Goan Community Centre
Apple Tree Road Off Keston Road
Tottenham
N17 6HS
UK

ANOTHER EAR

Confidentiality Policy

Adopted: February 2018

Reviewed: January 2022

Next Review: January 2023

Reg. Company No 13627402

Another Ear

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Confidentiality Policy

1.Introduction

1.1. Another Ear is responsible for managing personal data about The Organisation, its Employees, Trustees, Volunteers, Clients, and any other individual involved in the Organisation 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 Another Ear through its work.

1.3. This Policy applies to all Another Ear's activities and is adopted by Employees, Trustees, Volunteers, and any other Individual involved with the Organisation.

1.4. Another Ear will adhere to the principles and procedures contained within UK legislation and guidance. Taking the following particularly into consideration:

- The Data Protection Act 2018
- The Human Rights Act 1998
- The Care Act 2014
- The Children Act 1989
- The Children Act 2004
- The Caldicott Review 1997, 2013 and 2016

2. Purpose

2.1. The purpose of the Confidentiality Policy is to ensure that all Employees, Trustees, Volunteers, Clients, and any other Individual involved in the Organisation understand the Organisations' requirements in relation to the disclosure of personal data and confidential information.

3. Principles

3.1. Another Ear is committed to providing a confidential service for all; therefore, the below principles should always be adhered to in relation to personal data:

- 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.
- The minimum amount of personal confidential data transferred or accessible, as is necessary for a given function to be carried out.
- Inform Individuals about how their confidential data is used and what choices they have around this (Data Protection Privacy Notice, Appendix 1).
- 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 Organisation will be shared with any third party, without that Individual's or Organisation'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 representative (evidence required).
- 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 Line Manager and Chief Executive Officer prior to any disclosure being made.
- Any unauthorised disclosure of information (verbal, written or implied) will be treated as a very serious matter.

4. Responsibilities

4.1. The Director or Chairperson has overall responsibility for ensuring the effective implementation of Another Ear's Confidentiality Policy and this is supported on a day-to-day basis by all Employees, Trustees, Volunteers, and any other Individual involved with the Organisation adopting and endorsing these.

5. Action to be taken

5.1. All Employees, Trustees, Volunteers, and any other Individual involved in the Organisation will receive a copy of the Confidentiality Policy, as part of their induction and training. Line Managers must ensure that the Confidentiality Policy Statement (Appendix 2) is completed at the first viable opportunity.

5.2. All personal paper-based and electronic data must be stored in accordance with The Data Protection Act (2018) and The Retention, Destruction and Disposal Policy. 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. This includes Employees, Trustees, Volunteers, and any other Individual involved in the Organisation identified through stringent recruitment processes (see Recruitment and Selection Policy), received appropriate training, and clearly understand their responsibilities around confidentiality.

5.4. All paper enquiry records should be kept in lockable cabinets if they cannot be transferred on to Compass, with access limited to relevant staff. (see Retention, Destruction and Disposal Policy).

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 (see Retention, Destruction and Disposal Policy).

5.6. It is sometimes necessary for Employees, Trustees, Volunteers and any other Individual involved in the Organisation to carry information relating to Clients with them on home visits or when attending meetings or case conferences. 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 client. No such material/information should

be left unattended in a vehicle. Papers should be returned to the office as soon as possible and always before the end of the working day.

5.7. Any electronic device used in community work should be password protected and stored securely. The includes smartphones, tablets, laptops, and USB or other external storage devices.

5.8. Employees, Trustees, Volunteers, and any other Individual involved in the Organisation can share personal information with their Line Manager to discuss issues and seek advice appropriately.

5.9. It is also acknowledged as part of learning and development processes, there may be occasions when Employees, Volunteers, and any other Individual involved in the Organisation wish to discuss a case to gain a wider perspective on the bast ways to approach this. However, any information considered identifiable should always be avoided.

5.10. The Organisation 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.
- 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.

