are to be processed.
- iii. Processing of data relates to the obtaining, recording or holding of information or data, as well as the organisation, retrieval, use, dissemination or destruction of data.
- iv. All staff and some students and/or volunteers are considered to be Data Processors if they are involved in the above.
- v. Personal data is defined as:
  - o Data which relate to a living individual who can be identified
  - o Includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual.
- vi. Sensitive data is defined as:
  - o A person's racial or ethnic origin, political opinions, religious beliefs, trade union membership, sexual life, offences and proceedings related to offences (including alleged), and their physical or mental health or condition.

## 3. Personal Information Promise

- i. Carers Link promises that we will:
  - o Value the personal information entrusted to us and make sure we respect that trust;
  - o Go further than just the letter of the law when it comes to handling Personal Information, and adopt good practice standards;
  - o Consider and address the privacy risks first when we are planning to use or hold personal information in new ways, such as when introducing new systems;
  - o Be open with individuals about how we use their information and who we give it to;
  - o Make it easy for individuals to access and correct their personal information;
  - o Keep personal information to the minimum necessary and delete it when we no longer need it;
  - o Have effective safeguards in place to make sure personal information is kept securely and does not fall into the wrong hands;
  - o Provide training to Staff, Students and Volunteers who handle personal information and treat it as a disciplinary matter if they misuse or don't look after personal information properly;
  - o Put appropriate financial and human resources into looking after Personal Information to make sure we can live up to our promises; and
  - o Regularly check that we are living up to our promises and report on how we are doing.
- ii. In addition, Carers Link subscribes to the eight enforceable principles of good practice in data protection as outlined in the Data Protection Act, namely that data or information must be:

- Fairly and lawfully processed
- Processed for limited purposes
- Adequate, relevant and not excessive
- Accurate
- Not kept longer than necessary
- Processed in accordance with the data subject's rights
- Secure
- Not transferred to countries without adequate protection

#### 4. General Principles

- i. All matters pertaining to individual carers or the people that they care for - whether derived from professional activity or from volunteer or social contact - remain confidential.
- ii. All persons connected with Carers Link must hold as confidential the details of their contacts and knowledge of particular carers. Nevertheless, such information is ultimately confidential to the organisation, not the individual staff member or volunteer. This allows sharing of concerns or support needs amongst the staff (or named volunteer) involved.
- iii. All persons associated with Carers Link should bear in mind that they are ambassadors for the organisation in all situations. Thus, discussion with regard to the confidential details of individual or group cases should not be entered into in a public environment such as corridors and public spaces within the offices, within local authority or other functional buildings or in any circumstance likely to be overheard by a third party.
- iv. Carers Link's confidentiality policy observes the respect due to individuals and would ask that all individuals treat information with regard to carers, or the people that they care for, in the same way as they themselves would wish to be treated.
- v. Material held on file or on computer within Carers Link must not be disclosed to any person outside the immediate professional sphere of the organisation (i.e. to any third party) and must be returned to the office as soon as possible if removed for the purpose of home visit etc.

#### 5. Use of Information

- i. Carers Link maintains Personal Data for a range of purposes:

Carers	Including but not limited to contact details, demographic data on caring role and person cared-for, and a record of all contact. This information is used to provide appropriate services, up-to-date individual support and advocacy, to record the need for our services and to keep the carer up-to-date with newsletters and/or e-bulletins.
Volunteers & Students	Including but not limited to contact details, references, application and subsequent volunteer involvement for the purposes of tracking volunteer activity, providing updates on services and the organisation, provision of newsletters and/or e-bulletins, individual support and supervision.
Members	Contact details and record of membership for the purpose of correspondence regarding AGM and legal rights, and the provision of the Members Newsletter.
Donors	Contact details and record of donation for the purpose of correspondence, provision of newsletter and tracking support and donation activity.
Staff	Including but not limited to contact details, bank details, references, application and subsequent employment history for the purposes of staff employment, payroll, individual support and supervision.
Suppliers	Contact details and record of contact for the purpose of ordering supplies or purchasing of services.

