



Confidentiality Policy

1. INTRODUCTION

- 1.1 Confidential information is information which is regarded as personal and is not meant for public or general knowledge.
- 1.2 Confidentiality within CHAI means that whatever is learned from a service user, and **even the fact that they have called on the Project** for advice or assistance, is not passed to any person or organisation outside CHAI, unless the client has given clear and express permission that this can be done.
- 1.3 The service user, and any issues raised by them in the course of their contact with CHAI, must not be discussed with any third-party individual or organisation unless clear and express permission to do so has been given by that service user.
- 1.4 The principle of confidentiality is one that must be practised at all times during any ongoing involvement with a client, and after that involvement may have ceased.

2. AIM OF POLICY

- 2.1 This policy aims to protect the best interests of staff and clients by making clear the responsibilities of staff concerning confidentiality, as well as ensuring service users are aware of CHAI's obligation to protect confidential information.
- 2.2 Confidential information about staff or service users can only be shared when there is a clear and legitimate reason for doing so (see para. 9).

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3. STORAGE/DISPOSAL OF INFORMATION

- 3.1 CHAI staff are responsible for ensuring that information of a personal or sensitive nature about service users is stored in a secure place.
- 3.2 Information will only be stored if it is current and relates to service delivery.
- 3.3 Non-active information will be stored for a period of six years (where there is a legal requirement to do so).
- 3.4 Staff will be responsible for placing confidential paper items in the Confidential Waste Bins provided. Electronic data/files will be disposed of securely in line with our AdvicePro Case Management Policy when these are no longer required or where we receive a personal data removal request from a service user.

4. ACCESS TO INFORMATION

- 4.1 CHAI is on the Data Protection Register and adheres to the principles and practices outlined in the Data Protection Act 1998.
- 4.2 CHAI operates an open access policy which means that both staff and service users can access information stored about them on computer and in files. To access information, clients need to give the Project **two working days'** notice.
- 4.3 Information relating to service users is confidential to the team from which they receive the service and not to individual staff members. This means that other team members have access to all relevant information in the event of staff absence.
- 4.4 Any sensitive information relating to an individual service user should be reported to the relevant Service Manager and/or Project Executive, who will be responsible for monitoring the situation.

4.5 Information which is given for one purpose will not be utilised for another and only service user information directly relevant to service provision shall be stored on file.

4.6 With regards to group work, individual group members have the right to access general group files stored by CHAI, but not personal information about other group members. Similarly, personal information such as phone numbers, addresses etc relating to staff members will not be given to other staff members or clients without the express permission of that person.

5. BOUNDARIES (SUPERVISION)

5.1 Confidential information relating to professional, and indeed sometimes personal issues can be discussed during PPR and support & supervision when they are likely to affect the individual staff member's work. The appropriate service manager has responsibility for keeping this information confidential.

5.2 Service Managers must ensure that records of PPR and support and supervision are stored in a secure place.

5.3 It is agreed by both the service manager and the staff member that all information discussed in PPR, and support & supervision is treated as confidential.

5.4 Some issues raised in PPR, and support & supervision may need to be discussed with the Project Executive in order to resolve them. This should be agreed by the staff member and their service manager.

6. PERSONNEL FILES

6.1 Personnel files are confidential and access to a staff members' file is limited to the Project Executive and Service Managers, as well as the individual concerned (within office hours).

- 6.2 Personnel files are kept up to date by Service Managers.
- 6.3 The Project Executive's personnel file can only be accessed by the Chairperson of CHAI for the purposes previously outlined.
- 6.4 Personnel files shall be kept in a locked filing cabinet, accessible only to the Human Resources Manager, in whose absence the Project Executive.

7. TELEPHONE CALLS AND LETTERS

- 7.1 All mail is opened and recorded centrally. Mail for one staff member which is marked 'Personal' will not be opened by another staff member. Any such mail once opened, must be recorded in the incoming mail log. However, in the expected absence of a staff member, any other mail addressed to them may be opened by a Service Manager or the Project Executive.
- 7.2 When sending information via fax, email, answer machine etc there is no guarantee that the information will not be seen by other parties. To prevent this, staff members should ensure that no confidential information is included unless the person for whom it is intended will access it immediately.
- 7.3 A room where phone calls can be made in private (when necessary) will be made available to CHAI staff due to the open plan nature of the office.