All occasions of breaches of confidentiality without consent must be discussed with the Chief Executive Officer.

5.11. If an Employee, Trustee, Volunteer, and any other Individual involved in the Organisation feels confidentiality should be breached outside of these circumstances the following steps will be taken: They should raise the matter immediately with their Line Manager, discussing the issues involved in the case and explain why they feel confidentiality should be breached and what would be

achieved by breaching confidentiality. The Line Manager should take a written note of this discussion. The Line Manager is responsible for discussing what options are available in each set of circumstances. The Line Manager is responsible for deciding whether confidentiality should be breached. If the Line Manager decides that confidentiality is to be breached, then they should take the following steps: The Line Manager should contact the Director giving an accurate account of the full facts of the case to seek authorisation to breach confidentiality, ensuring they do not breach confidentiality in doing so. If the Director agrees to breach confidentiality, a full written report on the case should be made and any action agreed undertaken. The Line Manager is responsible for ensuring all activities are actioned. If the Director does not agree to breach confidentiality, then this decision is final.

5.12. All Employees, Trustees, Volunteers, and any other Individual involved in the Organisation 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.

5.13. If an Employee, Volunteer, Trustee, or any other Individual involved in the Organisation accesses another's personnel records, without authority, then the Disciplinary Policy and Procedure will be invoked.

5.14. All Employees, Volunteers, Trustees, and any other Individual involved in the Organisation hold the right to inform their Line Manager or a Trustee if they believe that Another Ear is being brought into disrepute by the actions of another, even if doing so could breach confidentiality (see Whistleblowing Policy).

5.15. Breaches of this Policy will be dealt with under the Disciplinary Policy and Procedure, as appropriate.

5.16. Employees, Volunteers, Trustees, and any other Individual involved in the Organisation can be criminally liable if they knowingly or recklessly disclose personal data in breach of the Date Protection Act (2018).

6. Recording

6.1. All personal data should be recorded in line with The Data Protection Act (2018) and the Retention, Destruction and Disposal Policy.

6.2. The Organisation 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 project monitoring reports shall be produced in anonymous format, so individuals cannot be recognised. Consent processes will also cover participation in statistical reporting.

7. Monitoring and Review

7.1. The implementation and effectiveness of this Policy will be monitored, reviewed (no less than annually) and updated to remain compliant with current Legislation and guidance by the Director.

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Appendix 1

Another Ear CIC
Data protection privacy notice

This notice explains what personal data (information) we will hold about you, how we collect it, and how we will use and may share information about you. We are required to notify you of this information, under data protection legislation. Please ensure that you read this notice (sometimes referred to as a 'privacy notice') and any other similar notice we may provide to you from time to time when we collect or process personal information about you.

Who collects the information?

Another Ear is a 'data controller' and gathers and uses certain information about you and so, in this notice, references to 'we' or 'us' mean the Company.

Data protection principles

We will comply with the data protection principles when gathering and using personal information, as set out in our Data Protection Policy.
About the information we collect and hold.

What information
We may collect the following information.

- Your name and contact details (i.e., address, home and mobile phone numbers, email address).
- Additional information relevant to the purpose it is requested.
- How we collect the information
- We will collect this information from you.
- Why we collect the information and how we use it
- We will typically collect and use this information for the following purposes
- for compliance with a legal obligation.
- for the performance of a task carried out in the public interest; and

- for the purposes of our legitimate interests, but only if these are not overridden by your interests, rights, or freedoms.

We seek to ensure that our information collection and processing is always proportionate. We will notify you of any changes to information we collect or to the purposes for which we collect and process it.

How we may share the information

We may also need to share some of the above categories of personal information with other parties, and professional advisers. Usually, information will be anonymised, but this may not always be possible. The recipient of the information will be bound by confidentiality obligations. We may also be required to share some personal information with our regulators, or as required to comply with the law.

Where information may be held

Information may be held at our offices.

