



1st Draft Cumbria LINK Confidentiality Policy

1. Purpose and Scope of the Policy

The overall purpose of this policy is to ensure confidentiality in respect of all information relating to the Cumbria LINK's governing body, LINK representatives, and, where relevant, all other groups, organisations or individuals they may come in contact with.

The Cumbria LINK's confidentiality practices and procedures are underpinned by legislation including article 8 of the Human Rights Act, and it should be understood that breaches of this policy could result in disciplinary action as well as legal action being taken against responsible individuals or Cumbria LINK as a whole.

The Cumbria LINK is committed to best practices and will act responsibly and with integrity when handling personal information and data.

2. Confidential Information

- Confidential information is information entrusted by an individual in confidence, where there is general obligation not to disclose that information without consent.
- Confidential information may include personal information such as name, age, address, and personal contact details and circumstances, as well as sensitive personal information regarding race, health, sexuality, criminal records, etc.

- Confidential information may be known, or stored on any medium. Photographs, video's, etc are subject to the same requirements as information stored in health records, on a computer, or given verbally.
- Information that identifies individuals personally is assumed to be confidential, and should not be used unless absolutely necessary. Whenever possible, anonymised data—from which personal details have been removed and which therefore cannot identify the individual—should be used instead. Note however that even anonymised information can only be used for justified purposes.
- Confidential information should only be kept as required and for specific purposes. It must be relevant, up-to-date, accurate and not excessive for that purpose and will be accessible only to those LINK staff that require the information in the performance of their duties.

3. Participant Responsibility

- Everyone representing the Cumbria LINK, needs to be aware of the importance of confidentiality and of their responsibilities for keeping information secure. This includes any information that may have been overheard in conversation or accidentally seen.
- All Cumbria LINK participants have a duty to ensure that personal information given in confidence remains confidential.

4. Acting on the Duty of Confidentiality

- No personal information, given or received in confidence, may be passed to anyone else without the consent of the provider of the information.
- No personal information, given or received in confidence for one purpose, may be used for a different purpose without the consent of the provider of the information.
- The rules of disclosure must be followed whenever information is passed to another person or organisation.

5. Disclosing information:

Personal Information may only be passed to another person or organisation.

- With the consent of the individual.
- Where disclosure is required by a court (or court order)
- Where disclosure is required by statute (that is by law)
- Where disclosure is made in the public interest as described in the defined list of circumstances in 'Disclosure in the Public Interest'
- Where information is required by the police in conjunction with the prevention or detection of serious crime.
- Where overriding health and safety considerations apply. If the health, safety or welfare of Cumbria LINK participants, volunteers or the public may be seriously compromised, Cumbria LINK 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 made after careful and thorough consideration, and would only be appropriate in exceptional circumstances.

Examples where information might be disclosed include:

- actual or threatened serious acts of violence
- abuse against another person
- self harm
- arson attacks
- any other acts which jeopardise the safety of the individual or other people

6. Storage of information and Access to information,

Application forms and supporting information are to be treated as strictly confidential and are to be kept in a secure place out of general view. Special care should be taken with information received via the fax machine or printed from the computer.

The Data Protection Act 1998 regulates how personally-identifiable data is handled.

Current or former applicants, staff members, and participants have the right of reasonable access to any file held about them by the organisation. Requests for such access should be made in writing and will be dealt within two working weeks from the date of the request.

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

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 Cumbria LINK Support Team will make contact with the relevant parties and seek their permission to disclose the information. Case notes and documentation held on file remains the property of the Cumbria LINK and may not be removed by any member of Cumbria LINK or be taken out of the Support Team office. Permission may be given to photocopy information but the process will be supervised.