

# Optua (East Anglia) and Optua UK

## Confidentiality Policy

### Introduction

1. Optua/Optua UK expects and insists that all Directors, employees and volunteers (herein referred to as “Staff) conduct themselves in accordance with the confidentiality policy at all times.
2. **Professional confidentiality**
  - 2.1 References to confidentiality within Optua/Optua UK refer to ‘Professional Confidentiality’, which means not disclosing information to others about any matter about which you have not gained the *implicit* agreement to do so from those people it involves. By implicit agreement we mean that in the normal discharge of duties our staff must disclose information appropriately to colleagues both inside and outside Optua/Optua UK and by accepting our services clients must accept that we will do this according to this policy. Therefore individuals have a right to expect that this will not be abused.
3. **Secrecy**
  - 3.1 Confidentiality and secrecy is not the same thing. Optua/Optua UK cannot promise to ‘keep things secret’ and our staff must not do this either.
  - 3.2 Staff members must be alert to what people are saying and should not hesitate to stop somebody from saying something that cannot be kept confidential. Staff members should warn the person that they have no option but to report certain disclosures to their line managers. It is up to the person then to decide whether they want to continue with what they are saying. However, Optua/Optua UK and its staff have a statutory duty to pass on certain information and this cannot be avoided.
4. **Explicit permission to disclose information**

- 4.1 In some cases it will be necessary to disclose information to a wider group of colleagues or partner organisations than is implicit in normal service provision. Unless this is under a statutory duty to disclose, then the explicit agreement of the person involved must be gained.
- 4.2 If a disclosure is to be made under a statutory duty, the person would normally be informed about this beforehand and be given the opportunity to influence how disclosure is made. In some circumstances (e.g. serious criminal activity) it will be necessary to check with the body to which the disclosure is to be made before consulting the person involved. This check should be made in a way that does not in itself breach confidentiality.
- 4.3 Records must be kept of all explicit permissions to disclose information, including the date, the name of the person and/or agency to which disclosure is being made, the reason and action taken.
- 4.4 The individual must be told why there is a need for information to be shared, with whom and why, and the possible consequences of agreeing or not agreeing to disclosure.

## **5. Keeping confidentiality**

- 5.1 All information regarding clients, their relatives or representatives and staff members should be treated as confidential.
- 5.2 All staff have a duty to respect the confidentiality of clients, their relatives or representatives and other staff.
- 5.3 Staff must share information on a 'need to know' basis only.
- 5.4 Paper copies of information must be stored in a lockable cabinet. The information must not be left unattended in an unsecured manner when in use.
- 5.5 Computer screen displays in public view must be protected with an appropriate password-protected screen-saver to prevent unauthorised access.
- 5.6 Computer files containing sensitive data should be password protected and knowledge of the password should be restricted on a 'need to know' basis.
- 5.7 All paper material containing personal data should be treated as confidential waste, e.g. by shredding or burning.

- 5.8 Emails to groups of people should use the 'blind copy' box to avoid disclosure of email addresses of third parties without permission to share this information.
- 5.9 All clients have the right to receive their mail unopened.

## **6. Breaches of confidentiality**

- 6.1 Confidentiality can not be maintained under the following circumstances:

Where Optua/Optua UK has a statutory duty to disclose information, such as suspected abuse.

Where there is serious risk to an individual's well-being, such as when drug use may interfere with an emergency medical intervention.

Where behaviour is putting other people and property at risk.

- 6.2 Staff must not recklessly or gratuitously disclose information. This includes idle gossip, speaking where they could be overheard and failing to secure written or electronic information.
- 6.3 When in possession of information staff must act in good faith at all times and not use the information or the benefit of having that information to the detriment of Optua/Optua UK.
- 6.4 The requirement to comply with the confidentiality policy does not end with the termination of service with Optua/Optua UK.
- 6.5 The confidentiality policy of Optua/Optua UK may not be used to hide illegal or immoral practices, which should be reported under the whistle-blowing procedure.
- 6.6 Optua/Optua UK will take disciplinary action against any member of staff who does not observe the requirements of this Confidentiality Policy.

## **7. Individual's right to access information about themselves**

- 7.1 Individuals must be aware that they have a right to apply to view information about themselves, subject to the Data Protection Act 1998.

7.2 Optua/Optua UK will allow individuals access to the data we hold on them subject to the following conditions:

All applications to inspect information are in writing and seven days in advance. These can be written by a third party on behalf of the applicant.

Only information solely referring to the applicant will be made available. Where data refers to a group of individuals the information will be provided in a form decided by Optua/Optua UK which protects other parties from unauthorised disclosure.

Optua/Optua UK will only respond to specific requests for information, eg a personal file or mailing list entry. We cannot reasonably be expected to guarantee to find every reference to a particular individual within our records.

Optua/Optua UK reserves the right to refuse to disclose information which is legally held where the disclosure would be prejudicial to either ourselves or others and disclosure is not required under the Data Protection Act 1998. The Complaints or Grievance Policies as appropriate may be used to appeal against such decisions.

Optua/Optua UK will, where information revealed to an individual is disputed, agree to lodge a statement of amendment by the individual, to be stored with the disputed information. This amendment will be retained at least until the destruction of the information to which it pertains. Any statement must refer to a specific item of information and generalised statements will not be accepted.

Individuals will not be allowed to copy, remove or alter any information we hold and will be accompanied by an officer of Optua/Optua UK at all times during the inspection.

7.3 The Confidentiality Policy complies with the

**Data Protection Act 1998**

**Human Rights Act 1998**

**Public Interest Disclosure Act 1998**

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