8. PROCEDURES WHEN CONFIDENTIALITY IS BROKEN

- 8.1 Breaches of service user confidentiality are viewed in the most serious light and may result in disciplinary action (including dismissal from the Agency) being taken against anyone found guilty of such a breach.

9. EXCEPTIONAL DISCLOSURE OF INFORMATION

- 9.1 In cases where it is felt that there may be a justifiable reason to breach confidentiality (e.g., to protect the safety of a service, a staff member, a third party or another person) then the Service Manager and/or Project Executive **MUST** be consulted. It is their responsibility, in consultation with the concerned member of staff, to deal with any situation where a breach of confidentiality may be considered appropriate.
- 9.2 The Project Executive will adhere to Health and Safety legislation by informing the workplace of any information they receive about contagious/notifiable disease suffered by any person whom members of the workforce come into contact with during the course of their work.
- 9.3 Should a serious issue arise of a line management nature (e.g., professional misconduct) service managers may raise this with the Project Executive with or without the staff member's agreement.
- 9.4 In the event of a police enquiry (which has the backup of the necessary legal documentation), CHAI has a legal requirement to disclose information.

10. INFORMATION AND TRAINING

- 10.1 All CHAI employees will be provided with this policy document and new employees will receive a copy on taking up appointment. This document is also available on the CHAI staff SharePoint site.
- 10.2 Training will be given to staff members on issues around confidentiality and the contents of this policy to ensure that work practices are in line with the requirements of this policy.
- 10.3 Service users who use the service regularly will be informed of this policy document and given their own copy.

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11. BOARD CONFIDENTIALITY

- 11.1 Board members should not at any time during their term of office (or indeed at any time once the term of office has ceased) disclose any information regarding the practice or business dealings of CHAI, or any of CHAI's staff or service users.
- 11.2 At meetings and during professional discussions, board members must respect confidentiality as agreed in the terms for taking up the board position.

12. MONITORING AND REVIEWING

- 12.1 The working of this policy will be monitored regularly. Statistical information will be held by the Project Executive regarding the number and nature of any complaints made in relation to it.
- 12.2 A review of this policy will take place on a periodic basis in line with the programme of policy review and formulation.

APPENDICES

Appendix 1 – Data Protection and Privacy Statement

Appendix 2 – Data Protection Consent Form

Appendix 3 – Non-dependent Data Protection Consent form

Appendix 4 – Third Party Feedback Mandate



Appendix 1: Data Protection and Privacy Statement

Please read this Privacy Notice. It relates to how we hold and process your information (data) and your rights. We recommend that you retain this Privacy Notice for future reference.

CHAI is a "data controller" in terms of the Data Protection Act 2018. This means that we are responsible for deciding how we hold and use personal data about you. We are required under data protection legislation to notify you of the information contained in this privacy notice. We have a duty to keep your data secure and maintain your confidentiality and we will do so.

We will process your data, including certain special category data (being data relating to race, ethnic origin, physical or mental health or condition) on the lawful basis that we have your explicit consent to do so.

We will only process and use your data for the purpose of carrying out the advice, information, representation or support services we have agreed to provide for you and not for any other purpose. Your data is held on our computer systems. We have an obligation to keep this data accurate and we will endeavour to do so. Similarly, you are obliged to inform us of any data we hold that may no longer be accurate and we ask that you do so.

We will share a very limited amount of your data with the third parties who fund the services we provide for you; we consider this is in the legitimate interests of our business. Any other data we hold on you will only be shared with a third party where you give specific consent for us to do so. Your data will be retained once the contract between us has ended within our Content Management System.

Your rights

You are entitled to request copies of the data we hold about you. You are also entitled to receive confirmation from us that we are processing your data, what that data is, and to ensure that your
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data is correct and ask for it to be rectified if it is not. In addition, you have the right to object to our processing your data and ask that it be deleted.

