

## Confidentiality Policy

### 1 Introduction

- 1.1 This policy applies to all Board members, staff and volunteers of Healthwatch Oxfordshire. The policy covers both data handled on behalf of the organisation in a variety of forms recorded either on paper or electronically or information received verbally.
- 1.2 This policy respects the underlying principles of the Data Protection Act 1988 (the DPA) and succeeding legislation designed to create a framework of rights and duties to protect and safeguard personal data. Healthwatch Oxfordshire recognises the need to balance the organisation's ability to collect and use personal data in pursuit of its underlying aims against the right of individuals to have the privacy of their personal details protected.
- 1.3 Healthwatch Oxfordshire will comply fully with the DPA in all of its operations.
- 1.4 Information held or obtained by Healthwatch Oxfordshire includes data about the organisation (for example its strategic plans or budgets); information about individuals (for example respondents to questionnaires, callers seeking advice, volunteers, staff, Board members and others with whom it communicates); and, information about other organisations. This data whether it is held on paper, on computer or other media will be subject to appropriate safeguards.
- 1.5 Data encompasses information which is, or is intended to be, processed automatically (generally by a computer) or manually.
- 1.6 All staff, volunteers and others who work for Healthwatch Oxfordshire will respect the need for confidentiality of information held about anyone who comes into contact with the organisation, and about any organisational business. This is expected to continue even when contact has ceased with this person, and when the volunteer or staff member no longer works for Healthwatch Oxfordshire.

### 2 Information about individuals

- 2.1 Healthwatch Oxfordshire is committed to ensuring that data about individuals is treated confidentially and sensitively. The confidentiality that exists is between the individual and the organisation not individual members or staff or volunteers delivering a particular service. Confidential information will not be sought from an individual unless expressing in the interests of that individual (for example to provide a better service).

- 2.2 Information will only be passed to another agency or to other individuals outside of the organisation with the express consent of the person to whom the data belongs: If a member of staff or volunteer intends to get information from another agency to help the individual or to refer them to another agency then this must be explained to the individual and their permission obtained.
- 2.3 No personal information about any individual (including staff, volunteers and Board members) will be given to any third party, including a member of their family, without the consent of the individual. Any information supplied will only be on a 'need to know' basis.
- 2.4 Information will be treated in confidence and will not be divulged to anyone outside the organisation except where extenuating circumstances exist (see below). However, in order that the organisations can provide the best possible support to individuals seeking information and advice it may be necessary to share information with other colleagues within Healthwatch Oxfordshire.

### **3 Use of individual information for publicity, reporting or training purposes**

- 3.1 Healthwatch Oxfordshire does on occasion need to supply information about the impact of the service it provides. If any task(s) undertaken has an outcome which would provide useful material for reporting, training or publicity purposes and it is felt valuable to share the impact of tasks undertaken in respect of an individual then the permission of the individual will be sought before the story is told to someone else. If permission cannot be obtained then any details which would enable identification of the individual will be changed.

### **4 Limits to maintaining the confidentiality of an individual**

- 4.1 In certain circumstances Healthwatch Oxfordshire reserves the right to breach an individual's confidentiality should this be deemed necessary. These circumstances include where a member of staff or volunteer:
- 4.1.1 Believes that an individual could cause danger to themselves or others;
  - 4.1.2 Suspects that circumstances they have been made aware of involve a possible 'safeguarding' alert;
  - 4.1.3 Receives information which indicates that a crime has been committed;
  - 4.1.4 Is required by law to disclose information (for example to the police); and/or,
  - 4.1.5 Receives information which indicates a possible terrorist threat.
- 4.2 The decision on whether to breach confidentiality will be decided on a case by case basis in consultation with the Chief Executive (or in his/her absence a member of the Board).

## **5 Access to data**

- 5.1 This policy operates on a 'need to know' basis and apart from staff and volunteers of Healthwatch Oxfordshire no-one will have access to client or organisational information unless it is relevant to the service or their work role.
- 5.2 All individuals have the right to request access to all information stored about them, and have a right to receive a copy of this confidentiality policy on request.
- 5.3 If any party concerned has a sensory or physical impairment, efforts should be made to ensure that all aspects of this policy and exchanges between parties are accessible and understood.

## **6 Evaluation and monitoring**

- 6.1 All staff and volunteers will be made aware of this policy when they join Healthwatch Oxfordshire and will be asked to sign the confidentiality statement attached at appendix 1 to confirm that they will comply with this policy.
- 6.2 All staff and volunteers will receive training in the application of this policy. The policy will be approved by the Board of Healthwatch Oxfordshire and be subject to review on at least a biennial basis. It will also be reviewed in response to changes in relevant legislation, contractual arrangements, good practice or in response to an identified failing in its effectiveness.

## **7 General statement**

- 7.1 This policy is authorised by the Board and any breach will be taken seriously and may result in formal action. Any Board member, employee, volunteer or other party who considers that the policy has not been followed should raise the matter with the Chief Executive in the first instance.

Policy approved by the Board of Directors on:	6 <sup>th</sup> May 2014
Manager responsible for monitoring implementation of the Policy:	Chief Executive
Review Interval	Biennial
Last Reviewed	New policy

## Appendix 1 - confidentiality agreement

When working or volunteering for Healthwatch Oxfordshire you will often need to have access to confidential information which may include, for example:

- Personal information about individuals who have made contact with or are otherwise involved in the activities organised by Healthwatch Oxfordshire.
- Information about the internal business of Healthwatch Oxfordshire.
- Personal information about staff or volunteers working for Healthwatch Oxfordshire.

Healthwatch Oxfordshire is committed to keeping this information confidential, in order to protect people and Healthwatch Oxfordshire itself.

‘Confidential’ means that all access to information must be on a ‘need to know’ basis and properly authorised basis. You must use only the information you have been authorised to use, and for purposes that have been authorised. You should also be aware that under the Data Protection Act, unauthorised access to data about individuals is a criminal offence.

You must assume that information is confidential unless you know that it is intended by Healthwatch Oxfordshire to be made public. Passing information between Healthwatch Oxfordshire and a mailing house, or *vice versa* does not count as making it public, but passing information to another organisation does count.

You must also be particularly careful not to disclose confidential information to unauthorised people or cause a breach of security. In particular you must:

- not compromise or seek to evade security measures (including computer passwords);
- be particularly careful when sending information to other agencies and organisations;
- not gossip about confidential information, either with colleagues or people outside Healthwatch Oxfordshire;
- not disclose information – especially over the telephone – unless you are sure that you know who you are disclosing it to, and that they are authorised to have it.

If you are in doubt about whether to disclose information or not, do not guess. Withhold the information while you check with an appropriate person whether the disclosure is appropriate.

Your confidentiality obligations continue to apply indefinitely after you have stopped working or volunteering for Healthwatch Oxfordshire.

**I have read and understand the above statement and the Confidentiality Policy. I accept my responsibilities regarding confidentiality.**

**Signed:**

**Date:**