

## CONFIDENTIALITY AND DATA PROTECTION POLICY

### Policy Statement

Service users must be able to feel safe and trust staff when discussing their support needs. At the same time, information sharing between agencies is important for effective co-ordination of action and services. Responsible sharing of information and protection of confidentiality of information are therefore fundamental to providing services for people with support needs. Guildford YMCA recognises that the information held about its service users is often very sensitive and private. Guildford YMCA will ensure that this information is treated with the utmost respect at all times.

### Legal Position

Courts will intervene to prevent disclosure of information where:

- The information is confidential in nature and not a matter for public knowledge.
- The information was entrusted to another person under circumstances, which imposed an obligation not to disclose the information without consent.
- Protecting confidentiality of that information is in the public interest.

However,

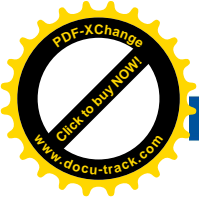
*disclosure in the public interest may over-ride the duty to maintain the confidence where there is a genuine risk of harm to a third party (Tarasoff, 1976).*

The Data Protection Act (1998) relates to personal data held on computer systems and allows people to have access to their own records and request correction or erasure of incorrect data as appropriate.

### Principles

In light of the above, it is extremely important to ensure that staff have a consistent approach to confidentiality throughout the organisation. Thus, service users must be informed that:

- Guildford YMCA staff will seek only relevant information from other agencies.
- Information may be shared with other Guildford YMCA staff on a need-to-know basis to prevent staff working with potentially difficult situations in isolation.
- Guildford YMCA staff will seek to agree with service users how information will be shared with professionals in other agencies, in order to enhance co-ordination of services for the individual.



- Information may be divulged to external agencies without the service user's consent if the non-disclosure poses a threat of harm to the service user or to others.
- Guildford YMCA is signed up to the Surrey Information Sharing protocol.

## Relevant Information

Any information that is required, sought after or made available should be assessed to determine its relevance to deciding what level of support service Guildford YMCA can offer the service user. Staff should ensure that agencies are clear about the purpose of requiring the information and should be specific about the type and level of information requested. This would usually include psychiatric/medical history, Social Services Care Assessment or Pathway Plan, and a risk assessment. As a minimum, information relating to Risk of Harm and Needs Assessment would be required and this would have to be stated clearly to agencies and service users.

Who needs to know the information held about a service user? It would be safe to say anyone who is involved in assessing and/or providing the support to the service user. This may include external organisations, private, voluntary and statutory as well as other Guildford YMCA staff. Such information will be provided in line with the Surrey Information Sharing Protocol of which Guildford YMCA is a signature

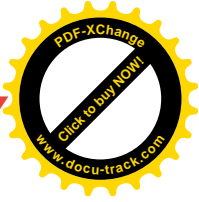
## The Procedure

Each department within Guildford YMCA has guidelines informing staff on how to proceed. However where appropriate service users should be made aware of any paperwork asking them to give their signed consent for relevant information to be shared with other Guildford YMCA departments or appropriate agencies.

Whilst providing support for service users, staff will need to use the information available and therefore need to be aware of how this information is shared and or disclosed, regardless of the nature of such information. For example, the service user may have disclosed their childhood experiences and how this currently affects them. Staff will be using such information to deliver appropriate support and may have to share this with a colleague at a handover, for example.

Service users need to have confidence in Guildford YMCA's policies and procedures and *maintaining confidentiality* is an area which the service user may test. Therefore, it is vitally important that staff maintain a professional approach in all communications.

In order to provide effective support, professional boundaries between staff and service users must be maintained. For example, it is not good practice for staff to "self-disclose", i.e. sharing details of their personal lives with service users.



To ensure procedures are followed profession training is provided as appropriate.

### **Disclosure of Information**

Support staff need to ensure that service users are aware that any information they divulge may need to be shared with other Guildford YMCA staff on a need to know basis. Generally, this will be anyone else involved in providing support to that service user and/or the line manager.

In general, information about service users should never be shared with other service users. There may be certain situations where some information may be given, but this should be kept to a minimum, please refer to the relevant departments guidelines for examples.

Staff need to be constantly vigilant about how and where information is communicated, and should assess the risk of breaching confidentiality, for example by ensuring others do not over hear telephone conversation and documents are not visible to unauthorised persons.

In all cases, if information about a service user has to be shared with an external agency, the issue should be discussed with the line manager to check that the disclosure is necessary and appropriate. This is particularly so if information is deemed 'in the public interest' as it is not always clear what this phrase covers. Legal advice may sometimes be required.

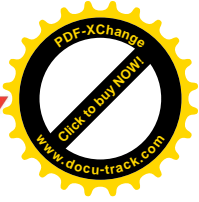
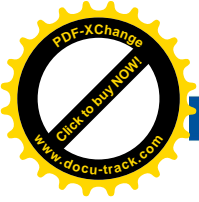
Service users may divulge information, which may implicate other staff, in which case the recipient of the information must inform their line manager. If the information may implicate the line manager, it should be discussed with the Chief Executive or Director of Operations.

### **Storage of Information**

Service users' files should be kept in locked filing cabinets within a secure area such as a private office.

Any records that are confidential but have to be readily accessible in an emergency should be stored in an identified lockable space. Only a minimum amount of necessary information should be stored.

Service users should be reassured that the information held on their files is adequately secured and will be disposed of via shredding, as soon as appropriate, if they leave Guildford YMCA.



## Access to Records

Service users have a right to see all information held on file by Guildford YMCA. This is with the exception of information provided by third parties unless their consent to disclose has been given.

It is very important to ensure all file notes, reports, correspondence with third parties, etc. are accurate, professional and non-judgmental so that service users may be reassured of Guildford YMCA's commitment to its values.

## Transfer of Information

Occasionally staff may need to transfer information between offices such as files or referral papers. Care needs to be taken in deciding upon a method.

In particular, documents relating to one service user must never be given to another for delivery.

Ideally, documents should be delivered in person. However, as this is often impractical, documents should be copied and then the originals (or as appropriate) can be sent by registered post or by courier, depending on distance and urgency.

Documents should not be faxed, emailed or posted to projects unless they can be delivered to a secure office within the project and the sender has assurances that the intended recipient will be available to receive them.

Approved by the Residential Committee - November 2005

Approved by Residential Committee - November 2008.