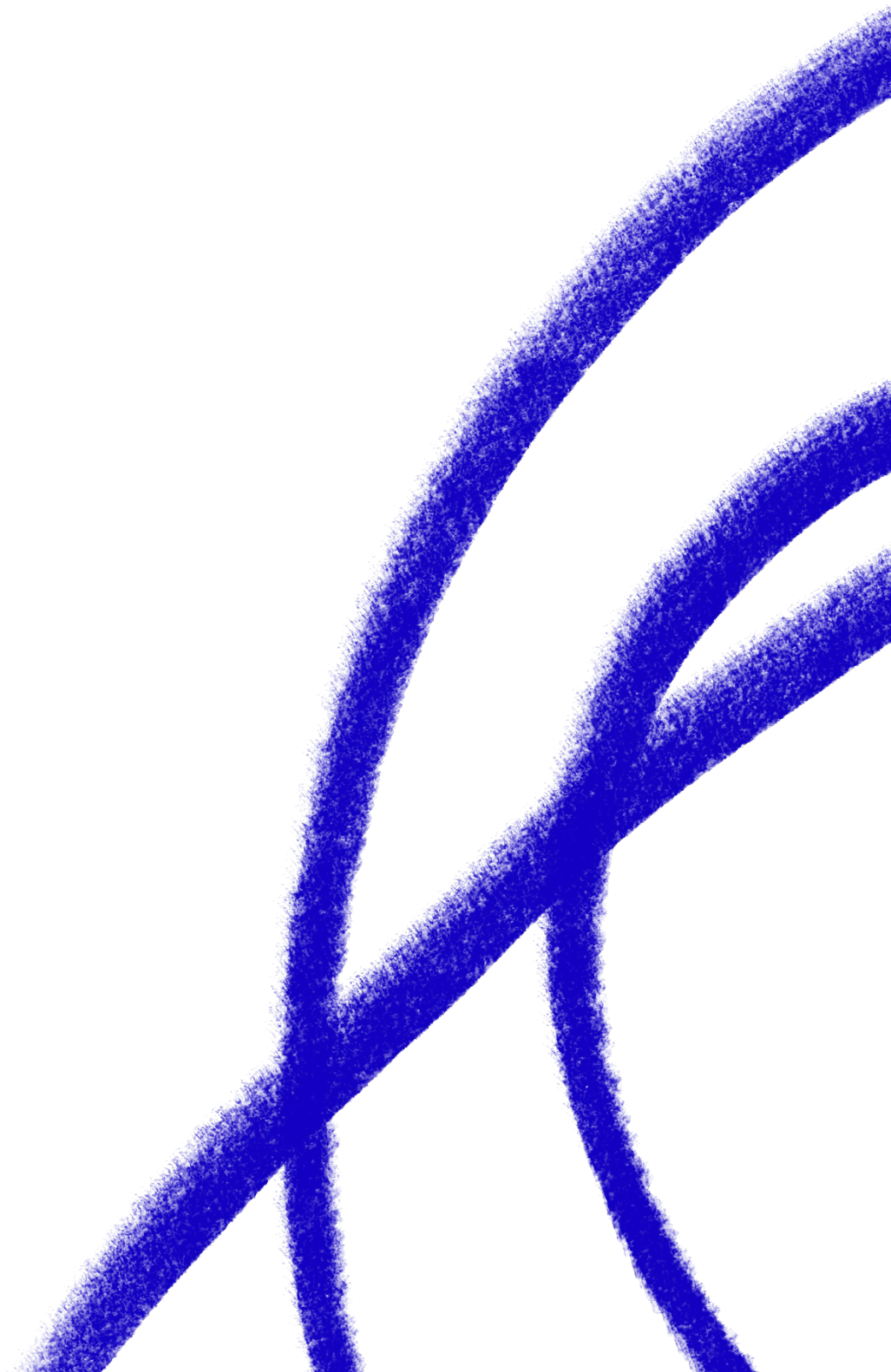


# Confidentiality Policy

Version 4  
June 2023



# Confidentiality Policy

Title	Confidentiality Policy
Version	4
Date first published	September 2014
Previous review dates	February 2017, February 2020
Next review date	June 2026
Review schedule	This policy will be reviewed every 3 years.
Responsibility	Board of Trustees
Responsibility for development, review and implementation	CEO, Senior Leadership Team and Operational Service Team.
Description	Provides confidentiality protection to MIB and its clients, staff, volunteers and any third party associations. Also, provides guidance as to when confidentiality may be legitimately breached.
Target audience	All staff, volunteers, clients, students on placement with Mind in Bradford, visitors to Mind in Bradford, our funding bodies, job and volunteer applicants and the Board of Trustees.
Accessibility	Staff: People HR Volunteers: People HR Clients and others: Mind in Bradford website If you would like this policy in another format, such as large print or audio, please request one by contacting us on 01274 730815 or at email <a href="mailto:admin@mindinbradford.org.uk">admin@mindinbradford.org.uk</a>
Associated policies	Client Code of Conduct Policy Data Protection Policy Information Governance Guide for Staff and Volunteers Privacy Policy Volunteer Policy Subject Access Requests Data Breach Policy Safeguarding Adults Policy Safeguarding Children Policy  Plus Website Privacy Notice

## 1. Purpose

- 1.1 During the course of everyday working, Mind in Bradford staff and volunteers handle a great deal of information, in both paper and electronic formats. Some of this is the personal data of clients, staff, volunteers, supporters, donors and trustees and is covered by our Data Protection Policy.
- 1.2 Some information about Mind in Bradford and its work is also sensitive and confidential and could, if disclosed, have adverse implications for the organisation.
- 1.3 Mind in Bradford aims to strike a balance between encouraging openness, avoiding unnecessary secrecy and bureaucracy, and ensuring individual privacy is respected. The confidentiality policy and associated procedures set the framework within which personal and any other potentially sensitive information is to be collected, stored, handled, disclosed and deleted.
- 1.4 To protect clients, staff, and volunteers from the possibility of information about them being passed on to individuals or organisations who have no right to that information.
