

Amber Valley Council for Voluntary Services
Confidentiality and Information Sharing Policy

Procedures and Guidelines

1. Purpose and Scope

Much of the work that Amber Valley CVS carries out involves gaining information about other organisations and individuals in their role as a volunteer centre and a support organisation to community groups and community members.

Some of this information is in the public domain, to promote voluntary and community activity or organisations.

Amber Valley CVS receives, collects and stores written information about individuals as well as other organizations.

In addition, staff and volunteers and others who work on behalf of Amber Valley CVS will receive oral information about individuals which may be personal or sensitive.

In doing so, everyone concerned with Amber Valley CVS needs to understand the legal rules and the internal procedures relating to the obtaining, handling, storage and sharing of that information inherent with our responsibilities as a data controller.

Everyone has an overriding duty to respect the rights and privacy of those individuals who disclose information and to share it discreetly only when it is necessary to do so.

Staff and volunteers also have a duty to respect the organisation they work for and not disclose information about Amber Valley CVS which may cause reputational damage.

This policy is intended to guide staff, volunteers, secondees, students and trustees in order to prevent breaches of the Data Protection Act 1998 (“the Act”) and associated GDPR regulation. By following these legal rules and by following the principles enshrined in Article 8 of the Human Rights Act 1998 (“the HRA”), namely respect for an individual’s private and family life, you will be protecting the confidentiality of the information. The unwarranted disclosure of personal information by accident or design breaches this fundamental right to privacy. The consequences of a breach of the Act could be grave for individuals, and may lead not only to disciplinary action but also to criminal prosecution unless there is some other legal justification. It could also do grave harm to the reputation of Amber Valley CVS.

It is intended that the procedures and responsibilities within this policy and its associated contract of confidentiality apply both during and after employment.

This policy reflects the definition of “personal information” and “sensitive personal information” as defined by the Act and the differing obligations attaching to each type of information. A full definition is contained in Appendix 2 to this policy.

Individuals rights are recognised throughout our **practices and** procedure as stated in Appendix 3 to this policy.

Personal information or sensitive personal information may be obtained about customers, staff or volunteers in order to maintain contact with member organisations and service users, provide information of voluntary sector activities or volunteering opportunities ,offer support, provide a service , for employment records or financial transactions.

We will use information where we have a legitimate basis to do so or a contractual obligation to fulfil

We will also use information when we have received consent to do so.

The overriding principles relating to handling this information are the same; namely, only obtain the information when you need to do so, handle it securely, restrict access to it and retain it only for as long as it is needed. No-one at any level should disclose personal information outside these procedures or use personal information held on other individuals for their own purposes.

Procedures and Responsibilities

All staff and volunteers are responsible for ensuring that they handle personal information in accordance with these procedures. All staff, volunteers, trustees and secondees will be required to sign the contract of confidentiality contained at Appendix 1.

Receiving and requesting information

In receiving or requesting information, Amber Valley CVS as an organisation and its individual employees or volunteers will ensure that the information requested is of direct relevance to the work of Amber Valley CVS.

Information we obtain will include

- a) information given to us
- b) information we receive from third parties usually linked to us like Do-It, statutory agencies, other voluntary sector contacts
- c) information we learn about through our relationship with the contact
- d) information we gather from technology such as google analytics, social media, emails
- e) information we gather from publicly available sources such as press, community notice boards, leaflets, internet searches, community directories.

Some information which may be in the public domain may not be reliable and may contain private information. We must be careful when using this information that we check it is up to date and if it is to be stored the obligations under the Act apply in exactly the same way as other information obtained from a different source.

Information we process

We process various categories of information including personal or sensitive information at the start and for the duration of our relationship with an organisation or individual.

We will limit the collection and processing of information to that which is necessary to achieve our legitimate purposes which include;

- a) the legitimate interests of the organisation as a volunteer centre and CVS

- b) the legitimate interests in providing a service requested from us
- c) the lawful process for processing DBS
- d) contractual obligations to our funders
- e) as a resource to the public in Amber Valley who wish to access voluntary and community organisations
- f) as a resource to other voluntary and statutory organisations to communicate and network with voluntary and community organisations
- g) to maintain appropriate personnel information about staff and volunteers
- h) to maintain contact information about our suppliers of services to us
- i) to maintain financial records for pay and transactions
- j) to gain feedback on our services , through surveys or other processes

This information will include ;

- k) basic personal information including name , address, DOB, contact details, emergency contact
- l) financial information including transactional information and history
- m) information about the family or social circumstances
- n) goods and services provided to us
- o) electronic or social media contact information
- p) we may obtain and anonymise sensitive information such as race, ethnicity, religious beliefs physical difficulties or health conditions

Personal data will be processed in line with the purpose it has been obtained. This will be stated verbally or in written form in our contact with individuals or organisations.

