



# Confidentiality and Data Protection Policy

## 1. Confidentiality and Data Protection guidelines

- 1.1. Divine Buzz recognises that staff, contractors, volunteers, directors and others who work within our organisation gain information about individuals and organisations during their work or activities. In most cases, such information will not be stated as confidential and we may have to exercise common sense and discretion in identifying whether the information is expected to be confidential.
- 1.2. Divine Buzz is committed to ensuring that any personal information which is provided to us in the course of our work will be processed and stored in accordance with the Data Protection Act.
- 1.3. In this policy, confidentiality covers these two areas.
  - 1.3.1. **Confidentiality:** This covers all information, including personal information about participants, staff, contractors or volunteers, information about the organisation, for example, its plans or finances and information about other organisations regardless of whether the information is recorded.
  - 1.3.2. **Data protection:** This covers only personal information recorded, regardless of whether it is in electronic or manual format.
- 1.4. Information received by Divine Buzz, as part of the services it provides, will be considered to be information for Divine Buzz to share with colleagues and use to deliver its aims and objectives.
- 1.5. All staff, contractors and volunteers should inform groups, organisations or individuals why they are requesting information and explain the purpose of storing and using this information. They should obtain permission to keep and use this information and make a note of it.
- 1.6. Staff, contractors, and volunteers may share information with their Line Manager to discuss issues and seek advice. Still, they must not disclose to anyone other than their line manager any information deemed sensitive, personal, financial, or private without the knowledge or consent of the individual in question.
- 1.7. Staff, contractors and volunteers should avoid exchanging personal information or comments (gossip) about individuals with whom they have a professional relationship.
- 1.8. Staff, contractors and volunteers should avoid talking about organisations or individuals in social settings.
- 1.9. In certain circumstances, it may be appropriate for colleagues to discuss difficult situations with each other to gain a wider perspective on how to approach a problem.
- 1.10. If staff, contractors, or volunteers receive information about a colleague's or group's behaviour from individuals outside Divine Buzz, it should be handled sensitively. The Manager or the appropriate staff member should inform and advise the individual about the Complaint Procedure accordingly.
- 1.11. If employees are dissatisfied with the conduct of a colleague and have sensitive information that could be evidenced through investigation, they should discuss it with the appropriate line manager. Any allegation which is found to be malicious or



ill-founded will be dealt with by Divine Buzz action under the Disciplinary Procedure.

- 1.12. Where there is a legal duty on Divine Buzz to disclose information, the individual that is affected will be informed that disclosure has or will be made.

## **2. Why information is held**

- 2.1. Most information held by Divine Buzz relates to participants, staff, contractors, directors, and volunteers.
- 2.2. Information is kept to enable Divine Buzz staff to understand the needs of participants in order to deliver the most appropriate services.
- 2.3. Information about participants may be kept for the purposes of monitoring our equal opportunities policy and also for reporting back to funders.
- 2.4. Data protection principles
- 2.5. The organisation is committed to processing data in accordance with its responsibilities under the GDPR.

## **3. Article 5 of the GDPR sets out seven key principles requiring that personal data shall be:**

- 3.1. processed lawfully, fairly and in a transparent manner in relation to individuals;
- 3.2. collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
- 3.3. adequate, relevant and limited to what is necessary for relation to the purposes for which they are processed;
- 3.4. accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that inaccurate personal data, having regard to the purposes for which they are processed, are erased or rectified without delay;
- 3.5. kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to the implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals; and
- 3.6. processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and accidental loss, destruction or damage, using appropriate technical or organisational measures.”
- 3.7. The controller shall be responsible for and be able to demonstrate compliance with section 3.1 ('accountability').

## **4. The law**

### **4.1. Access to information**

- 4.1.1. Information is confidential to Divine Buzz as an organisation and may be passed to colleagues, Managers or directors to ensure the best service for participants.
- 4.1.2. Sensitive information involving disputes or legal issues will be



confidential to the staff member dealing with the case and their Manager.

- 4.1.3. Staff members, contractors and volunteers will not withhold information from their Manager unless it is purely personal to them and not business related.

#### **4.2. Participant access to files**

- 4.2.1. Participants may see Divine Buzz records which relate to them, but only the information about themselves. The letter must be signed by the individual.
- 4.2.2. The records must be provided 'promptly' and, in any event, within 40 days.

#### **4.3. Staff/contractor/volunteer access to records**

- 4.3.1. Staff/contractor/volunteer may see all of their personnel records by giving 14 days' notice in writing to the Manager. The letter must be signed by the individual.

### **5. Storing information**

- 5.1. The majority of personal information stored on participants will be kept on Divine Buzz's secure database.
- 5.2. Additional confidential information will be kept in locked cabinets, and in the case of electronic records, password protected
- 5.3. Divine Buzz will ensure that only authorised people have access to confidential records

### **6. Duty to disclose information.** Divine Buzz has a legal duty to disclose some information, including

- 6.1. Child abuse
- 6.2. Drug trafficking, money laundering, acts of terrorism or treason and other criminal activities.
- 6.3. **Note:** If the information relates to an adult safeguarding issue, then there is no duty to disclose unless the consent of the person at risk has been obtained except where:
- 6.4. The person at risk lacks the mental capacity to make a decision. A risk assessment indicates that referral would be in their best interests.
- 6.5. Others may be at risk.
- 6.6. A crime has been committed

### **7. Disclosures**

- 7.1. Divine Buzz will request pre-employment Disclosure and Barring Service (DBS) checks for new staff, contractors and volunteers whose posts involve contact with vulnerable adults and children who will comply fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information.

### **8. Breach of confidentiality**

- 8.1. Staff, contractors and volunteers who are dissatisfied with the conduct or actions of other colleagues or Divine Buzz should raise this with their Manager as a grievance if necessary and not discuss their dissatisfaction outside Divine Buzz.
- 8.2. Staff, contractors and volunteers accessing unauthorised files or breaching confidentiality may face disciplinary action. Staff, contractors and volunteers breaching confidentiality may face legal action.

### **9. Further Information**

- 9.1. The Information Commissioner's Office has a guide to Data Protection. See



<https://ico.org.uk/for-organisations/guide-to-data-protection/>

Divine Buzz's Data Protection Officer is Ellen Otchere

Date Implemented:	Future Review Dates					
	3/9/2021	3/9/2022	2023	2024	2025	2026
Date reviewed		√				
Date approved By directors	√	√				