

CONFIDENTIALITY RECORDS MANAGEMENT POLICY

STATEMENT OF GENERAL PRINCIPLES

CVS recognises that the right to privacy is essential to ensure that Service Users are able to have trust and confidence in this organisation. CVS will make every effort to ensure and maintain a working environment where personal rights, choices and dignity are respected. Our Privacy Statements can be found at:

www.nandscvs.org/about/privacy

CVS is therefore committed to the principle that any service user has the right to expect that any information provided by them is not to be divulged to any other person or organisation outside CVS without their consent other than in those circumstances identified in this policy when this principle cannot be adhered to.

Furthermore, Information will only be used for the purpose for which it was given.

For the purpose of this policy the term 'service user' refers to anyone; whether an individual or organisation that uses any service provided by CVS either directly or indirectly.

CVS also recognises its duty of confidentiality towards all its Trustees, Employees and Volunteers.

The principle of confidentiality also extends to all relevant information regarding the internal affairs of CVS; especially any information relating to or involving any aspect of the business. This duty of confidentiality applies to Trustees, Employees and Volunteers.

Everything we do will have a legal basis, chosen from among the six set out in the GDPR which include:

- With the consent of the data Subject
- For a contract involving the Data Subject
- To meet a legal obligation
- To protect any person's 'vital interests'
- Government & judicial functions

CONFIDENTIALITY - GDPR

- In 'our' legitimate interests provided the data Subjects interest are respected.

So, for example data collected in relation to Employees e.g. employment records would be on the basis of contract any disclosure of payments to the HMRC would be a legal obligation; some information held in personnel records might be held on the basis of legitimate interests.

CVS will always apply a three stage test in order to establish whether legitimate interest is a valid legal basis:

What is the legitimate interest?

Why is the processing necessary?

Does our interest outweigh the data subjects interest?

This policy aims to give guidance but if in doubt, staff are expected to seek advice from their Line Manager.

1 Why information is held

Information held by CVS relates to voluntary and community organisations, volunteers and those seeking volunteer placements, students, employees, trustees, users, other individuals having contact with the CVS and services which support or fund the CVS.

Information about organisations is kept to enable CVS colleagues to understand the history and activities of organisations in order to deliver the most appropriate services.

Personal information is processed solely in order for beneficiaries to receive services that they have requested

The CVS volunteer centre uses a bespoke database to process applications for voluntary work and is fully compliant with GDPR. Further information is available in both CVSs' Privacy Notice and Volunteer privacy statement.

Information about service users e.g. ethnicity and disability is kept for the purposes of monitoring for example our equal opportunities policy and also for reporting back to funders and is anonymised.

Case studies are used to demonstrate impact to funders and are either anonymised or have a degree of pseudonymisation and are provided with the consent of the client.

Personal information may be passed on to others from time to time when previously agreed by the individual. Passengers of the Community Transport Schemes for example are asked to agree to their personal details being passed on in the event of an emergency.

2 Duty of Confidentiality to CVS

CVS Trustees, Employees and Volunteers have a duty of confidentiality to the organisation. Employees are bound by their contract of employment and all Employees, Trustees and Volunteers are expected to act honestly and in good faith in all their dealings with the organisation.

All work undertaken by employees during their employment with CVS remains the property of the organisation.

Employees are not allowed to make copies of reports, policies, databases, mailing lists or other documents which are the property of the organisation unless as a direct requirement of their duties and with the specific authorisation of their Line Manager.

Whilst in the employment of the organisation employees are prohibited from using information provided by the organisation to set themselves up in competition or to benefit anyone else in competition with CVS.

Employees are not allowed to discuss the internal business of the organisation, including development plans and funding applications with outside organisations or individuals.

Colleagues are encouraged when appropriate to share information with their Line Manager and work colleagues in order to discuss issues and seek advice.

Colleagues will avoid exchanging personal information or comments about individuals with whom they have a professional relationship unless this discussion is regarding CVS's support to that individual.

Colleagues will not disclose to anyone, other than their Line Manager and other relevant team members, any information considered sensitive, personal, financial or without the knowledge/consent of the individual.

3 How CVS records and uses information

CVS is committed to the principle that all information it collects on potential or actual service users is collected with the full knowledge and consent of the individual.

CVS will ensure that all information held on a service user is:

- ✓ Processed lawfully

- ✓ Accurate and kept up to date; every reasonable step will be taken to erase or rectify personal data that are inaccurate without delay
- ✓ Adequate, relevant to and sufficient for only the purpose for which it has been collected
- ✓ Held safely and securely

The collection and recording of information

In all its contacts with potential or new service users, whether in person, by telephone, in writing or electronic communication CVS will ensure that:

- ✓ The individual has given consent and is informed of the fact that information is being recorded and the purpose for which it will be used
- ✓ Where necessary & appropriate that in possession of that knowledge the individual gives consent to the information being recorded
- ✓ That specific additional consent is obtained before any information is recorded relating to:
 - racial or ethnic origin
 - religious or similar beliefs
 - physical or mental condition
 - sexual life
 - political opinions
 - any alleged or actual criminal offence or conviction

4 Mailing Lists

CVS holds contact lists for membership records, newsletters, information on training etc.

The information is stored on VC Connect - CVS's bespoke CMS.

The data collected contains the minimum amount of personal data necessary.