- 1.5 To reassure clients, staff and volunteers that good care will be taken with information which they give to Mind in Bradford to be clear as to the circumstances when information can be shared with others.
- 1.6 To provide guidance to staff and volunteers on the extent to which confidentiality is to be preserved, circumstances in which they may breach confidentiality, and measures to be taken for the safeguarding of information.
- 1.7 To assist Mind in Bradford staff and volunteers to comply with legal and statutory requirements for the disclosure of information.
- 1.8 To reassure clients wishing to make a complaint to or about Mind in Bradford that the confidentiality of any complaint will be given high priority in so far as this is consistent with the need to investigate the complaint.
- 1.9 To protect the organisation from the disclosure of sensitive and confidential organisational information, which if disclosed, could have adverse implications for the organisation.

## 2. Scope

- 2.1 The policy and associated procedures are applicable to all staff, volunteers, trustees and any contracted third parties.

- 2.2 This policy is designed to work with and support our Code of Conduct applicable to our work as well as support guidance used by Mind in Bradford on safeguarding children and vulnerable adults.

### **3. Confidentiality Policy Statement**

- 3.1 All Mind in Bradford staff and volunteers are required to respect the rights of clients and of other staff and volunteers to privacy and confidentiality as far as possible within the constraints of legal requirements and the safety of other people.
- 3.2 Absolute confidentiality cannot be guaranteed and this will be made clear to clients/staff/volunteers at the earliest possible opportunity.
- 3.3 Where it is thought necessary to pass on information to another individual or organisation this will be assessed on the basis of their application and full consideration of whether there is a legal duty to disclose information. The individual concerned will be advised that information has been requested, and by whom. Where possible, the consent of the person about whom the request has been made will be sought, if at all possible.
- 3.4 This policy covers information given deliberately (spoken, on paper or electronically) by the person concerned or by other people about the person and also information acquired accidentally or through observation.

