

ANGEL COMMUNITY CANAL BOAT TRUST



CONFIDENTIALITY AND RECORDS POLICY

Reviewed March 2019

- 1. This Policy is subject to ACCT's GDPR compliant Privacy Policy which takes priority on all matters relating to confidentiality and policy**

- 2. General principles**
 - 2.1. ACCT 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.
 - 2.2. Colleagues are able to share information with their line manager in order to discuss issues and seek advice.
 - 2.3. Colleagues should avoid exchanging personal information or comments (gossip) about individuals with whom they have a professional relationship.
 - 2.4. Colleagues should avoid talking about organisations or individuals in social settings.
 - 2.5. Colleagues will not disclose to anyone, other than their line manager, any information considered sensitive, personal, financial or private without the knowledge or consent of the individual, or an officer, in the case of an organisation and will at all times comply with the Privacy Policy and the provisions of the GDPR.
 - 2.6. There may be circumstance where colleagues would want to discuss difficult situations with each other to gain a wider perspective on how to approach a problem. The organisation's consent must be sought before discussing the situation, unless the colleague is convinced beyond doubt that the organisation would not object to this. Alternatively, a discussion may take place with names or identifying information remaining confidential.
 - 2.7. Where there is a legal duty on ACCT to disclose information, the person to whom the confidentiality is owed will be informed that disclosure has or will be made.

- 3. Why information is held**



- 3.1. Most information held by ACCT relates to voluntary and community organisations, self-help groups, volunteers, employees, trustees or services which support or fund them.
- 3.2. Information may be kept to enable this organisation to understand the history and activities of organisations in order to deliver the most appropriate services. See the Privacy Policy for more information.
- 3.3. ACCT sometimes has a role in putting people in touch with voluntary and community organisations and may keep contact details which are passed on to any enquirer, except where the group or organisation expressly requests that the details remain confidential.
- 3.4. Information about ethnicity and disability of users is only kept for the purposes of monitoring our Equalities and Diversity policy and also for reporting back to funders.

4. Access to information

- 4.1. Information is confidential to ACCT as an organisation but may be passed to colleagues, line managers or trustees to ensure the best quality service for users and in accordance with the Privacy Policy.
- 4.2. Where information is sensitive, i.e. 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.
- 4.3. Colleagues will not withhold information from their line manager unless it is purely personal.
- 4.4. Users may have sight of ACCT records held in their name or that of their organisation in accordance with the GDPR and the Privacy Policy.
- 4.5. 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.

5. Storing information

- 5.1. General non-confidential information about organisations is kept in unlocked filing cabinets in the ACCT office with access to those ACCT colleagues having reason within the Privacy Policy to access it..
- 5.2. Personal information about young people and any records of any safeguarding concerns, actions and referrals is kept in a locked filing cabinet in the ACCT office with restricted access.



- 5.3. Information about individuals will be kept in filing cabinets by the colleague directly responsible. These colleagues must ensure line managers know how to gain access.
- 5.4. Employees' personnel information will be kept in filing cabinets and will be accessible to the designated person or to those who are entitled to see it as part of their duties.
- 5.5. In an emergency situation, the designated person may authorise access to files by other people.

6. Duty to disclose information

- 6.1. There is a legal duty to disclose some information including:
 - 6.1.1. Child abuse will be reported to the Social Services Department
 - 6.1.2. Drug trafficking, money laundering, acts of terrorism or treason will be disclosed to the police.
- 6.2. 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 Designated Person under the ACCT safeguarding policy who will report it to the appropriate authorities.
- 6.3. Users should be informed of this disclosure.

7. Disclosures

- 7.1. ACCT complies fully with the Disclosure and Barring Service Code of Practice[#] regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information.
- 7.2. 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.
- 7.3. Documents will be kept for a year and then destroyed by secure means. Photocopies will not be kept. However, ACCT 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.

8. Breach of confidentiality



8.1. Employees who are dissatisfied with the conduct or actions of other colleagues or ACCT should raise this with their line manager using the grievance procedure, if necessary, and not discuss their dissatisfaction outside of ACCT.

8.2. Colleagues accessing unauthorised files or breaching confidentiality will face disciplinary action. Ex-employees breaching confidentiality may face legal action.

9. Whistle-blowing

9.1. Where there are concerns about the use of ACCT funds, concerns may be referred directly to any of the trustees outside the usual grievance procedure. As at March 2019 the trustees of ACCT are:

Giles Eyre
Keith Ball
Kevin Mitchell
Nancy Harrison
Robin King
Luisa Myers-Nobbs
Debbie Whitaker

10. Safeguarding

10.1. There are limits to confidentiality in relation to disclosure provided by young people in accordance with the ACCT safeguarding policy.

The DBS Code of Practice can be found at the website:
<https://www.gov.uk/government/publications/dbs-code-of-practice>