- ii. Staff members are entitled to access some necessary personal data on Volunteers and Carers in order to provide a service.
- iii. A limited number of Volunteers, selected and provided with further training, have access to some necessary personal data of Carers in order to provide ongoing support (via Carers Call) and within some service delivery areas.
- iv. Managers will ensure that
  - o All staff, students and volunteers receive induction on this policy and on our Personal Record Statement for those using the service
  - o All staff, students and volunteers receive training on confidentiality
- v. All staff, students and volunteers will:
  - o Record only information about an individual that is necessary in order to provide them with a good quality service
  - o Ensure the accuracy of information before recording it and amend inaccurate records as soon as possible
  - o Share information (see section 4 below) about individuals with colleagues only where this is necessary in order to provide them with a good quality service (e.g. discussing a case with a line manager)
  - o Access only such information as they need in order to carry out their agreed role within the organisation
- vi. We process Personal Data only with the express consent of the individual. We will notify the individual of any non-obvious use of the data, including further disclosure to a third party, identifying the Data Controller, the purpose for the processing, and any further relevant information.

## 1. Direct Marketing

- i. Carers, volunteers, members and donors have the right to stop receipt of newsletters, e-bulletins and/or phone-calls at any time. This may however prevent our ability to deliver certain services to the carer.
- ii. All newsletters and e-bulletins contain opportunity to state that the recipient wishes to opt-out of future receipt.

## 2. Storage Security of Information

- i. Personal Data on volunteers and carers is kept on a central database, which has password restricted access.
- ii. Manual files are kept within an office which is locked when not in use, and within lockable storage or filing containers.
- iii. Carers Link operates a Hot-Desk Policy and requires that all personal data relating to Volunteers, Staff or Carers is stored away at the close of the normal working day.
- iv. Records must contain no personal information about another individual unless this is unavoidable. Family members must have individual support records.

## 3. Access to Personal Information

- i. Any Carer, Volunteer, Student or Staff Member can access information on them held by Carers Link at any time.
- ii. When requesting your personal information please contact the CEO in writing including the following information:
  - o your full name, address and contact telephone number
  - o any information to identify or distinguish you from others of the same name (e.g. date of birth);
  - o details of the **specific** information you require and any relevant dates

- iii. Carers Link is entitled to charge up to £10 for data requests to cover the costs of printing, postage and the time involved in processing your request.
- iv. Please also note that you are however only entitled to access information directly related to you. Should the information requested contain information that relates to another person (including staff and volunteers), Carers Link is entitled to remove this information before sharing unless express permission is given for it to be released.
- v. Carers Link will respond to your request within 40 days starting from the day we receive details of the information we need to identify you, details of the information you need and payment of the fee.
- vi. Young people also have the right to access their own records but no one else's. Information will be made available to them in an age-appropriate form and should avoid causing them harm. Carers Link will not charge a young person that wishes to access their file, if the request has genuinely come from the young person and not via them on behalf of a parent.
- vii. Parents may only access their child's records if:
  - o The young person gives their consent **or**
  - o The child cannot make a competent, informed choice **but** sharing the information is in the child's best interests.
- viii. A copy of the **Personal Records Statement** (see I 02) is made freely available on the website of Carers Link and to any person on request.