This may be provided through volunteer applications , Befriending or Help at Home assessments, membership applications or Community Directory Derbyshire information gathering practice Do-It on line application process, or in Privacy Notices.

Personal or sensitive information required through contractual purposes will be anonymised statistically or in case studies.

We will never transfer information abroad.

We will not sell mailing lists or database information .

We will forward e-bulletin, newsletters and information leaflets on request.

All staff will ensure that data is;

Adequate, relevant and up to date - you must check the quality of the information you hold before you use it and make sure it is accurate. Make sure you hold only what is needed. Remove irrelevant material.

Not kept longer than necessary -and securely deleted or otherwise disposed of. Review the personal information you hold regularly and securely delete anything you no longer need. Information that does not need to be accessed regularly, but which still needs to be retained should be safely archived or put offline.

Kept secure & protected -by using lockable filing cabinets, ensuring computer passwords are not shared, saving data on the computer system which has anti virus and security measures, reinforce email and fax security, shred confidential paper waste. Report any security breach to your line manager.

Held for a specified purpose -personal data shall be obtained only for one or more specified and lawful purpose and shall not be further processed in any manner incompatible with that purpose.

We will provide literature from other voluntary and community organisations , including CVS or volunteer centres and statutory organisations where indicated this will be helpful

SENSITIVE PERSONAL INFORMATION

We will only process sensitive personal information where this is needed for our legitimate basis to meet legal obligations e.g. contractual responsibilities, health and safety of its employees, volunteers or clients. We will;

Identify the purpose for which the information is to be collected or held and the benefits it is likely to deliver

Identify any adverse impact of doing so

Consider alternatives to collecting and holding such information
take into account the obligations that arise from collecting and holding such information

Judge whether collecting and holding the information is justified

Information we store

The [IT and Social Media Policy](#) describes how the computer system is to be managed within Amber Valley CVS. Staff should refer to this policy for a detailed description of the procedures to be followed.

- General non personal information about organisations is stored for access to all Amber Valley CVS staff.
- General non personal information about individuals is stored for use by Amber Valley CVS Staff and volunteers where necessary for their role.
- Amber Valley CVS will request written permission from individuals or the organisation they represent to hold personal information. The appropriate form will be found in the procedures packs.
- Personal or sensitive information will be held in lockable filing cabinets or in password protected files. Access to the material will be restricted to staff who need to use the material to carry out their duties.
- Information on databases will be reviewed and updated regularly. Material no longer needed on a regular basis will be permanently deleted unless it is required for statistical or other purposes, in which case it will be securely archived.

Personal and sensitive personal information will only be carried on visits when essential and must be handled carefully and discreetly. It must be kept in view at all times and not displayed in such a way that its contents can be viewed by any member of the public.

Volunteers holding personal information about service users must ensure that details which can identify those individuals (e.g. name with address, copies of referral forms, family logs, visit logs) are handled securely.

Employees' personnel information will be kept in a lockable filing cabinet. No-one but their line manager and the Senior Management Team will have access to these files. Employees will be allowed to see their file following a written request giving 1 month notice.

Volunteer personnel information will be stored and accessed in the same manner as that relating to employees.

Personal information about individuals which is or will be held in a structured filing system files or on computer must comply with the Data Protection Act 1998 or associated GDPR legislation.

Subject access requests from volunteers or clients will be responded to following a written request giving 1 month notice.

Sharing information

We promote publicity and publically available information widely to improve access to voluntary groups and activities , including training and meetings or events.

With personal information, however, we are clear that only the minimum information needed will be disclosed.

Information will only be shared with partner agencies or organisations where it is clearly necessary and we have identified how information will be used or disclosed by them.

We will gain consent to share personal or sensitive information with third parties verbally or on application or assessment information.

Depersonalised information will be provided to members or statutory organisations for monitoring or consultation purposes.

Personal information will only be shared with the knowledge and consent of the subject , with notes or formal consent forms recording this.

There may be a legal duty to disclose information, we will state when this is the case ,

Staff and Volunteers may discuss personal or sensitive information about service users with their relevant line manager, in relation to their supervisory role. In addition, volunteers may share information about service users with other volunteers at support meetings as part of their peer supervision process. This must be done in a sensitive manner and volunteers should not reveal the identity of the individual concerned. Otherwise they must respect the privacy of the individual concerned and not discuss or reveal personal information.

