

Confidentiality Policy

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<i>Approving Body:</i>	<i>Directors Team</i>
<i>Implementation Date:</i>	<i>April 2018</i>
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<i>Stakeholder groups consulted:</i>	<i>Directors Team</i>
<i>Target Audience:</i>	<i>All staff and volunteers</i>
<i>Review Date:</i>	<i>April 2021 (or earlier if specific change in legislation)</i>
<i>Lead Executive:</i>	<i>Senior Information Risk Officer</i>
<i>Author/Lead Manager:</i>	<i>Head of Data & Insight</i>

Policy history

Version	Author	Date	Change
3.0	Elice Craske	19/03/18	Version 2.0 updated as follows:
			Stakeholder groups consulted: Added Directors Team
			Target Audience: Changed to All staff and Volunteers
			Lead Executive: Changed to Senior Information Risk Officer
			Author/Lead Manager: Head of Data & Insight
			Removed: hyperlinks to all of the individual policies, procedures and guidance
			Changed within (2): provide optimum care support services to: provide optimum services
			Changed within (2): The Association will not disclose personal information or commercially sensitive information outside the organisation without consent from the individual or company concerned to: The Association will not share personal information without the knowledge or consent of the individual concerned. Similarly, it will not share commercially sensitive information without the consent of the organisation concerned.
			Changed within (2): The Association will follow agreed procedures for recording, storing and updating personal information all of which comply with the Data Protection Act 1998 and the General Data Protection Regulation to: The Association will follow agreed procedures for recording, storing and updating personal information all of which comply with the Data Protection Act 1998, the General Data Protection Regulation and any future legislation.

Version	Author	Date	Change
			<p>Changed within (3): The Association, and/or its staff and volunteers, will not disclose personal or commercially sensitive information outside the Association without the explicit authority/consent of the individual concerned, or the agency that gave it. It is Association policy that this consent should be in writing whenever possible, with the consent recorded, to: Staff and volunteers of the Association will not disclose personal information or commercially sensitive information outside the Association without the knowledge or consent of the individual concerned, or the agency that gave it. It is Association policy that notification to share or consent should be in writing whenever possible and recorded.</p>
			<p>Delete within (3): If a third party provides information about an individual on the express condition it will remain confidential, the Association will protect the identity of the third party.</p>
			<p>Changed within (7): The Association will not disclose personal information outside the Association without the explicit consent of the individual concerned. Wherever possible this should be in writing. The Association recognises that there may be exceptional circumstances where this is not practical. In these circumstances the person receiving the information should try to arrange for a second representative of the Association to confirm the wishes of the owner of the information. to: The Association will not disclose personal information outside the Association without the knowledge or consent of the individual concerned. It is Association policy that notification to share or consent should be in writing whenever possible and recorded. The Association recognises that there may be exceptional circumstances where this is not practical for example, where the Association has a legal duty to disclose information, or is required by a court order or warrant to do so, or where there are reasonable grounds to believe that an individual is at immediate risk of harm.</p>
			<p>Deleted within (8): explicit authority</p>

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1. The Policy

This policy is necessary to protect clients, employees and volunteers, donors, supporters, members and contractors from the possibility of information (personal and/or sensitive) about them being passed on to individuals or organisations who have no right to that information. It also includes unauthorised access to personal information. Information refers to personal and sensitive details that are shared in a written (manual and electronic) or spoken form. It is also important to provide guidance to employees and volunteers on the extent to which confidentiality is to be preserved, circumstances in which it may be breached, and measures to be taken in either eventuality.

This policy is not part of the employees' contractual terms and conditions and as such changes may be made without consultation. However, the requirement for all employees to adhere to the policy is a contractual term. Any breach of trust or confidence as a result of action taken by staff, volunteers or contractors is considered seriously and may be investigated under the terms of the Association's Disciplinary Policy or other relevant policies or procedures.

This policy should be read in conjunction with the following documents:

- Information Governance Policy
- Data Protection Policy
- Safeguarding Children and Young People Policy
- Safeguarding Vulnerable Adults Policy
- Disciplinary Policy
- Sharing of Personal Information Procedure
- Subject Access Request Procedure
- Managing concerns about a volunteer
- Managing concerns about a trustee.

The scope of the policy applies to the following:

- All staff and volunteers
- National and Regional Offices of the Association
- All branches and groups
- All contractors operating on behalf of the Association

2. The Purpose

The Motor Neurone Disease Association (the Association) believes it is of the utmost importance that people are able to trust the Association with personal information about themselves and must be confident that information they may disclose is treated with respect and in confidence.

Personal information and commercially sensitive information held by the Association will be treated as confidential to the Association and not to the individual receiving it. It will only be divulged to those within the Association who need the information in order to fulfil their responsibilities, function effectively and provide optimum services.