#### 4. Sharing of Information

- i. Exchange of information with regard to Carers, or the people that they care for, is an acceptable practice **only** within the professional context of the work of Carers Link. This includes discussion of issues with strategic or policy implications at Board and senior Staff level; discussion of individuals with regard to care or support arrangements at Staff or Volunteer level (see ii below); discussion of particular circumstances with regard to Social and Support activities at Volunteer, Staff or associated group level.
- ii. As part of the contract with East Dunbartonshire Council (EDC), they may request basic details of carers (including young people) as evidence that work has been carried out. This shall be responded to as follows:
  - o Anonymous statistical information will be shared with EDC and indeed, other funders, as requested.
  - o In cases where the carer or young carer was originally referred to Carers Link by EDC staff (e.g. Social Work, Education etc.), the name and address shall be provided on request along with an update on services provided (if required)
  - o If EDC were not involved in the original referral, the above contact details will only be provided if there is an explicit mandate to share.
  - o Where a mandate to share does not exist, Carers Link may seek permission to share but will only pass on the above details if a mandate is subsequently provided.
- iii. However, the above policy or any confidentiality clauses with other policies will be negated if there are significant or immediate concerns about a risk of harm or injury either to the Carer by themselves or by the person they care for, or risk of harm or abuse to the person being cared for.
- iv. Any concerns will be dealt with according to the appropriate policy but may involve the sharing of information to an external agency i.e. statutory, health or police.
- v. The actual or suspected abuse of a vulnerable adult or child provides sufficient grounds to warrant sharing information on a 'need to know' basis and you should avoid any unnecessary delay in passing on concerns to Social Work, the Police or other appropriate statutory body.
- vi. Wherever possible the consent of the vulnerable adult should be obtained prior to information being shared on his/her behalf. Where the adult is judged to not to have the mental capacity to make an informed decision - or you are aware of intimidation or coercion from others is influencing a refusal of consent - it may be necessary for you to take a professional decision to made to override the adult's expressed wishes if it is believed that the adult continues to be at risk of significant harm. Even where the adult is judged to be taking an informed and autonomous position you should

- consider the risks and the adult's other areas of vulnerability prior to deciding to take no further action.
- vii. No consent is required when sharing information regarding actual or suspected abuse of a child or any other such concerns.
  - viii. Remember that Breaching Confidential / Data Protection Policies **is allowed**:
    - o **If sharing is to protect the vital interests of the person or another individual**
    - o If sharing is for crime and taxation purposes i.e. for the prevention or detection of an unlawful act
    - o If sharing is in the substantial public interest

## 5. Information relating to Young People

- i. Young people have the same rights as adults under the Data Protection Act and therefore the contents of this policy apply equally to young persons as to adults. Nevertheless, there are some additional aspects to be considered below.
- ii. Carers Link is committed to providing a safe environment for young people and recognises that trust is essential for good youth work and is the foundation for all relationships within the Linkedup Service. Maintaining confidences is an integral part of building trust between young people, staff, volunteers and the organisation and will be respected at all times, apart from where it conflicts with reporting child protection concerns.
- iii. Young people can expect that any information they give to a worker is treated as sensitive and confidential and will not be shared unless:
  - o The worker believes that the young person, or another young person, is in danger or is being harmed. In this case the young person will be told that the information has to be shared with the appropriate agencies and encouraged to agree with this.
  - o The young person discloses that they are involved, or plan to become involved in acts of terrorism.
- iv. Young people have the right to access their own records but no one else's. Information should be made available to them in an age-appropriate form and should avoid causing them harm.
  - i. Parents may only access their child's records if
    - o The young person gives their consent **or**
    - o The young person cannot make a competent, informed choice **and** sharing the information is in the child's best interests.

## 6. Retention, Archiving & Disposal of Information

- i. Unless otherwise notified directly by the carer, personal information will continue to be stored securely for a period of 18 months before a decision is taken to archive or stripped of identifying data. Please refer to the Archive Policy for full details. Exceptions to this may include:
  - o Info that could reasonably be expected to be required by the individual. When it is no longer likely that the individual could wish to access information about them, it will be archived or stripped of identifying data.
  - o Financial information concerning individuals that must be stored in order to meet legal requirements.
  - o Information that could inform an inquiry into a claim for damages against the organisation. This could involve keeping information on serious incidents and accidents for up to 40 years.
- ii. Manual information will be destroyed in a secure manner i.e. by professional shredding.
- iii. Carers Link will keep information which is awaiting destruction in a locked cabinet.

