



## **Confidentiality Policy**

### **1. INTRODUCTION**

**1.1** Positive Impact for Young People CiC will adhere to the Data Protection Act 1998, which places responsibilities on POSITIVE IMPACT FOR YOUNG PEOPLE CIC in relation to the use and processing of personal information about individuals held electronically on a computer or manually in a filing system, or which is recorded with the intention that it will become part of these systems. The Act also gives individuals the right to know what information is being held about them and how it will be used.

### **2. AIMS OF THE POLICY**

- **2.1** Positive Impact for Young People CiC needs to keep certain information on its Directors, employees, volunteers, service users and partnership organisations in order to carry out its day to day operations, to meet its objectives and to comply with legal obligations.
- **2.2** The purpose of this policy is to enable Positive Impact for Young People CiC to:
  - Comply with the law in respect of the data it holds about individuals;
  - Follow good practice;
  - Protect Positive Impact for Young People CiC, our employees and volunteers from the consequences of a breach of responsibilities under the Data Protection Act.
- **2.3** The aim of this policy is therefore to ensure that everyone handling personal data is fully aware of the requirements and acts in accordance with data protection procedures. This document also highlights key data protection procedures within the organisation.

- **2.4** This policy covers all employees, volunteers, service users and Directors.
- **2.5** POSITIVE IMPACT FOR YOUNG PEOPLE CIC is committed to ensuring any personal data will be dealt with in line with the Data Protection Act 1998. To comply with the law, personal information will be collected and used fairly, stored safely and not disclosed to any other person unlawfully.

### **3. POLICY STATEMENT**

- **3.1** This policy applies to information relating to identifiable individuals, even where it is technically outside the scope of the Data Protection Act, by virtue of not meeting the strict definition of 'data' in the Act.
- **3.2** Positive Impact for Young People CiC will:
  - Comply with both the law and good practice
  - Respect individuals' rights
  - Be open and honest with individuals whose data is held
  - Provide training and support for employees and volunteers who handle personal data, so that they can act confidently and consistently
- **3.3** Positive Impact for Young People CiC recognises that its first priority under the Data Protection Act is to avoid causing harm to individuals. In the main this means:
  - Keeping information securely in the right hands, and
  - holding up-to-date quality and reliable information.
- **3.4** Positive Impact for Young People CiC also aims to ensure that the legitimate concerns of individuals about the ways in which their data may be used are taken into account and to be open and transparent with individuals whose data is stored.
- **3.5** Positive Impact for Young People CiC will seek to give individuals as much choice as is possible and reasonable over what data is held and how it is used.
- **3.6** In line with the Data Protection Act 1998 principles, Positive Impact for Young People CiC will ensure that personal data information collected and processed by all employees and volunteers will:
  - Be obtained fairly and lawfully and shall not be processed unless certain conditions are met;
  - Be obtained for a specific and lawful purpose;
  - Be adequate, relevant but not excessive;
  - Be accurate and kept up to date;
  - Not be held longer than necessary;

- Be processed in accordance with the rights of data subjects;
  - Be subject to appropriate security measures;
  - Not to be transferred outside the European Economic Area (EEA)
- **3.7** The definition of 'Processing' is obtaining, using, holding, amending, disclosing, destroying and deleting personal data. This includes some paper based personal data as well as that kept on computer.
  - **3.8** Employees and service users will be informed of this policy and employees will sign two copies of a confidentiality statement, one copy of which will be put on the individual's personnel file, the second copy will be kept by the individual.

## **4. COLLECTING AND MANAGING DATA**

### **4.1**

Information that POSITIVE IMPACT FOR YOUNG PEOPLE CIC will collect, hold and process consists of:-

- Information on applicants for posts, including references
  - Employee information details – contact details, bank account number, payroll information, supervision and appraisal notes.
  - Disciplinary and grievance records
  - Limited disclosure and barring information
  - Course and training details
  - Directors contact details
  - People who use our services – contact details
  - Funders contact details
  - Personal individual information will be kept both on computer based and paper based systems.
- **4.2** POSITIVE IMPACT FOR YOUNG PEOPLE CIC's Board of Trustee's has the overall responsibility for the protection of personal individual data as the governing body, and need to ensure that all employees, volunteers and Directors who process or access personal individual information on behalf of POSITIVE IMPACT FOR YOUNG PEOPLE CIC not only to understand but also act in line with this policy and the data protection principles.
  - **4.3** Generally this information will not be specifically marked as confidential but all confidential information that an employees or volunteer comes in contact with in carrying out their role with Positive Impact for Young People CiC should be held in the strictest confidence to comply with the Data Protection Act and other contractual obligations. These

responsibilities will be brought to the attention of all employees and volunteers during their period of induction and they will be required to sign a statement that their responsibilities under the Confidentiality and Data protection policy has been brought to their attention and they understand their responsibilities under the Data Protection Act.