5 Information provided by a third party

Before any information is recorded relating to a potential or actual service user which has been provided by a third party, whether in person, by telephone or in writing CVS will take every reasonable

step to ensure that the individual has given consent to the disclosure of that information to CVS.

Information regarding an individual provided by a third party that is being provided without the knowledge or consent of the individual, will not knowingly be recorded by CVS.

6 Monitoring & Security (both storage and usage) of information.

CVS will take every reasonable step to ensure that information held on a service user is maintained in a manner which preserves confidentiality and is only accessible or disclosed to appropriate staff.

Access control is essential for ensuring that only authorised persons have:

- access to manual files containing confidential information about individuals
- access to databases and computer files containing personal /confidential information about individuals.

All manually held information is securely stored a locked cabinet. Electronic records are password protected.

Information will be accurately recorded and updated as and when this information is provided.

7 Access to records by service users

Service users will have access to any records held about them. Access to records will be given as soon as practicable, and in any case within the legal time period of one month. In most cases there will not be a charge the exception will be where requests are excessive and or involve an increased administrative burden and individuals will be informed of the charge levied. Under the GDPR organisations can withhold personal data if disclosing it would 'adversely affect the rights and freedoms of others'.

CVS will maintain a register of all requests from service users to access information.

8 Disclosure of information to a third party.

CVS will take every reasonable step to ensure that no information regarding a service user is disclosed without their prior consent except in circumstances where CVS believe the safety of an individual(s) is compromised.

Any disclosure of information to a third party will be recorded together with confirmation that their consent (in some cases verbal) had been received.

9 Data Breaches

Unauthorised disclosure of any personal information by trustees, employees / volunteers or by those working under contract to CVS is a serious matter. Disciplinary action will be taken. All staff must be aware of the possible severe consequences of data breaches.

Information should only be passed to relatives, friends and carers with the written permission of the service user.

Data breaches will be reported to the ICO as required.

10 Destruction of records

CVS will ensure that all personal information held on a service user is kept only for as long as may be necessary, either to provide the appropriate level of service or to comply with other legal or contractual obligations. Service users have the right to ask for information held on them to be destroyed if it is being held longer than necessary provided that this does not conflict with the organisations' legal or contractual obligations.

11 Authorised disclosure or holding of confidential information

In certain circumstances CVS may disclose or hold information regarding a service user without their knowledge or consent. Such disclosure will only take place in clearly specified circumstances and will normally relate to the following situations:

- Behaviour which endangers the individual or others
- Criminal activity
- Suspected or actual abuse of the individual

CVS will normally ensure that every reasonable step has been taken to obtain the consent of the service user and any disclosure may only take place with the agreement of a Trustee, the Chief Executive or her/his deputy.

The duty of confidentiality to Employees and Volunteers

CVS recognises its duty of confidentiality to all its employees and volunteers both past and present. CVS will ensure that all personal information, will be securely stored.

12 Recruitment of employees and volunteers

Through their recruitment procedures CVS will ensure that all information requested from applicants is:

- Relevant and adequate for the purpose for which it is required
- Only disclosed or accessible to appropriate staff

All applicants will be informed of the purpose for which the information will be used and that should their application be unsuccessful that this information will be destroyed after six months from the date at which an appointment was made.

13 Staff Personnel Files

As employers CVS are required to maintain personnel files for all its employees.

CVS will ensure that all information held on employees will be:

- ✓ Accurate and kept up to date with any changes provided
- ✓ Adequate, relevant to and sufficient for only the purpose for which it has been collected
- ✓ Held for no longer than that purpose requires
- ✓ Accessible to or disclosed only to authorised staff

All Personnel files are kept electronically and are password protected with access limited to those who need it.

13.1 Obtaining information from a third party

CVS may in certain circumstances seek information regarding an employee from a third party.

When seeking references for applicants CVS will ensure that they request only information that is relevant to the applicant's ability to perform the proposed post.

Any other information that may from time to time be required will always comply with current legal requirements.

13.2 References

In responding to requests from potential employers for references CVS will ensure that the information provided complies with the principles identified in maintaining its personnel records.

References will only be provided in response to a specific request and will not supply individual employees with a general reference.

13.3 Disclosure of information to a third party

In general, any personal information given or received in confidence for one purpose may not be used for a different purpose or passed to anyone else.

However, information may be passed to someone else:

- ✓ With the staff members' permission for a particular purpose
- ✓ If it is a statutory requirement or is a response to a court order
- ✓ If the public interest in passing on the information outweighs the duty of confidence to the staff member.

13.5 Subject Access requests

Under GDPR, the data subject has the right to access, amend and erase any of their personal data that we hold. However, employees do not have any right of access to confidential employment references given.

Requests should be made to the Chief Executive and will be dealt with within the set legal timescales.

13.6 Disposal of Records

CVS will not maintain all or part of any personal information for longer than it is required for the purpose for which it was obtained. The actual length of time will normally reflect the legal retention

periods in place e.g. HMRC. Disposal will be via confidential shredding facilities.

14 Training

The CEO of CVS or her/his nominee will ensure that all trustees, employees and volunteers receive appropriate training in relation to the operation of this policy.

15 Disclosure Barring Service (DBS)

CVS complies fully with the Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information.

Disclosure information is always kept separate 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 on to anyone who is not entitled to receive it.

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