

Confidentiality & Data Protection

Kernow Positive Support

SPECIALISED HIV INFORMATION,
SUPPORT, RESPITE & RETREAT

POLICY DOCUMENT 2013
Revised 2018



CONFIDENTIALITY POLICY

The principle of the policy is to promote the right of the individual. Kernow Positive Support (KPS) is committed to maintaining high standards of confidentiality in all aspects of its work. This includes records and information pertaining to HIV-positive clients, primary carer clients, volunteers, employees, contacts and property. Breaches of confidentiality may jeopardise the wellbeing of any of the aforementioned or the organisation as a whole and consequently may be subject to disciplinary proceedings. KPS has a collective responsibility to ensure that confidentiality is maintained. Every member of KPS has a responsibility both to individual members (*volunteers/trustees, employees*), clients (*service users*) and to the organisation as a whole.

Below are guidelines on maintaining confidentiality in all aspects of the work of KPS and circumstances where disclosures may be necessary and the procedure for doing so.

1. It is essential that everyone involved with KPS is made aware of the need and reason for maintaining confidentiality.

2. In all but defined cases the ultimate reference point for deciding who should be informed of a piece of confidential information is the individual to whom it pertains.

It is important, however, that where consent is given it is informed consent. For this to be the case it is necessary to share with the person concerned why there is a need to share information, with whom, and what the likely consequences of their agreeing or not agreeing to the disclosures are. Once consent has been obtained, it is the responsibility of the person passing on any information to ensure that disclosure only takes place on the terms agreed with the person it concerns.

Disclosure of confidential information will require written authorisation, which is signed by the individual concerned and specifies to whom disclosure is authorised. This does not apply in exceptional circumstances, such as a Breach of Trust, or an employee's contract.

3. All records and files held by KPS concerning HIV-positive clients, primary carer clients, volunteers, employees, contacts and property should be kept in locked and secure drawers or cabinets at all times. Access to these documents must only be granted to authorised individuals.

4. Membership of the organisation will be restricted to those willing to be bound by the confidentiality policy. All members will be given and must sign a copy of the Confidentiality Policy on initial contact/induction.

The implications of the policy will be explained.

5. The location and nature of buildings/rooms used or owned by KPS will not be disclosed unless there is a legal obligation or it is in the interest of the organisation to do so.

6. Any involvement of KPS members in media publicity referring to the Organisation will only be allowed with the approval of the Board of Trustees. The giving of ANY information pertaining to the Organisation to anyone outside the organisation should be referred to the Board of Trustees.

7. The location of any meeting other than those advertised in publications produced by KPS shall be confidential. The actual content of any meeting held other than those deemed open or public shall be confidential.

8. Members are expected to be discreet concerning information obtained at open or public meetings. Members are also expected to treat information supplied in any meetings for members or minutes of those meetings as confidential.

9. Members must take care of any confidential documents in their possession and not leave them in a non-secure place.

10. Computers should be password-protected.

Breaches of Confidentiality

Any breaches of confidentiality will be seen as a serious issue. However, where possible, breaches of confidentiality will be dealt with sensitively. KPS member(s) breaching confidentiality may be expelled from the organisation. The Board of Trustees team may confer lesser forms of disciplinary action depending on the nature of the breach. In any event the person(s) has the right to appeal to the full appointed Board of Trustees, any decision shall be binding.

N.B.

- *Confidentiality implies trust but does not mean secrecy. It should never undermine the well-being or democracy of the organisation.*
- *The term 'member' applies to trustees and volunteers.*
- *The term 'client' applies to an HIV-positive person and/or a primary carer of someone who is HIV-positive (service user).*
- *Staff and contracted employees (therapists/counselors/practitioners) of KPS are bound by this policy.*
- *This policy is necessary due to the nature of the work carried out by KPS.*
- *This policy may be changed whenever the organisation deems necessary.*

This policy also includes the identification of risks posed to both clients and staff during lone working. KPS recognises that a significant proportion of the support provided will be through one to one contact in a variety of settings and the risks to clients, staff and volunteers need to be identified. Staff and volunteer training and induction procedures will highlight the potential risks to staff and volunteers, and the risk to clients will be identified in the client handbook. As part of the overall service provision staff and volunteers are required to draw to the attention of perspective clients the relevant section of the client handbook which deals with these potential risks.

Information covering these potential risks and how staff, volunteers and clients deal with the possible risks which can arise from one to one working are contained in several policy documents including:

- KPS Risk Assessment
- KPS Lone Worker Policy
- KPS Whistleblowing Policy
- KPS Safeguarding Policy Children/Adults
- KPS Personal Safety Policy
- KPS Harassment Policy
- KPS Ethics and Practices Policy
- KPS Disciplinary Procedure Policy
- KPS Conflict of Interest Policy
- KPS Complaints Policy
- KPS Health & Safety Policy

Plus the KPS Client Handbook and the KPS Staff and Volunteer Handbook.

Data Protection Responsibilities

KPS is aware of and acts in accordance with the following eight Data Protection principles regarding information:

- Obtain and process information fairly
- Keep it only for one or more specified, explicit and lawful purposes.
- Use and disclose information only in ways compatible with these purposes.
- Keep it safe and secure
- Keep it accurate, complete and up to date.
- Ensure it is adequate, relevant and not excessive
- Retain for no longer than is necessary.
- Allow individuals access to their personal data on request.

Breaches of confidentiality may jeopardise the wellbeing of any of the aforementioned or KPS as a whole and KPS has a collective responsibility to ensure that confidentiality is maintained.

Volunteers should be aware of the contact details for the KPS Chief Executive to whom they should report any concerns regarding confidentiality.

Failure to do so will be considered an act of gross misconduct and will result in disciplinary action. KPS will ensure that all volunteers, staff and directors are issued with this policy.

This policy is in accordance with the Data Protection Act

<http://www.legislation.gov.uk/ukpga/1998/29/contents>

All KPS policies and procedures are reviewed annually; this CONFIDENTIALITY & DATA PROTECTION POLICY has been reviewed and ratified by the KPS Board of Trustees on 1st May 2018 (*under 'policies' as shown in the KPS Annual Report and Accounts*).

Ref: ConfP2010.

*Members of KPS in this document are; volunteers/trustees, employees, practitioners, clients (*service users*).