- **4.4** Employees must only use confidential information given to Positive Impact for Young People CiC for the purpose it was given and must not share such information with anyone else, either internally or externally. Confidential information must be collected and used as requested by POSITIVE IMPACT FOR YOUNG PEOPLE CIC
- **4.5** To avoid the risks of breaches of anything which is confidentiality, employees and volunteers Should:-
  - Hold conversations involving sensitive information where you are unlikely to be overheard by other people;
  - Ensure confidential written information is not dealt with in a public environment, appropriate measures should be taken to maintain confidentiality
  - Ensure that computer screens are positioned to avoid visitors to your work area being able to read sensitive information on the screens and at no time should personal information be left on the screen if the employee or volunteer is away from their workstation.
  - Ensure sensitive/confidential information is printed using the locked print facility and collected from the printer immediately; employees should remove confidential information from their desks when not dealing with it and stored it securely away in lock cupboards, or in a locked office.
  - Be careful when sharing information. Information may be shared with line management for discussion and advice but in instances where colleagues may feel it necessary to discuss difficult situations with each other to identify an approach towards problem solving, names and/or obvious identification details must not be disclosed.
  - Be careful to ensure discussions about individuals or organizations are restricted to a working environment
  - Not disclose personal, financial or private information regarding an individual or an organisation should to anyone other than line management without express consent.
  - An employee or volunteer accidentally overhears or sees sensitive information they should maintain the confidentiality of the information.
  - personal contact details including mobile and home telephone number of Positive Impact for Young People CiC personnel be requested these must not be shared externally without the permission of the individual. Where it is deemed necessary that out of hour's urgent contact is required, the individual seeking the contact should provide their details and information and informed that they will be forwarded to the appropriate Positive Impact

for Young People CiC personnel to call them back.

- When Staff work from home they must always ensure they abide by the points made within this policy. All staff must ensure that all confidential files are locked away.

. **4.7** During the recruitment process, certain information is required about applicants to ensure suitability for employment. All information received must be treated as confidential. All other personal and financial information pertaining to prospective employee and successful candidates must be regarded as confidential. For example Board meeting minutes, as they are documents that may become public domain documents should not contain any personal individual information. If required these should be minuted and distributed in confidence separately.

. **4.8** Employees may not divulge or use to the detriment or prejudice of Positive Impact for Young People CiC, except if it is a protective disclosure and disclosed in good faith about a concern of an individual or POSITIVE IMPACT FOR YOUNG PEOPLE CIC services, any confidential information pertaining to POSITIVE IMPACT FOR YOUNG PEOPLE CIC or its affairs such as:-

- Financial reports and contracts details
- Employee and volunteer personal records
- Client information
- Any disciplinary or grievance procedure details
- Any details' concerning an employee's or volunteer's health, details on a medical certificate or illness history, unless this person requires this information as part of the duties with POSITIVE IMPACT FOR YOUNG PEOPLE CIC. (*The list is not exhaustive*).

**4.9** Any incoming post marked "Private& Confidential", "Personal" or "In Confidence" should be passed unopened to the addressee, unless otherwise authorised.

**4.10** Individual client information must not be removed from Positive Impact for Young People CiC premises (other than in the ordinary course of business). Personal individual information must not be removed from Positive Impact for Young People CiC premises without the prior written or express authority of the Directors

**4.11** All official statements to the press/media which may contain sensitive information should be approved by the Directors prior permission. This does not

include general publicity information about upcoming event or general statements on projects that are just informative purposes these would be released through the Locality Managers.

## **5. ACCESSING CONFIDENTIAL INFORMATION**

**5.1.** Confidential information may only be passed on to colleagues if it is a necessity for the delivery of Positive Impact for Young People CiC services to users and clients. Employee and volunteers should not access confidential information if it is not a requirement of their employment or volunteering role to do so.