If you have any questions regarding how CHAI uses your personal data, please contact our 'Data Controller', Teresa Sutherland, Project Executive, on 0131 442 2100. Complaints about CHAI's management of personal data can be made to the Information Commissioner's Office (0303 1231113)



Appendix 2: Data Protection Act 2018 - Consent Form

Consent for personal information to be held on CHAI's Case Management System

By signing below, I give consent that:

- Information about me, including personal information, will be stored on secure website for the purpose of progressing the planned support that we, in conjunction with you, agree to provide for you in order to advise and assist you.
 - This will include special category data and information about my ethnicity, housing situation, support and care needs, health circumstances and employment seeking.
- Information about me will only be shared as follows:
 - It will be shared with agencies that have a lead responsibility for monitoring benefits, housing, support, care, health and employability services in order to **assist in planning and improving these services. This information will only be shared in a way that does not identify me**, or any other individual, and will be produced to provide general statistical information only.
 - Information about me being shared with **external auditors** for the purpose of assessing the quality of advice which the service provides.
 - It will be shared with **agencies working with me to whom I have separately given consent**. This information will be used by agencies working directly with me so that they can do so effectively for my benefit. This sharing of my information will identify me.

- I can see the information held about me on CHAI's Case Management System or ask for a printed copy.
- I can choose to have some, or all, of this information removed.
- I have the right to refuse any personal information about me being recorded on CHAI's Case Management System.
- I have received a copy of CHAI's Data Protection & Privacy Statement.

Name: _____

Signature: _____

Date: _____

Please tick this box if you wish to subscribe to our mailing list and receive quarterly newsletters with updates on our work as well as tips on income maximisation and legislation and policy updates.

If you have any questions regarding how CHAI uses your personal data please contact our 'Data Controller' – Teresa Sutherland, Project Executive - on 0131 442 2100 or email: chai@chaiedinburgh.org.uk



Appendix 3: Data Protection Act 2018 Consent Form for non-dependents and third parties named in clients' files

Consent for personal information to be held on CHAI's Case Management System

By signing below, I give consent that:

- Information about me, including personal information, will be stored on secure website for the purpose of progressing the planned support that we, in conjunction with you, agree to provide for you in order to advise and assist you. This will include special category data and information about my ethnicity, housing situation, support and care needs, health circumstances and employment seeking.

- Information about me will only be shared as follows:
 - It will be shared with agencies that have a lead responsibility for monitoring benefits, housing, support, care, health and employability services in order to **assist in planning and improving these services. This information will only be shared in a way that does not identify me**, or any other individual, and will be produced to provide general statistical information only.

 - Information about me being shared with **external auditors** for the purpose of assessing the quality of advice which the service provides.

 - It will be shared with **agencies working with me to whom I have separately given consent**. This information will be used by agencies working directly with me so that they can do so effectively for my benefit. This sharing of my information will identify me.

- I can see the information held about me on CHAI's Case Management System or ask for a printed copy.
- I can choose to have some, or all, of this information removed.
- I have the right to refuse any personal information about me being recorded on CHAI's Case Management System.
- I have received a copy of CHAI's Data Protection & Privacy Statement.

Full Name: Click or tap here to enter text.

What is the full name of the person CHAI is working with? Click or tap here to enter text.

Signature: Click or tap here to enter text.

Date: Click or tap here to enter text.

If you have any questions regarding how CHAI uses your personal data please contact our 'Data Controller' – Teresa Sutherland, Project Executive - on 0131 442 2100 or email: chai@chaiedinburgh.org.uk



Appendix 4: Third Party Feedback Mandate

This form can be used to provide authorisation to CHAI to provide feedback on a client's case to a third party. A third party can be carers and family members, support workers, advocacy workers, referrers, early years and school staff, health visitors etc.

Your details

Name _____

Address _____

EH _____

DoB _____

N.I.No. _____

Third party details

Name of person (if known/if necessary) [Click or tap here to enter text.](#)

Organisation _____

Address _____

EH _____

Phone number _____

Email address _____

I authorise CHAI to liaise with the aforementioned third party to discuss relevant information about my case in relation to the following matter(s):

Tick all that apply:

- Welfare benefit claims & entitlements – e.g., Universal Credit, Social Security Scotland benefits, Adult Disability Payment
- Council tax and council tax reduction
- The Scottish Welfare Fund (Community Care Grant and Crisis Grant)
- Personal debt and other financial matters
- Housing issues

Or specify here what specific issue CHAI can discuss with the named third party:

This mandate will last for 6 months from the date below though can be ended by notifying CHAI in writing that I no longer wish CHAI to liaise with the named third party.

Signature _____

Date _____