

## **Hope 4 (Rugby) Ltd. Data Protection and Confidentiality Policy**

### **INTRODUCTION**

#### **Policy**

Any Personal data collected, held or processed by (the [Company]) relating to any individual is subject to the provisions of the Data Protection Act 1998 (the Act). This policy sets out the rights of individuals with respect to their Personal data and the responsibilities of both you and the Company with respect to access to and use of that Personal data.

#### **Eligibility**

Processing of Personal data outside this policy is not permitted by the Company. If you unlawfully obtain, disclose or sell any personal information collected, held or processed by, or on behalf of, the Company without consent, you may be guilty of a criminal offence and you may be subject to disciplinary sanctions, up to and including dismissal, in accordance with the Company's disciplinary procedure, as set out in this policy. Anyone processing Personal data must comply with the eight principles of good practice set out in the Act.

#### **Definitions**

Processing is broadly defined and includes: obtaining, recording, holding, using, organising, altering, retrieving, disclosing, erasing or destroying personal information.

Data includes information stored in a form capable of being processed electronically, or stored as part of a filing system (including index cards or filing cabinets) where the system allows information about an individual to be readily accessible.

Personal data is any data relating to a living individual (name, address, payroll details etc). It includes expressions of opinion about the individual and information regarding the intention of the Company towards the individual.

Sensitive personal data is any information relating to a living individual recording racial or ethnic origin, political opinions, religious beliefs, trade union membership, health, sex life, criminal proceedings or convictions. Special provisions apply to the processing of Sensitive personal data.

Please also note that in this policy document staff, volunteers and Trustee Board members are referred to as colleagues and that this document aims to give general guidance only. If in doubt, please also seek advice from your Line Manager or the Company Secretary.

### **1. General principles**

- 1.1. Hope 4 recognises that colleagues (employees, volunteers, and Board members) necessarily 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.
- 1.2. Colleagues are able to share information with their Line Manager or the Company Secretary in order to discuss issues and seek advice.
- 1.3. Colleagues will avoid exchanging personal information, or comments about individuals, on social media or in other ways, with whom they have a professional relationship.

- 1.4. Colleagues will avoid inappropriate talking about organisations or individuals in social settings.
- 1.5. Colleagues will not disclose to anyone, other than their Line Manager or the Company Secretary, 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.
- 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 Line Manager or the Company Secretary should first be consulted unless the colleague is convinced beyond doubt that Hope 4(Rugby) Ltd 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 Hope 4 to disclose information, the person to whom the confidentiality is owed will be informed, where permitted, that such a disclosure has been or will be made.

## **2. Why information is held**

- 2.1. Most information held by Hope 4 relates to individuals, voluntary and community organisations, self-help groups, volunteers, students, employees, Board members or services which support or fund them.
- 2.2. Information is kept to enable Hope 4 colleagues to understand the history and activities of individuals or organisations in order to deliver the most appropriate services.
- 2.3. Hope 4 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 only for the purposes of monitoring our equalities and diversity policy and also for reporting back to funders.

## **3. Access to information**

- 3.1. Information is confidential to Hope 4 as an organisation and may be passed , only when and where appropriate, to colleagues, Line Managers or Board members to ensure the best quality service for users.
- 3.2. Where information is sensitive - see definitions above - it will be kept confidential to the employee dealing with the case and their Line Manager and the Company Secretary. Such information should be clearly labelled 'Confidential'. Access to this information will be given only after written application to the Company Secretary and then only after written consent is received.
- 3.3. Users may have sight of Hope 4 records held in their name or that of their organisation. The request must be in writing to the Company Secretary giving 14 days' notice and be signed by the individual, or in the case of an organisation's records, by the Chair or Executive Officer. Sensitive information as outlined in para 3.2 will only be made available to the person or organisation named on the file concerned.
- 3.4. Employees may have sight of their personnel records by giving 14 days' notice in writing to the Company Secretary.

- 3.5. When photocopying or working on confidential documents, colleagues must ensure people passing do not see them. This also applies to information on computer harddrives; confidential documents should all be password protected.

#### 4. Storing information

- 4.1. General non-confidential information about organisations is kept in unlocked filing cabinets and in computer files with open access to all Hope 4 colleagues.
- 4.2. Personnel information on employees, volunteers, students and other individuals working within Hope 4 will be kept in lockable filing cabinets and will be accessible only to the Chairperson, Company Secretary or the appropriate Line Manager.
- 4.3. Files or filing cabinet drawers bearing confidential information should be labelled 'confidential'.
- 4.4. In an emergency situation, the Chairperson may authorise access to files by other people.

#### 5. Duty to disclose information

- 5.1. There is a legal duty to disclose some information including:
  - 5.1.1. Child or Vulnerable Adult abuse MUST be reported to the Social Services Department
  - 5.1.2. Drug trafficking, money laundering, carrying a weapon, or acts of terrorism information MUST be disclosed to the police.
- 5.2. In addition to 5.1 any colleagues believing that an illegal act has taken place or that a user is at risk of harming themselves or others, must report this to the Chairperson or Company Secretary who will report the matter to the appropriate authorities.
- 5.3. Users, if permitted, should be informed of this disclosure.

#### 6. Disclosures

- 6.1 Hope 4 complies fully with the Disclosure and Barring Code of practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information. See also the Company's Safeguarding Policy document here.
- 6.2 Disclosure information is 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 Disclosure documents will be kept for a year and then destroyed by secure means. Photocopies will not be kept. However, Hope 4 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, paper or any other media, 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 the Act.
- Kept secure and protected.
- Not transferred out of Europe.

## **8. Breach of confidentiality**

8.1. Employees who are dissatisfied with the conduct or actions of other colleagues or Hope 4 should raise this with their Line Manager or, in his or her absence, the Company Secretary using the agreed Complaints or Grievance procedure. Such dissatisfaction should not be discussed outside Hope 4 until or unless the grievance or complaints procedures have been completed.

8.2. Colleagues accessing unauthorised files or breaching this policy, including on confidentiality, may face disciplinary action.

## **9. Whistle blowing**

9.1. Where the Treasurer has concerns about the use of Hope 4 funds, he or she may refer directly to the Chairperson outside the usual grievance procedure.

9.2. All colleagues hold the right to inform either his or her Line Manager or the Chairperson or Company Secretary if they believe that Hope 4 is being brought into disrepute by the actions of another colleague or Board member.

9.3. See also the Hope 4(Rugby) Ltd Whistleblower policy.

**Agreed by** the Board of Trustees, June 2015

Review date: **annually**

Reviewed June 2016. June 2017.