- . **5.2** If, the information involves disputes or legal issues it must remain confidential to the employee dealing with the case and their line manager and anyone else directly involved in managing the case. Such information must be clearly marked “Confidential” and only accessed by those who have the right to do so.
- . **5.3** Users and individuals can request access to their record held by Positive Impact for Young People CiC by sending a written request to Positive Impact for Young People CiC’s Directors, giving 14 days’ notice and signed by the individual or the organisation’s Directors. Sensitive information will only be accessible to those specified as above.

## **6 STORING INFORMATION**

- . **6.1** Positive Impact for Young People CiC Directors, employee and volunteers will have open access to general information about POSITIVE IMPACT FOR YOUNG PEOPLE CIC and partnership organisations. Information about employees, volunteers, training course delegates and other individuals will be kept in locked filing cabinets by the identified custodian who will be directly responsible, for the safe retention of the confidential records and the monitoring of access to the information by authorised personnel. Any files and cabinets holding confidential information will be labelled accordingly. Where lockable filing cabinets are not available, the door must be locked when the room is left unattended. Confidential information held electronically must be password protected and controlled securely.
- . **6.2** In an emergency situation, the Chief Executive or Director of operations may authorise access to files held securely by Line Managers.
- . **6.3** Confidential information must be disposed off appropriately, either by shredding or through the use of confidential waste sacks.
- . **6.4** Managers must ensure that employees return all property belonging to Positive Impact for Young People CiC before leaving its employ. Where

keys are not returned, consideration must be given as to the necessity to change locks and combination codes.

## **7. DISCLOSURE**

- . **7.1** In certain circumstances, Positive Impact for Young People CiC may have a legal duty to disclose information to a statutory body for example Police, HMRC Customs and Revenue, Department of Work and Pensions or by subpoena.
- . **7.2** If a Positive Impact for Young People CiC employee believes that an illegal act has happened or that an individual might harm themselves or that an individual will be at risk of physical danger they should report this to the Chief Executive or Director of Operations who will then report it to the appropriate authorities and the user concerned.
- . **7.3** POSITIVE IMPACT FOR YOUNG PEOPLE CIC will not release confidential individual information to third parties without the written consent from the individual concerned for example Bank, Building Society etc.
- . **7.4** Any information shared by an employee or volunteer with a colleague, manager or the HR department and considered by the employee or volunteer to be confidential may be disclosed where it is deemed absolutely necessary in the interests of the individual concern or POSITIVE IMPACT FOR YOUNG PEOPLE CIC's interests to do so. However, the employee will be notified and given an opportunity to disclose such information directly. Should the employee not comply with such a request, the information may be disclosed as discussed to the relevant party.

## **8. DISCLOSURE AND BARRING INFORMATION**

**8.1** Positive Impact for Young People CiC complies with the Disclosure Barring Services Code of Practice regarding the correct handling, use, storage, retention and disposal of criminal disclosures and disposal of such information. (Limited information, a note of the date of issue, the applicant's name and position for which the disclosure was requested, and the disclosure's reference number from the Disclosure Certificate will be held separately and securely from an applicant's personal file. Access to this information will be limited and restricted to those who are entitled to see it as part of their duties and to carry out reviews through the DBS updating service.

**8.2** Passing this information to anyone else who does not need to access this information is not only a breach of confidentiality but is also a criminal offence. It is only lawful with the written permission of the individual. On the termination of employment this information will be destroyed securely.

## **9. BREACH OF CONFIDENTIALITY**

- . **9.1** Employees who are dissatisfied with the conduct of their colleague/s should not discuss this outside of Positive Impact for Young People CiC until the Whistle Blowing Policy has failed for the concern to have been resolved. This includes raising the matter in the first instant with their line manager, under the Whistle Blowing Policy and Procedure.
- . **9.2** A breach of confidentiality occurs if an employee accesses unauthorised files or divulges, deliberately or accidentally, any information concerning clients, individuals, organisations or Positive Impact for Young People CiC without prior consent.
- . **9.3** Any deliberate infringement of this policy may lead to dismissal. Accidental breach will also be regarded as a breach of the rules and may similarly be subject to disciplinary action.