Where necessary, [Derbyshire Partnership Information Sharing protocol](#) will be adhered to. This can be found within the policies file.

Disposing of information

We will follow best practice on "[retention of information and records](#) " including ;

- DBS records .we process as a registered body will be retained for 6 months
- Information received during recruitment processes and not used for employment will be destroyed after 6 months, this includes electronic volunteer applications and DBS records.
- DBS processed information will be stored electronically in line with the [IT policy](#)
- Manual records will be reviewed on an annual basis to ensure they are relevant and up to date.
- Sensitive information will always be shredded.
- Computer records will be disposed of in accordance with the IT policy.
- All staff will receive an annual request to delete unwanted files and out of date information.
- Information held on databases and used regularly will be updated as changes are identified. All other databases will be updated at least every 3 years.
- Records not required for audit purposes, such as minutes of meetings , volunteer brokerage records will be disposed of after 3 5 years.
- Payroll and finance information will be disposed of after 7 years.
- HR and Personnel information will be destroyed 7 years after an employment contract ends.

Duty to Disclose Information

There is a legal duty to disclose some information including:

- Concerns regarding Safeguarding children and vulnerable adults will be reported to the relevant Social Services Department
- Drug trafficking, money laundering, acts of terrorism or treason will be disclosed to the Police.
- The belief that an illegal act has taken place, or that a person is at risk of harming themselves or others will be reported to the appropriate authorities.

In all cases information about the incident will be recorded by Amber Valley CVS personnel or by the individual who passed on the information on an appropriate report form.

Breach of confidentiality

Any employee or volunteer who accesses unauthorised material or breaches confidentiality should understand this is a serious matter and could lead to disciplinary action and / or amount to a criminal under the Act.

Employees and volunteers who are dissatisfied with the conduct or actions of other colleagues or Amber Valley CVS should raise this with their Line Manager or Senior Management Team using the grievance procedure and not discuss their dissatisfaction outside Amber Valley CVS. However this policy cannot override the [whistleblowing](#) provisions which allow for disclosure in the public interest where an employee feels unable to follow internal procedures.

An employee is only protected in employment legislation for [whistleblowing](#) if the disclosure is made to a prescribed person or body.¹

¹ Dept. for Business Innovation and skills “Blowing the whistle to a prescribed person”

Personal Data Breach – see separate policy and guidance documents

Any breach of data protection should be reported to the Chief Executive as Data Controller or can be directly reported to the Information Commissioners Office (ICO)

Any loss of physical data containing personal or sensitive personal information must be reported immediately to a member of the senior management team.

3. Monitoring and Evaluation

This policy will be reviewed periodically.

Work practices relating to this policy will be reviewed during supervision and as part of staff training

4. Communication

All Amber Valley CVS staff, volunteers and Board members will be made aware of and have access to this policy.

APPENDICES

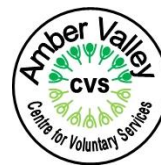
- 1) Contract of Confidentiality
- 2) Definition of personal information and sensitive personal information.
- 3) Rights of individuals
- 4) DBS Process
- 5) Privacy Notice

See also Process for Data Breach , Acceptable use of IT, and partner policies; Derbyshire Information Sharing Protocol & information sharing agreement for anti social behaviour

Created: March 2005

Reviewed: March 2015, Feb 17, Feb 18

Review due: Feb 2021



Appendix 1

I _____ (Name of Employee/ volunteer)
agree NOT to disclose any personal information, sensitive personal or
confidential information that will breach Amber Valley CVS's confidentiality policy.
Any request for personal information from an outside agency, service users or
clients will be discussed with my Line Manager before I take any action.

Signature: _____

Name: _____

Date Completed: _____

Countersigned by: _____

(Amber Valley CVS Line Manager)

You will be asked to sign this Contract of Confidentiality as part of your induction
to Amber Valley CVS. This is to safeguard you as an employee or volunteer, and
it s also to ensure that confidentiality of all service users is adhered to.

Failure to sign this contract and to comply with its contents, will be viewed by
Amber Valley CVS as gross misconduct, and may result in disciplinary action
being taken.



Appendix 2

Personal information

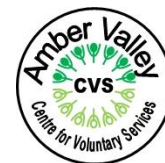
Defined as information which: -

Is identifiable about a living person and affects that persons privacy (whether in his/her personal or family life, business or professional capacity) in the sense that the information has the person as its focus or is otherwise biographical in nature and identifies a person, whether by itself or together with other information in the organisation's possession or that is likely to come into its possession.