The Association will not share personal information without the knowledge or consent of the individual concerned. Similarly, it will not share commercially sensitive information without the consent of the organisation concerned. The exception to this is where the Association has a legal duty to disclose information, or is required by a court order or warrant to do so or where there are reasonable grounds to believe that an individual is at immediate risk of harm.

The Association will follow agreed procedures for recording, storing and updating personal information all of which comply with the Data Protection Act 1998, the General Data Protection Regulation and any future legislation.

The Association will treat breaches of its Confidentiality policy, both accidental and deliberate, with the utmost seriousness, will investigate them within the appropriate disciplinary and grievance procedure, and take action to ensure they do not reoccur.

3. Using personal information within the Association

The following clauses explain how personal information may be obtained, processed, used, shared with third parties, and the limitations and restrictions that apply.

Staff and volunteers of the Association will not disclose personal information or commercially sensitive information outside the Association without the knowledge or consent of the individual concerned, or the agency that gave it. It is Association policy that notification to share or consent should be in writing whenever possible and recorded.

Association documents that include personal information or commercially sensitive information are for internal use only. If authorised for sharing with a third party, such information should be restricted to no more than names and telephone numbers of individuals and the relevant procedures followed.

Information should only be shared on a need to know basis.

4. Preventing breaches of the Association's confidentiality policy

All staff, volunteers and contractors are responsible for maintaining confidentiality. Breaches of confidentiality include discussions and conversations outside the Association and inappropriate discussion about an individual's personal information. Situations may arise when an individual chooses to make personal information public so that it is 'common knowledge'. The Association will take this to mean that it does not have a duty of confidentiality in relation to personal information that the individual has chosen to bring into the public domain. It still has a duty of confidentiality, however, in relation to any other personal information it holds about that individual.

To ensure confidentiality and prevent breaches or other unauthorised access, personal information recorded on files should only be available by use of passwords for computer files, or kept in lockable filing cabinets for manual files.

Breaches of the Association's confidentiality policy, whether accidental or intentional, will be treated as serious and may result in disciplinary action being taken. Such breaches will be investigated and action will be taken to prevent re-occurrence under the appropriate disciplinary or grievance procedure.

Even if there is an internal investigation, staff should be aware that the Information Commissioner has legislative power to investigate breaches of the Data Protection Act, the General Data Protection Regulation and any future legislation. This includes access to the Association's records and files, even if they are confidential. If the investigation confirms there has been a breach through inappropriate or malicious sharing of confidential information this could result in a fine and/or imprisonment for those involved and considerable adverse publicity for the Association.

5. Employee information

During recruitment and employment of staff the Association may receive personal information direct from individuals, e.g. references from previous employers, medical clearance from Occupational Health. Personal information will be kept on our database in order to administer and manage records efficiently. The personal information is available to:

- limited Association employees with a need to access the information
- others authorised by the employee and /or by the Association to receive information
- those the Association is legally obliged to disclose it to.

The personal file and HR database held by Human Resources is the only true record of an employee's employment for legal purposes. Information held or stored elsewhere cannot be used to action any employment issue which may arise.

Employees may view their personal files by making an appointment with the Head of HR giving at least 24hrs notice.

6. Care Service Users

The Association may receive personal information and sometimes sensitive information directly from Care Service Users or from third parties such as Health and Social Care Professionals.

The Association needs to obtain and keep personal information and sometimes sensitive, information on Care Service Users to enable it to offer them the best possible care and support. It recognises, however, that this information must only be used for purposes for which it is provided, in this case those relating to providing care services. It may only be shared within the Association on a need to know basis and is stored with additional security for any sensitive data.

7. The disclosure of personal information

The Association will not disclose personal information outside the Association without the knowledge or consent of the individual concerned. It is Association policy that notification to share or consent should be in writing whenever possible and recorded. The Association recognises that there may be exceptional circumstances where this is not practical, for example where the Association has a legal duty to disclose information, or is required by a court or warrant to do so, or where there are reasonable grounds to believe that an individual is at immediate risk of harm.

Staff and volunteers will follow the agreed policies or procedures before disclosing personal information in any of these circumstances.

8. Disclosure of information of a confidential or commercially sensitive nature

The Association and/or its staff and volunteers will not use or disclose any information of a confidential or commercially sensitive nature outside the Association for any purpose other than in accordance with its provision, without the consent of the provider. The information disclosed will be limited to that which is necessary in each circumstance (need to know basis).

This clause does not apply to any information already in the public domain prior to its disclosure to the Association. No copies shall be made of any information obtained unless for the specific reason it was supplied to the Association.

Applications and progress reports involving industrial partners may contain confidential and commercially sensitive information. In order to make such information available to the Association it may be necessary for a Confidentiality Agreement or Information Sharing Agreement to be signed on behalf of the MND Association. Such information must be held in strict confidence and not used for any other purposes than agreed with the provider.