### **4. Information to be kept confidential**

- 4.1 All personal data and confidential information about Mind in Bradford, our partners and other third-party organisations must be kept and handled confidentially, whether the information has been received formally, informally or discovered by accident - anything seen or overheard accidentally is still personal data. Broadly, this includes:
  - 4.1.1 Any information which relates to or is about an identified or identifiable individual, i.e. their name linked with any other information about them (address, telephone number, etc).
  - 4.1.2 Anything else provided to us in confidence by third parties and that is not a matter of public record.
  - 4.1.3 Sensitive organisational information that could be used to damage Mind in Bradford.

### **5. Handling Confidential Information**

- 5.1 All personal data should be treated in the strictest confidence and in accordance with Mind in Bradford's Data Protection Policy.

- 5.2 Your work is likely to bring you into contact with information that is personal to someone or organisational information that is not yet ready for distribution. Anyone worried or distressed by something they hear or read should seek guidance and support from their line manager.
- 5.3 When handling personal data and other confidential information of Mind in Bradford, its partners and other third-party organisations, always follow a few simple rules:
- Even in the most innocent of conversations, do not discuss any part of your work that could cause either an individual or Mind in Bradford embarrassment or harm.
  - Be aware of who else might be listening, particularly in areas open to the public.
  - Checking and clearing your work area and locking your desk and filing cabinets before leaving at the end of each day. It is acceptable to leave some work out but lock away anything confidential or even for limited circulation.
  - Always lock your computer screen if you leave your desk during the unattended and log out completely when you have finished for the day.
  - Never leave confidential information unattended; either put it in an envelope marked confidential or lock it away. If someone comes near you while you are working, discreetly cover the material or ask the person to leave.
  - If you need to take sensitive documents away from the office, seek permission first.
  - Do not read or process confidential documents on public transport.
  - Do not leave confidential documents unattended in car parks or public places.
  - Store documents securely at home and do not show them to other household members.

Remember that information in the wrong hands can cause a lot of damage and unnecessary stress.

Further guidance is available in Appendix 1 and Information Governance User Guide for Staff.

## **6. Circumstances in which confidentiality may be breached**

### **6.1 Legal and Statutory Requirements**

- 6.1.1 The general law does not give an absolute right to confidentiality except where there is a contractual provision to this effect. Legal and statutory requirements affecting Mind in Bradford include, but are not limited to:
  - 6.1.2 Reporting notifiable diseases to the Director of Public Health where appropriate.
  - 6.1.3 Reporting accidents at work, in certain circumstances, to the Health and Safety Executive.
  - 6.1.4 Replying to certain specific enquiries from Government Departments e.g. Dept. of Employment or Dept. of Social Security, or the Inland Revenue. Not all such enquiries are covered by statutory requirements so a check on the legal status of the request should be made before supplying information.
  - 6.1.5 Passing on information on terrorist activities and information requested on road accidents involving personal injury, to the police.
  - 6.1.6 Reporting on trafficking in illegal substances that comes to the notice of Mind in Bradford staff or volunteers.
  - 6.1.7 Giving evidence in court if a subpoena is issued.
- 6.2 Duty of Care
  - 6.2.1 Mind in Bradford owes a "duty of care" to the users of its services and to its staff. It may therefore be necessary to breach confidentiality where a client is acting, or likely to act, in a way that could cause serious harm to themselves, or put other clients, volunteers or staff at risk.
  - 6.2.2 Mind in Bradford also owes a more general duty of care towards members of the public. It may be necessary to pass on information to the police or statutory authorities where there is considered to be a serious risk to a particular person or persons, or to the public in general.
  - 6.2.3 Mind in Bradford staff and volunteers share with all citizens a duty of care towards children and vulnerable adults.
  - 6.2.4 Mind in Bradford workers know or suspect that a child is at risk the Social Services Child Protection Unit must be informed. If Mind in Bradford workers know or suspect that a vulnerable adult has been abused Social Services must be informed in accordance with the Mind in Bradford and West Yorkshire Multi-Agency Safeguarding Adults at Risk Policy and Procedure.
- 6.3 Giving Information to the Police
  - 6.3.1 There is no absolute duty to provide information to the police or other authorities except in certain circumstances for example suspected or actual

terrorism; Mind in Bradford would treat any such requests on a case by case basis.

