

Confidentiality Policy

Jade Foundation Trust, 84 Kilburn Square, London, NW6,
admin@jadefoundationtrust.org.uk

1. General principles

- 1.1. Jade Foundation Trust 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 your line manager.
- 1.2. Colleagues are able to share information with their line manager 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 (e.g. '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 Jade Foundation Trust is considered to be given to Jade Foundation Trust as an agency rather than to the individual staff member or volunteer. In order to give the best possible service to users of Jade Foundation Trust services, it is sometimes desirable to share information with other colleagues in the organisation.
- 1.7. Constructive liaison with other agencies is sometimes essential if individuals and groups are to be offered an effective service by Jade Foundation Trust. However, confidential matters must not be discussed outside of Jade Foundation Trust without the prior permission of the individual or organisation.
- 1.8. Where there is a legal duty on Jade Foundation Trust to disclose information, the person to whom the confidentiality is owed will be informed that disclosure has or will be made.

Review date: 08/03/2024

Why information is held

- 1.9. Most information held by Jade Foundation Trust relates to *(specify if individuals, groups, employees, trustees, volunteers)* or services that support or fund them.
- 1.10. Information may be kept in order that Jade Foundation Trust can understand the history *(specify who you hold this for)* in order to deliver the most appropriate services.
- 1.11. Jade Foundation Trust has a role *(specify organisation role)* and keeps contact details that are passed on to *(specify who this is shared with i.e. any external groups or organisations)* any enquirer, except where the *(individual or group)* expressly requests that the details remain confidential.
- 1.12. 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.

2. Access to information

- 2.1. Information is confidential to Jade Foundation Trust as an organisation but may be passed to colleagues, line managers or trustees to ensure the best quality service for users.
- 2.2. Where information is sensitive, e.g. 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.
- 2.3. Colleagues will not withhold information from their line manager unless it is purely personal.
- 2.4. Users may have sight of Jade Foundation Trust's records held in their name or that of their organisation. The request must be in writing to **Jay Laxmidas** * giving 14 days' notice and be signed by the individual, or in the case of an organisation's records, by the Chair or **Jay Laxmidas**. Sensitive information as outlined in para 3.2 will only be made available to the person or organisation named on the file.
- 2.5. 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.

3. Storing information

- 3.1. Jade Foundation Trust keeps non-confidential information using paper files and computers. Confidential information is maintained with an appropriate level of security, in

accordance with the Data Protections Act and this policy, to adequately protect information about individuals that is held in the systems.

3.2. 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.

3.3. Employees' personnel information will be kept in filing cabinets and will be accessible to **Jay Laxmidas** or to those who are entitled to see it as part of their duties.

3.4. In an emergency situation, **Jay Laxmidas** may authorise access to files by other people.

4. Duty to disclose information

4.1. There is a legal duty to disclose some information including:

4.1.1. Child abuse will be reported to the Children, Schools and Families Department

4.1.2. Drug trafficking, money laundering, acts of terrorism or treason will be disclosed to the police.

4.2. 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 senior member of staff who will report it to the appropriate authorities.

4.3. Users should be informed of this disclosure.

6. Disclosures

6.1 Jade Foundation Trust 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 (**please check how long your policy for retention of document says to keep these documents**) and then destroyed by secure means. Photocopies will not be kept. However, Jade Foundation Trust 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. Comply with the new GDPR

7.1. Information about individuals, whether on computer or on paper, falls within the scope of the GDBR and must comply with the data protection principles. These are that personal data must be:

- Obtained and processed fairly and lawfully.
- Held only for specified lawful purposes.
- Adequate, relevant and not excessive.
- Accurate and where necessary kept up to date.
- Not kept longer than necessary, for the purpose(s) it is used
- Processed in accordance with the rights of the data subject under the Act.
- Appropriate technical and organisational measures are to be taken to guard against loss or destruction of, or damage to, personal data
- Not transferred to countries outside the European Economic Area without an adequate level of protection in place.

<https://knowhow.ncvo.org.uk/how-to/how-to-comply-with-gdpr>

8. Breach of confidentiality

- 7.1. Employees who are dissatisfied with the conduct or actions of other colleagues or Jade Foundation Trust should raise this with their line manager using the grievance procedure, if necessary, and not discuss their dissatisfaction outside of Jade Foundation Trust.
- 7.2. Colleagues accessing unauthorised files or breaching confidentiality will face disciplinary action. Ex-employees breaching confidentiality may face legal action.

9. Whistle-blowing

- 8.1 Where the finance officer has concerns about the use of Jade Foundation Trust funds, he or she may refer directly to **Jay Laxmidas** outside the usual grievance procedure.

This policy is to be read in conjunction with the following policies/documents:

- Confidentiality Policy
- Data Protection Policy
- Social Media Policy
- Whistle-blowing Policy

* *The Designated Person would normally be the most senior paid staff member or nominated Trustee.*