

Confidentiality Policy

1. Introduction

- 1.1 Action East Devon (AED) is responsible for managing personal data about its employees, trustees, volunteers and service users, and any other individual involved in the charity, to enable it to carry out its day-to-day business. All personal data will be dealt with sensitively and in the strictest confidence.
- 1.2 For the purpose of this policy, confidentiality relates to the transmission of personal, sensitive or identifiable information about any individual or organisation, which comes into the possession of AED through its work.
- 1.3 This policy applies to all AED activities and is adopted by employees, trustees, volunteers and any other individual involved within the charity.

2. Purpose

- 2.1 The purpose of this policy is to ensure that all employees, trustees, volunteers, service users and any other individual involved with the charity understand the requirements in relation to the disclosure of personal data and confidential information.

3. Principles

- Maintain justifiable reasons for collecting and retaining confidential data.
- Only use the data for the purpose for which it was gathered and where it is necessary.
- Inform individuals about how their confidential data is used and what choices they have around this.
- Only those who need access to personal confidential data will have access to it.
- Everyone with access to personal data is aware of their responsibilities in relation to confidentiality.
- No confidential data given to the charity will be shared with any third party, without that individual's or charity's expressed permission (verbal or written), unless required by law.
- Where an individual is unable to provide meaningful consent to share data, then this must be sought from an individual's named legal guardian/representative.
- It is acknowledged that there may be occasions where it is in the best interests of an individual to share confidential data, and these should be discussed directly with a senior manager or the Chair prior to any disclosure being made.

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- Any unauthorised disclosure of information (verbal, written or implied) will be treated as a very serious matter.

4. Access to Information

- 4.1 Service users may have sight of AED records held in their name. The request must be in writing to the Chair giving 14 days' notice and be signed by the individual, or in the case of an organisation's records, by the Chair or Chief Executive. Sensitive information will only be made available to the person or organisation named on the file.
- 4.2 Employees may have sight of their personnel records by giving 14 days' notice in writing to the Chair.
- 4.3 When working on confidential documents, colleagues must ensure they are not seen by people in passing. This also applies to information on computer screens or when photocopying.

5. Action to be taken

- 5.1 All employees, trustees, volunteers and any other individual involved in the charity will receive a copy of this policy, as part of their induction and training. A copy of this policy is also available on the AED website.
- 5.2 All personal paper-based and electronic data must be stored in accordance with The Data Protection Act (2018). They must be secured against unauthorised access, accidental disclosure, loss or destruction.
- 5.3 All personal paper-based and electronic data must only be accessible to those individuals authorised to have access.
- 5.4 All personal paper-based records should be kept in lockable cabinets with access limited to relevant staff.
- 5.5 Electronic records and files should be regularly monitored, and information destroyed when it is no longer necessary to keep it. Any paper records and files containing confidential data should, when no longer needed, be shredded.
- 5.6 It is sometimes necessary for employees, trustees, volunteers and any other individual involved in the charity to carry information relating to service users with them on 121s or when attending meetings. It is expected that they exercise due care and attention to ensure that such material is kept to a minimum, is safe, and in their possession at all times. Particular care should be taken with diaries and other documentation where appointments indicate the name and address of a service user. No such material/information should be left unattended in a vehicle.
- 5.7 Any electronic device used in community work should be password protected and stored securely. This includes smartphones, tablets, laptops, and USB or other external storage devices.

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- 5.8 Employees, trustees, volunteers and any other individual involved in the charity can share personal information with their colleagues to discuss issues and seek advice appropriately.
- 5.9 It is also acknowledged as part of learning and development, there may be occasions when employees, trustees, volunteers and any other individuals involved in the charity wish to discuss a case to gain a wider perspective on the best ways to approach this. However, any information considered identifiable should always be avoided.

6. Disclosures

- 6.1 AED recognises their responsibility to share confidential information in line with the legislation and includes the following specific circumstances –
- Where there is risk of danger to an individual.
 - Where there is a safeguarding disclosure for a child or young person, AED is under legal obligation under the Children’s Act (2004) and in accordance with AED Safeguarding Children & Young People Policy & Procedure and the AED Safeguarding Adults Policy & Procedure.
 - If it is in the public interest to do so, although steps should be taken to gain consent, if it is safe.
 - Where it is against the law to withhold it. In these circumstances, information may be divulged to external agencies e.g., police or social services on a need-to-know basis.
- 6.2 If employees, trustees, volunteers and any other individual involved in the charity feels confidentiality should be breached outside of these circumstances the following steps will be taken:
1. They should raise the matter immediately with a senior manager or the Chair, discussing the issues involved in the case and explain why they feel confidentiality should be breached and what would be achieved by breaching confidentiality.
 2. A written note should be made of this discussion.
 3. A senior manager or the Chair is responsible for deciding whether confidentiality should be breached
 4. A full written report on the case should be made and any action agreed undertaken.
 5. If the Chair does not agree to breach confidentiality, then this decision is final.
- 6.3 All employees, trustees, volunteers and any other individual involved in the charity should avoid exchanging personal information or making comments about individuals or organisations with whom they have a professional relationship with, during both working hours and social settings.

7. Breach of Confidentiality

- 7.1 If employees, trustees, volunteers and any other individual involved in the charity accesses another’s personnel records, without authority, then the Disciplinary Policy and Procedure will be invoked.
- 7.2 All employees, trustees, volunteers and any other individual involved in the charity hold the right to inform a senior manager or the Chair if they believe that AED is being brought into disrepute by the actions of another, even if doing so could breach confidentiality (see Whistleblowing Policy).

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- 7.3 Breaches of this policy will be dealt with under the Disciplinary & Grievance Policy and Procedure, as appropriate.
- 7.4 Employees, trustees, volunteers and any other individual involved in the charity can be criminally liable if they knowingly or recklessly disclose personal data in breach of the Data Protection Act (2018).

8. Recording

- 8.1 The charity is committed to effective statistical recording of the use of its services to monitor usage and performance and develop its services in line with demand and need. All statistical records given to third parties, such as to support funding applications or programme/project monitoring reports shall be produced in anonymous format, so individuals cannot be recognised. Consent processes will also cover participation in statistical reporting.

9. Third Parties

- 9.1 Our finance processes are outsourced to an external provider, with whom personal data may be shared for the purposes of accounting and payroll only. Devon Square Charity Accounting Limited is registered with the Information Commissioner's Office and is subject to DBS checks and confidentiality provisions as determined by its regulatory body.

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