



# Confidentiality Policy

## Tough Enough To Care

### 1. General principles

- 1.1. Tough Enough To Care 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 founder or board of trustees (*for the purpose of this policy 'the board' is the founder and the board of trustees.*)
- 1.2. Colleagues are able to share information with *the board* 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. Colleagues should avoid talking about organisations or individuals in social settings.
- 1.6. Information given to staff members or volunteers acting on behalf of Tough Enough To Care is considered to be given to Tough Enough To Care as an organisation rather than to the individual staff member or volunteer. In order to give the best possible service to users of Tough Enough To Care services, it is sometimes desirable to share information with other colleagues in the organisation.
- 1.7. Constructive liaison with other organisations is sometimes essential if individuals and groups are to be offered an effective service by Tough Enough To Care. However, confidential matters must not be discussed outside of Tough Enough To Care without the prior permission of the individual or organisation.
- 1.8. Where there is a legal duty on Tough Enough To Care to disclose information, the person to whom the confidentiality is owed will be informed that disclosure has or will be made.

### 2. Why information is held

Tough Enough To Care is a UK registered charity No: 1187404

- 2.1. Most information held by Tough Enough To Care relates to voluntary and community organisations, self-help groups, volunteers, employees, trustees or services which support or fund them.
- 2.2. Information may be kept to enable Tough Enough To Care to understand the history and activities of organisations in order to deliver the most appropriate services.
- 2.3. Tough Enough To Care has a role in putting people in touch with voluntary and community organisations and keeps contact details which are passed on to any enquirer, except where the group or organisation expressly requests that the details remain confidential.
- 2.4. 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.

### **3. Access to information**

- 3.1. Information is confidential to Tough Enough To Care as an organisation but may be passed to colleagues, line managers or trustees to ensure the best quality service for users.
- 3.2. Where information is sensitive, i.e. it involves disputes or legal issues, 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.
- 3.3. Colleagues will not withhold information from their line manager unless it is purely personal.
- 3.4. 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.

### **4. Storing information**

- 4.1. Tough Enough To Care keeps non-confidential information using paper files and computers. Confidential information is maintained with an appropriate level of security, in accordance with the Data Protection Act and this policy, which will adequately protect information about individuals that is held in the systems.
- 4.2. 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.
- 4.3. In an emergency situation, the board may authorise access to files by other people.

## 5. Duty to disclose information

- 5.1. There is a legal duty to disclose some information including:
  - 5.1.1. Child abuse will be reported to the Children, Schools and Families Department
  - 5.1.2. Drug trafficking, money laundering, acts of terrorism or treason will be disclosed to the police.
- 5.2. 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 board* who will report it to the appropriate authorities.
- 5.3. Users should be informed of this disclosure.

## 6. Disclosures

- 6.1 Tough Enough To Care complies fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and 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, Tough Enough To Care 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 Tough Enough To Care should raise this with their line manager and not discuss their dissatisfaction outside of Tough Enough To Care.
- 7.2. Colleagues accessing unauthorised files or breaching confidentiality will face disciplinary action. Ex-employees breaching confidentiality may face legal action.

Signed:		
Name:		
Date:		

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