

Confidentiality Policy

1. General principles

- 1.1. Healthwatch City of London recognises that employees, volunteers and trustees 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. This policy aims to give guidance but if in doubt, seek advice from the Managing Director or the Chair.
- 1.2. Colleagues and volunteers are able to share information with the Managing Director or the Chair in order to discuss issues and seek advice.
- 1.3. Colleagues should avoid exchanging personal information or comments (gossip) about individuals with whom they have a professional relationship.
- 1.4. It is not appropriate to discuss a person's sexuality (i.e. 'outing' a gay person) without their prior consent.
- 1.5. Where colleagues have acquired information about organisations or individuals while acting on behalf of Healthwatch City of London, they should avoid sharing this information in social settings.
- 1.6. Information given to staff members or volunteers acting on behalf of Healthwatch City of London is considered to be given to Healthwatch City of London as an agency rather than to the individual staff member or volunteer. In order to give the best possible service to users of Healthwatch City of London services, it is sometimes desirable to share information with other colleagues in the organisation.
- 1.7. Constructive liaison with other agencies is sometimes essential if individuals and groups are to be offered an effective service by Healthwatch City of London. However, confidential matters must not be discussed outside of Healthwatch City of London without the prior permission of the individual or organisation.
- 1.8. Where there is a legal duty on Healthwatch City of London to disclose confidential information, the person to whom the duty to preserve the confidentiality of the information is owed will be informed that disclosure has or will be made.

Why information is held

- 1.9. Much of the information held by Healthwatch City of London relates to voluntary and community organisations, self-help groups, volunteers, employees, trustees or services. Information may be kept enabling Healthwatch City of London to understand the history and activities of organisations in order to deliver the most appropriate services.

- 1.10. Information about ethnicity and disability of users is only kept for the purposes of monitoring our equal opportunities policy and also for reporting back to funders.

2. Access to information

- 2.1. Information is confidential to Healthwatch City of London as an organisation but may be passed to colleagues, line managers or trustees to ensure the best quality service for users.
- 2.2. Where information is sensitive, it will be confidential to the employee dealing with the case and their line manager. Such information should be clearly labelled 'Confidential' and should state the names of the colleagues entitled to access the information and the name of the individual or group who may request access to the information.
- 2.3. Colleagues will not withhold information from their line manager unless it is purely personal.
- 2.4. Healthwatch City of London recognises that individuals have the right to access their personal data, and will deal with any Subject Access Requests (**SAR**) in accordance with guidance given by the Information Commissioner's Office. A SAR may be made verbally or in writing. If made in writing, it would be helpful if you can address your SAR to the Managing Director. We recommend that the SAR should include the following:
 - a) a clear label for your request (e.g. use 'subject access request' as your email subject line or a heading for your letter);
 - b) the date of your request;
 - c) your name (including any aliases, if relevant);
 - d) any other information used by Healthwatch City of London to identify or distinguish you from other individuals;
 - e) your up-to-date contact details;
 - f) a comprehensive list of what personal data you want to access, based on what you need;
 - g) any details, relevant dates, or search criteria that will help Healthwatch City of London identify what you want; and
 - h) how you would like to receive the information (e.g. by email or printed out).

The SAR will be processed as quickly as possible and no later than one calendar month starting with the date when it is received.

- 2.5. When photocopying or working on confidential documents, colleagues must ensure they are not seen by people in passing. This also applies to information on computer screens.

3. Storing information

- 3.1. Healthwatch City of London keeps non-confidential information using paper files and cloud storage. Confidential information is maintained with an appropriate level of security, in accordance with the General Data Protection Regulation, this policy, the Data Protection Policy and the Information Governance policy, which will adequately protect information about individuals that is held in the systems.
- 3.2. Information about volunteers and other individuals will be kept by the colleague directly responsible. These colleagues must ensure line managers know how to gain access.
- 3.3. Employees' personnel information will be kept in filing cabinets and will be accessible to the Managing Director or to those who are entitled to see it as part of their duties.
- 3.4. In an emergency situation, the Managing Director may authorise access to files by other staff, The Chair or Trustees.

4. Duty to disclose information

- 4.1. There is a legal duty to disclose some information including:
 - 4.1.1. Child abuse, which will be reported to the Department of Children, Schools and Families of the Independent Safeguarding Authority;
 - 4.1.2. Drug trafficking, money laundering, acts of terrorism or treason, which will be disclosed to the police.
- 4.2. In addition, a colleague believing an illegal act has taken place, or that a user is at risk of harming themselves or others, must report this to the Managing Director who will report it to the appropriate authorities.
- 4.3. Users should be informed of this disclosure.

6. Disclosures

- 6.1 Healthwatch City of London complies fully with the Criminal Record Bureau's Code of Practice regarding the correct handling, use, storage, retention and disposal of information disclosed to it under Part V of the Police Act 1997 ("**Disclosure information**").
- 6.2 Disclosure information is always 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 Documents will be kept for a year and then destroyed by secure means. Photocopies will not be kept. However, Healthwatch City of London 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. Breach of confidentiality

- 7.1. Employees who are dissatisfied with the conduct or actions of other colleagues or Healthwatch City of London should raise this with their line manager using the grievance procedure, if necessary, and not discuss their dissatisfaction outside of Healthwatch City of London.
- 7.2. Colleagues accessing unauthorised files or breaching confidentially will face disciplinary action. Ex-employees breaching confidentiality may face legal action.

8. Whistleblowing

- 8.1 Where the Managing Director has concerns about the use of Healthwatch City of London funds, he or she may refer directly to the Chair outside the usual grievance procedure.

Adoption date: 23 January 2020 by Board of Trustees

Reviewer: Ana Lekaj

Review Date: 22 January 2021