

## CONFIDENTIALITY POLICY & DATA PROTECTION PRINCIPLES

This Confidentiality Policy and the principles of the Data Protection Act apply to all those who work as a paid employee or a volunteer, collectively referred to as "staff".

Confidentiality regarding service users and staff will comply with the Data Protection Act which is designed to provide privacy protection for individuals about whom personal, identifying data is kept.

### Service User Confidentiality

- We are committed in all aspects of our support for service users to provide a confidential service.
- **Confidentiality is not between the service user and any individual member of staff, but between the service user and Liberty Church Swansea.** Any discussion of a service user's records within Liberty Church Swansea will be for the reason of providing support and care to that service user and information will be dealt with sensitively and respectfully.
- **For practical purposes, it is unrealistic to expect staff never to talk about their day to friend and family. However, conversations about your volunteering within the Project to people outside the project need to be had with confidentiality in mind at all times.**
- General conversations must not identify the service user in any way and if there is cause to believe that this has happened, disciplinary action in accordance with LIBERTY CHURCH SWANSEA Disciplinary Policy and Procedure will be actioned.
- **Ministry support conversations are possible for support, care, well-being and concern reasons as part of the pastoral mission and life of the Liberty Church.** Confidentiality is between the service user and the church as a body, so sensitive and careful sharing for these purposes is not only possible but should be expected. **Exclusive relationships and conversations should be avoided as far as possible. Confidentiality is not about keeping or maintaining secrets, it is about the wider process of appropriate care as a team with our service users.**
- Information will only be passed onto another agency or any member of the service user's family, with the full and informed consent of the service user. The service user has the right to withhold consent.
- If a member of staff intends to obtain help from another agency or refer the service user to another agency, this must be explained to the service user and their permission given.

### Exceptions:

In certain circumstances, we reserve the right to break confidentiality should this be deemed necessary. These circumstances include:

- Where there is reasonable cause to suspect that a child, under the age of 18 or a vulnerable adult is suffering, or at risk of suffering, significant harm.
- Where the service user has threatened or is likely to do serious harm to themselves or another individual
- Where the service user gives information, which indicates a possible terrorist attack.
- Where the organisation has been instructed by the courts (including in limited circumstances by the police, acting on the authority of the courts) to reveal information.

NOTE: In all of these cases, if a decision is made to break confidentiality, every effort should be made to contact the Senior Minister or a member of the current Staff/Leadership team. If these are not contactable, the staff member is empowered to take this decision themselves. The service user will also be encouraged to contact the relevant authority involved themselves.

If the service user is unwilling to take action, then the decision to breach confidentiality will be made as detailed above

**The member of staff must then log the incident and any action taken so that if they should need to justify the breach of confidentiality; they are able to do so.**

### **Staff Awareness**

- All staff will be asked to sign a copy of this policy on joining LIBERTY CHURCH SWANSEA. Staff need to be aware of the importance of this policy and all reasonable steps will be taken by LIBERTY CHURCH SWANSEA to ensure that staff understand this.
- **Staff induction will involve familiarisation with this Confidentiality Policy and instruction in implementing it.**

### **Confidentiality for Staff**

- Staff members also have the right to confidentiality.
- In order to protect staff, their personal details should never be divulged to anyone with the exceptions given above.
- On joining, all staff will be asked to complete an application form. This will be kept in a secure place only to be accessed by management staff.
- Any other staff records will be kept in a secure place

### **Confidentiality of service user Records, Statistics, Publicity, Phone Calls and Correspondence.**

- All service user records will be kept securely. It is the responsibility of those on duty to ensure that all written records are locked away at the end of each session.
- service user records and any correspondence will be destroyed after six years.
- service users may ask to see their records if they are in existence.
- Any statistical information shared for publicity purposes will not allow any service users to be identifiable.
- Anonymity will always be preserved if composite stories are created for publicity purposes.
- No specific information about a service user will be used publicly without their written consent.
- All letters and printed emails that disclose personal details of service users will be kept in a locked filing cabinet.
- If a letter or email is received from a service user that could be purposefully used in

- publicity, permission will always be sought from the writer.
- Regarding phone calls, to the church office. The nature of the work of the church and the fact the office is only partly manned, means that the leadership has set up a recognition and recording system for all incoming calls. This is standard and typical with many other businesses and service support institutions. Whilst we recognise the church has this system in place, it is limited to authorised persons only at the discretion of the leadership team of the church, being independently monitored by the Trustees and compliance team. For messages that are left on the system, our call message will explain that their number may be recorded only for the purpose of re-contacting them in the first instance. To follow up their contact with us and for that purpose only, and that it will be deleted as soon as possible after this, unless the service user gives explicit permission for it to be used after this initial contact.
  - When the office is manned and any authorised person answers the call, at the start of conversation the member of staff could ask for the caller's permission to have the number should they be cut off.

### **Principles of Data Protection:**

- Personal data shall be processed lawfully and fairly.
- Personal data shall be held for one or more specified and lawful purposes and shall not be further processed in any manner incompatible with that purpose or purposes.
- Personal data shall be adequate, relevant, and not excessive in relation to the purpose for which it is processed.
- Personal data shall be accurate and kept up to date.
- Personal data processed for any purpose shall not be kept for longer than is necessary for that purpose.
- Personal data shall be processed in accordance with the rights of data subject under the Data Protection Act.
- Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of the data.

### **Complying with these Principles:**

- No personal data should be obtained or held unless the individual has given consent. In the case of sensitive data (defined as race, political opinion, religious belief, physical or mental health, sexuality) specific consent must be obtained i.e., individual must be informed that this type of data is being held, told the reason for it and give permission for its use.
- Do not use data intended for one purpose for a different purpose.
- Do not collect information about individuals which is not necessary for the purpose intended. Do not ask questions or seek data without ensuring that the information is relevant. Irrelevant or excessive information should be destroyed immediately.
- If data is kept for a particular length of time, it must be reviewed to ensure that data is not kept for longer than required for the purpose.
- You should always consider the rights of the individual in respect of their data. These are, briefly, that consent should be obtained if data is to be kept and used for any purpose; that individuals are entitled to know what data is kept about them and



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that no personal data must be disclosed to anyone outside or inside the organisation who does not need to know, without the individual's consent.

- Personal data must be kept in a secure place e.g., Filing cabinet which can be locked. Unauthorised access must be prevented.

**This policy has been agreed for use at Liberty Church Swansea staff by:**

Created April 21<sup>st</sup> 2021. Agreed by Trustee Team on 30<sup>th</sup> April 2021

It should be reviewed every two years or before if necessary.

Next Review Date: April 2023