## 7. Specific Guidance on PVG & Disclosure Data

- i. Carers Link complies fully with the Code of Practice, issued by Scottish Ministers, regarding the correct handling, holding and destroying of Disclosure information provided by Disclosure Scotland under Part V of the Police Act 1997, for the purposes of assessing applicants' suitability for positions of trust.
- ii. We use Disclosure Information and Records through the Protecting Vulnerable Group (PVG) Scheme only for the purpose for which they have been provided.

- iii. The PVG Scheme Record and Disclosure information provided by an individual for a position within Carers Link is not used or disclosed in a manner incompatible with the purpose.
- iv. Carers Link recognises that, under section 124 of the Police Act 1997, it is a criminal offence to disclose PVG Scheme Record and Disclosure Information to any unauthorised person. We, therefore, only pass Disclosure Information to those who are authorised to see it in the course of their duties, namely the CEO, the Office Manager, Board of Directors Staffing sub-group (if applicable), and – only with regard to Disclosures of Volunteers – the Volunteers Co-ordinator.
- v. Carers Link will not disclose information provided under section 115(8) of the Act, namely information, which is not included in the Disclosure, to the applicant.
- vi. We do not keep PVG Scheme Record and Disclosure Information, other than the record or membership number, on any individual's personnel file. It is kept securely, in a locked filing cabinet within the office of the CEO. Access is strictly controlled to authorised and named individuals, namely the CEO and Office Manager who are required to see such information in the course of their duties.
- vii. We do not keep PVG Scheme Record and Disclosure or PVG Scheme Record and Disclosure Information for any longer than is required after a recruitment (or any other relevant) decision has been taken. In general, this is no longer than 90 days. This is to allow for the resolution of any disputes or complaints.
- viii. PVG Scheme Record and Disclosure Information will only be retained for longer than this period in exceptional circumstances, and in consultation with Disclosure Scotland. The same conditions relating to secure storage and access will apply during any such period.
- ix. Details are, however, kept of the unique reference number of the PVG Scheme Record and Disclosure, the name of the subject and the date submitted. This is required for future Protecting Vulnerable Group Scheme Requests. This information is stored on the central database or staff database as applicable.
- x. Once the retention period has elapsed, we will ensure that PVG Scheme Record and Disclosure Information are immediately destroyed in a secure manner i.e. by shredding.
- xi. Carers Link will not keep PVG Scheme Record and Disclosure Information, which is awaiting destruction in any insecure receptacle (e.g. a waste bin or confidential waste sack). We will not retain any image or photocopy or any other form of the Disclosure Information.
- xii. Before acting as an Umbrella Body, Carers Link will take all reasonable steps to ensure that the organisation on whose behalf we are acting can comply with the Scottish Code of Practice, and in full accordance with this policy.
- xiii. We will also take all reasonable steps to satisfy ourselves that they will handle, use, store, retain, and dispose of PVG Scheme Record and Disclosure Information in full compliance with the Code of Practice, and in full accordance with this policy.
- xiv. We will also ensure that any organisation or individual, at whose request applications for PVG Scheme Record and Disclosure are countersigned, has such a written policy and, if necessary, will provide a model policy for that body or individual to use or adapt for this purpose.

## 8. Policy Review

- i. This Policy will be reviewed annually or as appropriate and in accordance with legislation.

Date	Activity	Date	Activity
June 2015	Policy Created		Choose an item.
January 2017	Reviewed Only		Choose an item.
	Choose an item.		Choose an item.
	Choose an item.		Choose an item.
	Choose an item.		Choose an item.
	Choose an item.		Choose an item.
	Choose an item.		Choose an item.
	Choose an item.		Choose an item.
	Choose an item.		Choose an item.