Sensitive personal information

Defined as information concerning an individual's: -

- racial or ethnic origin
- political opinions, religious or similar beliefs
- Trade union membership
- physical or mental health or condition
- sexual life
- commission or alleged commission of an offence
- proceedings for any offence committed or alleged, the disposal of the proceedings or the sentence passed by a court



Appendix 3

Your Rights as an Individual under GDPR regulations

Information Right ; the right to receive information contained in the Confidentiality & Information Sharing Policy and our data collection forms about the way we process your personal details.

Personal Data Access Right; the right to know that we are processing your personal data and, in most circumstances, to have a copy of the personal data that we hold. You can also ask for certain other details such as what purpose we process your data and how long we hold it.

Personal Data Correction Right; you have the right to request that we correct inaccurate data or complete incomplete data that we hold on you

Personal Data Erasure; Known as the right to be forgotten , in certain circumstances you may request that we erase personal data held by us .

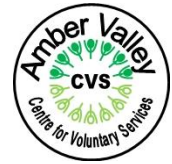
Personal Data Restriction Right ; you have the right to restrict the way we process your personal data in certain circumstances for example if you contest its accuracy or if our processing is unlawful

Data processing objection ; you have the right to object to us processing your data for i) direct marketing ii) research or statistical purposes ii) profiling

Data Portability Right ; you have the right to receive a copy of certain personal data or transfer it to a new organisation in certain circumstances

Right to withdraw consent ; you can withdraw your consent by contacting us at any time

Right to complain; using our internal complaints system or directly to the ICO (Information Commissioners Office)



DBS Process

1. Only the minimum information required for DBS purposes will be reviewed by authorised signatories. No copies of this information will be kept unless there is a separate legal requirement for personnel files.

2. Completed DBS forms will be forwarded to the Disclosure and Barring Service.

Please note it is a criminal offence to pass Disclosure information to anyone not entitled to receive it.

3. Disclosure information will only be used for the specific purpose for which it is requested and for which the applicants full consent has been given and recorded.

4. A password protected database will be used to log that a disclosure has been requested and received. This database will record the name of subject, date of disclosure, type of Disclosure requested, the Disclosure decision, and disclosure number and destroy date.

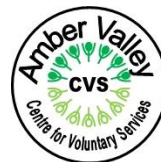
5. The original Disclosure documentation will be stored separately and securely from personnel information in a lockable storage container with access limited to those who require that information for their duties.

6. Disclosure documentation for staff and volunteers will be stored for no longer than 6 months.

7. Disclosure documentation for services as a registered body to staff and volunteers will be stored for no longer than 6 months.

8. Information on the Disclosure database will be handled in line with Amber Valley CVS IT policy.

9. No photocopies of Disclosure documentation will be stored.



Appendix 5

Amber Valley CVS Privacy Notice

Amber Valley CVS gathers and holds information about voluntary and community groups in our locality and information of individuals who wish to volunteer or make use of our services.

We also manage projects which put people in touch with support from both free and paid services including volunteers.

We share information that connects people and services appropriately without passing on any personal or sensitive details that you wish to keep private.

We share data with other CVS organisations, volunteer centres and voluntary or community groups, where we have indicated this, to promote voluntary action and volunteering. Our funders (notably Derbyshire County Council, Derbyshire Health and Social Care organisations) may receive anonymised information as part of contractual arrangements.

Our data is secured in locked or password protected files.
We do not supply any of our data to external marketing companies.

Where you provide us with personal or sensitive information, we will only use this for the purpose you have provided this to us

- To promote your community group or organisation
- To contact you with small grants or funding information
- To connect you with volunteers or other local organisations
- To provide you with volunteer support or broker voluntary arrangements
- To undertake a service you have requested from us , for instance Help at Home, Bespoke/ Befriending, DBS processing, volunteer opportunities

Our full policy on Confidentiality & Information sharing can be found on our web site www.avcvs.org

If you wish to amend, delete or access personal data please inform Lynn Allison who is the named data controller by email to lynn@avcvs.org or in writing to Amber Valley CVS, Market Place, Ripley DE5 3HA. There is no charge for this.
Please use "Data Protection" or "Subject Access Request" as the heading.

This privacy notice was reviewed in March 2018 and will be updated in Mar 2021.
We reserve the right to modify this at any time.