- 6.3.2 Mind in Bradford's policy is that its staff and volunteers have a duty in the public interest not to withhold from the police any information concerning criminal activity of a serious nature. This should preferably be done with the knowledge of the person concerned and whenever possible with their co-operation but there may be circumstances where the risk to others is too great for this to be advisable or possible.

## **7. Passing on information to others**

- 7.1 Where there is a legal duty to pass information to others, such information will only be passed after discussion and approval by the Chief Executive Officer, or their nominee. Other staff are not permitted to pass on such information. Where there is no legal obligation but there may be a duty of care to pass on information, such as with a safeguarding concern, the decision whether or not to do so will in the end remain one of individual judgement and guidance is provided in the associated Safeguarding Adults and Safeguarding Children Policies Points for consideration are:
- Is the risk a real one?
  - How great is the danger to self or to another person?
  - Will the breach of confidentiality avoid the harm?
  - Is there no other way of avoiding the harm?
- 7.2 Where it is decided that information must be passed on to another individual or organisation, the basis on which disclosure is to be made must be clear and unambiguous. Those disclosing the information must first have an understanding as to the intended use of the information requested and by whom.
- 7.3 Requests from statutory bodies must be submitted in writing (digital or hard copy), even when there is a legal obligation on Mind in Bradford to comply with the request.
- 7.4 We will not pass on personal details (e.g. addresses, phone numbers) without consent. However, an offer can be made to pass on or forward messages.
- 7.5 The process of informing the person and seeking consent need not be followed where the consent of the person concerned can be implied, for example where a reference is requested, where the Department for Work and Pensions asks for information about a former employee in order to pay benefit or when a client has signed a disclaimer on a referral form.

## **8. Complaints**

- 8.1 People who wish to make a complaint may be concerned about the confidentiality of information they are giving. The preservation of confidentiality will be given high priority, subject to the exceptions listed above in section 6 and/or if it is necessary to breach confidentiality in order to properly investigate the complaint.
- 8.2 The permission of the complainant will always be sought for this but in cases where the welfare of the complainant or other people is seriously at risk it may be necessary to breach confidentiality even if that permission is withheld.

## **9. Access to Confidential Information**

- 9.1 All employed staff, sessional workers and volunteers are required to complete mandatory Level 1 Data Security Awareness training on an annual basis to ensure they both understand best practice around handling and storing data, and are fully aware of their personal and our organisational responsibilities under the latest legislation.
- 9.2 All employed staff, sessional workers and volunteers must sign a confidentiality agreement before being given access to Mind in Bradford information assets. Mind in Bradford will make clients aware of their responsibilities.

## **10. Sharing with third parties**

- 10.1 External agents and contractors who process personal data and other confidential information on behalf of Mind in Bradford must be made aware of Mind in Bradford's information governance requirements and who they should contact if things go wrong.
- 10.2 All agents and contractors in receipt of Mind in Bradford confidentiality information should complete and sign a Data Sharing Agreement at the outset of the contract being established. Where those third parties are specifically processing personal data (as a data processor) for Mind in Bradford, the contract should also set out that Mind in Bradford is the data controller and the third party is the data processor and the respective obligations of both parties under the Data Protection Legislation.

## **11. Online Privacy**

- 11.1 We want everyone who supports us, or who comes to us for support, to feel confident and comfortable with how any personal information you share with us will be looked after or used.



- 11.2 Our standalone website Privacy Notice sets out how we collect, use, share and store your personal information (this means any information that identifies or could identify you).
- 11.3 This Privacy Notice (<https://www.mindinbradford.org.uk/about-us/privacy/>) may change from time to time based on legislative updates or industry best practice guidance. When this happens, we will make this clear on our website and change our Privacy Notice accordingly.

## **12. Managing a breach of confidentiality**

- 12.1 All staff should help to prevent accidental disclosures occurring by regularly pointing out that certain information is confidential and checking that people have understood.
- 12.2 If accidental disclosure occurs, swift action in line with the Mind in Bradford Data Breach policy and process must be taken.