**9.4** The only possible exceptional case whereby a breach of confidentiality is appropriate would be a protected breach under the Whistle Blowing Policy and Procedure, where there may reasons when `whistle blowing' is necessary. In the case of `whistle blowing', the employee or volunteer reporting the incident will be protected by Law from disciplinary action by Positive Impact for Young People CiC for raising a matter of concern externally where they have done this in good faith after exhausting POSITIVE IMPACT FOR YOUNG PEOPLE CIC Whistle Blowing Policy.



## **Positive Impact for Young People CiC**

### **EMPLOYEE AND VOLUNTEER STATEMENT OF CONFIDENTIALITY**

The unauthorised disclosure of confidential or other privileged information, deliberately or by accident, will be regarded as an act of gross misconduct, and will inevitably result in disciplinary action being taken against you, which can include dismissal.

By signing this form below you are confirming that POSITIVE IMPACT FOR YOUNG PEOPLE CIC's Confidentiality and Data Protection Policy has been given and explained to you and you are acknowledging that as a condition of the your contract of employment or volunteering agreement you will not either during the period of employment with POSITIVE IMPACT FOR YOUNG PEOPLE CIC, or at any time thereafter, divulge to anyone outside of POSITIVE IMPACT FOR YOUNG PEOPLE CIC any confidential or sensitive information that you may have access to, or come in contact with in your role with POSITIVE IMPACT FOR YOUNG PEOPLE CIC.

You are further confirming and undertaking to POSITIVE IMPACT FOR YOUNG PEOPLE CIC, that during the period of your employment or placement or at any time thereafter, you will not do anything which may in any respect interfere with the intellectual property rights of POSITIVE IMPACT FOR YOUNG PEOPLE CIC.

If in the pursuance of your employment / placement, it is necessary for you to disclose any of the information referred to above, the same shall be disclosed solely to assist the performance of your duties and subject to the prior consent of the Chief Executive or Operations Director or within POSITIVE IMPACT FOR YOUNG PEOPLE CIC's Whistle Blowing Policy.

### **STATEMENT OF SECURITY**

POSITIVE IMPACT FOR YOUNG PEOPLE CIC cannot accept liability for loss or damage to personal property left on POSITIVE IMPACT FOR YOUNG PEOPLE CIC's premises during or outside normal working hours,

even though reasonable precautions have been taken. We recommend that nothing of significant value should be brought in to POSITIVE IMPACT FOR YOUNG PEOPLE CIC premises. You should be vigilant at all times, and report the presence of any suspicious persons or packages immediately to the Chief Executive or Operations Director

By signing this form you are acknowledging that you have a personal responsibility for ensuring every reasonable precaution is taken for the protection of POSITIVE IMPACT FOR YOUNG PEOPLE CIC and colleague's property against damage, loss or theft.

## **DATA PROTECTION ACT 1998**

You are also acknowledging and consenting to information relating to yourself being processed, by POSITIVE IMPACT FOR YOUNG PEOPLE CIC in order that it may properly carry out its duties, rights and obligations as your employer / volunteer placement provider. You understand that such processing of your personal information will principally be for personnel, administrative and payroll purposes.

You are agreeing that information about yourself shall include information of a sensitive personal nature including information concerning Name, Address, Age, Date of Birth, National Insurance Number, or any other information as required.

You are agreeing that you understand that the term 'processing' includes the obtaining, recording or holding of information or data or carrying out any operation or set of operations on the information or data, including organising, altering, retrieving, consulting, using, disclosing, combining, or destroying the information or data.

You are also acknowledging that in the course of your work with POSITIVE IMPACT FOR YOUNG PEOPLE CIC, you may similarly come into contact with information covered by the Data Protection Act for Clients, other employees and volunteer and are promising to keep all data secure, that you may come in contact with, and that you will not disclose sensitive or confidential information to anyone who does not have the appropriate authorisation to access this information. As an employee or volunteer, you must sign two copies of this form - one copy should be forwarded to POSITIVE IMPACT FOR YOUNG PEOPLE CIC , the other to be signed and retained by you with your written particulars or volunteer agreement.)

I confirm that POSITIVE IMPACT FOR YOUNG PEOPLE CIC's Confidentiality and Data Protection Policy has been brought to my

attention and that I have read, understood and agree to abide by the above conditions.

Signed .....Date.....