How long we keep your information?

We keep the personal information that we obtain about you no longer than is necessary for the purposes for which it is processed. How long we keep your information will depend on the nature of the information concerned and the purposes for which it is processed.

Further details on our approach to information retention and destruction are available in our Destruction and Disposal policy.

Your rights to correct and access your information and to ask for it to be erased

Please contact our Data Protection Officer who can be contacted at our Carlisle office if (in accordance with applicable law) you would like to correct or request access to information that we hold relating to you or if you have any questions about this notice. You also have the right to ask our Data Protection Officer for some but not all of the information we hold and process to be erased (the 'right to be forgotten') in certain circumstances. Our Data Protection Officer will provide you with further information about the right to be forgotten, if you ask for it.

Keeping your personal information secure

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We have appropriate security measures in place to prevent personal information from being accidentally lost or used or accessed in an unauthorised way. We limit access to your personal information to those who have a genuine business need to know it. Those processing your information will do so only in an authorised manner and are subject to a duty of confidentiality.

We also have procedures in place to deal with any suspected data security breach. We will notify you and any applicable regulator of a suspected data security breach where we are legally required to do so.

How to complain

We hope that our Data Protection Officer can resolve any query or concern you raise about our use of your information. If not, contact the Information Commissioner at https://ico.org.uk/concerns/ or telephone: 0303 123 1113 for further information about your rights and how to make a formal complaint.

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Appendix 2

ANOTHER EAR CIC
CONFIDENTIALITY POLICY STATEMENT

The right to privacy in one's life is the hallmark of a free society and grounded in Legislation. Another Ear recognises and endorses this Human right.

Another Ear accepts that personal details about an Individual belong to that Individual and the same is true about Organisational data.

We therefore aim to ensure that information which is learned about Individuals and Organisations in the course of our work is treated with absolute confidentiality.

To implement this:

- Another Ear will only use information which is learned about Individuals and Organisations for the purpose for which it is given.
- Confidentiality of records will be maintained; access to records will be restricted to those persons who are authorised to see them.
- Information relating to an individual or Organisation will not be given to a third party without specific consent (written or verbal).
- Any unauthorised disclosure of information (verbal, written or implied) will be treated as a very serious matter.

Another Ear recognises that Organisations and Individuals (sometimes people who are very vulnerable) place a trust in us, that they are free to confide personal information, and that anything divulged will be treated in the strictest of confidence.

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Another Ear values this trust highly and will take all reasonable steps to safeguard it.

Confidentiality of Personal and Organisational information: Regulations for Trustees / Employees / Volunteers and any other Individuals involved in the Organisation.

1. All personal information concerning Trustees / Employees / Volunteers / Clients and any other Individuals involved in the Organisation is CONFIDENTIAL.

2. Information must NOT be disclosed to anybody other than in the following circumstances:

- With the Individual's or Organisation's specific consent.
- Where an Individual is unable to provide meaningful consent to share data, then this must be sought from an Individual's named legal representative and appropriate evidence is required.
- To other Employees/ Volunteers/ Individuals involved in the Organisation, to the extent needed to enable them to carry out their work.
- To others involved in supporting that Individual, to the extent needed to enable them to carry out their work. Examples are NHS workers, Social Workers, other Voluntary Organisations.
- In exceptional circumstances when the need to protect the health and welfare of the Client or another person overrides the Client's right to confidentiality. Under these circumstances the Chief Executive only, must authorise this disclosure.
- When disclosure is required by law.

3. The above confidentiality processes also cover any member of the Client's wider network.

4. Whenever you are not sure whether information should be disclosed, you must consult the Director.

5. All information relating to the internal affairs of Another Ear is CONFIDENTIAL.

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I confirm that I must maintain the confidentiality of Individual and Organisational information entrusted to me in the course of my work and I undertake to abide by these regulations.

Signed: _____

Job Title: _____

Date: _____