## **13. Roles and responsibilities**

- 13.1 The Board is responsible for gaining assurance that confidentiality is managed appropriately within the organisation and that adequate resources are made available to implement this policy.
- 13.2 The Chief Executive Officer is responsible for ensuring that all confidential information processed by Mind in Bradford is handled in line with this policy and associated procedures and for providing assurance of such to the trustees.
- 13.3 The Data Protection Lead is responsible for providing advice in relation to this policy as should be the first point of contact for any data protection queries, subject access requests or the reporting of data protection breaches within the organisation.
- 13.4 The Caldicott Guardian is a senior person who is responsible for ensuring that the personal information about those who use its services is used legally, ethically and appropriately, and that confidentiality is maintained.
- 13.5 Line managers will be responsible for ensuring that all Mind in Bradford staff and volunteers have read this policy and are working to the required standard. They will ensure that a high standard of record keeping is maintained by conducting regular audits and will provide support for staff alongside the organisational training in this area.
- 13.6 All Mind in Bradford staff or volunteers with access to confidential information have responsibilities to ensure that they comply with this policy and with any guidance subsequently produced.

## Appendix 1 Further guidance on how to handle confidential information

In discussions or meetings:

- Only disclose information that is relevant.
- Always use headphones during video meetings when in spaces where others can overhear discussions

When collecting and/or recording information about a person:

- Offer a private interview wherever possible but in instances where, at the request of the individual, the meeting is held in a more public space, every care should be taken to ensure that the conversation is not overheard.
- If the conversation is over the telephone and someone else might hear, do not repeat aloud any personal information. If necessary, ask the person to say it again.
- Explain first why the information is needed and how it will be used and obtain their consent if this is required. If Mind in Bradford needs to collect it for legal or other purposes, the individual must be informed.
- Staff/volunteers should ensure that service users have a copy of the relevant privacy notice or refer them to the privacy statement on Mind in Bradford's website for more information.

When collecting sensitive personal data (for example, health information), in some cases we will need to have explicit consent - this can be an oral or written statement. Staff/volunteers should also explain:

- Who will have access to it.
- The implications of not giving the information.
- Any special procedures for protecting particularly sensitive information.
- If the individual does not agree, do not record or pass on the information. Explain this and its implications to the person.
- Do not ask questions that are not relevant.

Ensure that any personal data you record is:

- Factual and relevant. Keep expressions of opinion to a minimum and make sure they are fully justifiable on the basis of the factual information.
- Accurate. Wherever possible, take notes during interviews and conversations and use the person's own words. Check the record with them if possible. Where appropriate, ask for and examine supporting documents and record this on the file.
- Comprehensive and clear. Another staff member might have to form a judgement from the information and the person concerned may wish to read it.

Typing and administration

- The administration, typing, printing, photocopying, faxing, emailing and filing of confidential information must only be carried out by staff or volunteers who are familiar

with Mind in Bradford's confidentiality procedures.

- The following precautions should always be taken:
  - Take care to securely destroy all unused rough work and any spare copies.
  - When photocopying, do not let anyone else read the documents, make only the required number of copies and check that nothing is left in the machine afterwards.

#### Working with computers

- No portable storage media should be used.
- All/any personal data stored on laptops to undertake outreach or remote services should be encrypted and appropriate passwords should also be set on tablets and mobile phones.
- Computers should be locked, or users should log out to prevent access if computers are left unattended for any length of time.
- When using email addresses, external recipients should not be grouped unless permission has been obtained.

#### Handling incoming information

- Any envelopes marked 'confidential', 'personal' or 'private' should be passed unopened on to the addressee only.
- If anything of a confidential nature is not in an envelope, put it in a sealed and appropriately marked envelope before passing it to the addressee.
- If confidential correspondence is opened by mistake, it should be resealed and clearly marked who opened it in error.
- Any confidential correspondence or messages should be placed in a sealed envelope marked confidential.

#### Keys/Access codes

- All keys to the Mind in Bradford offices and rooms must be kept securely with spare keys kept in a key cabinet or drawer that is kept locked. Do not keep keys in unlocked drawers.
- Filing cabinets and desk drawers with confidential information should be kept locked and keys kept securely with spare keys kept in a locked key cabinet. Do not keep keys in unlocked drawers.
- Access codes to offices are to be kept confidential and not shared beyond staff and accredited volunteers.