

CONFIDENTIALITY AND DISCLOSURE POLICY

Policy Statement

It is the policy of Derbyshire Carers Association that all information regarding Carers, persons with care needs and staff members should be treated as confidential.

Mutual trust between Derbyshire Carers Association and those using the service, or involved in their care is central to the successful provision of the service. To achieve this, all *Management Board Members and staff have a duty to respect the confidentiality of each other and the day to day business of the Association, as well as that of Carers, and persons with care needs. Exemptions to this are shown under **Exemptions**.

**Management Board Members should include Board Advisors, co-opted members / volunteers and any other individual involved in the management of the Association.*

Confidentiality means that:-

Anything learnt about a client will not be revealed outside Derbyshire Carers Association, without express permission being given by the client.

The fact that a client is making use of the service provided by Derbyshire Carers Association will not be revealed to anyone outside the organisation without the client's express permission.

Any conversation about work within DCA should avoid any possibility that a client, or anyone involved in the client's situation might be identified other than where appropriate.

We have the principles of Confidentiality to protect DCA, its staff and volunteers.

Confidentiality should never be breached. All DCA information about Carers belongs to DCA not to any other individual or organisation.

When working alongside someone from a statutory or other voluntary organisation, or in contact with friends and relatives of the family, one should never presume they know as much about the Carer and the person being cared for as DCA does.

DCA staff and volunteers should never contact another organisation or enter into any correspondence about a Carer or on the Carers behalf, without receiving permission from that Carer to disclose information about them.

Any information received from a Carer which affects the service given is confidential to DCA.

Any information learnt about the person being cared for which is considered of a severe nature, e.g. life threatening, or associated with potential neglect or abuse, is to be dealt with in strict confidence.

If confidentiality is to be breached between Derbyshire Carers Association and any outside body, it is management who will make the decision after due consultation with the member of staff or volunteer dealing with the particular case. Breaches of confidentiality of this nature will be brought to the attention of the Management Board.

If a Carer is making serious threats regarding their own life this must be brought to the attention of management immediately.

Management will always be available to discuss any distressing case.

Principles

- 1 Management Board Members, staff and volunteers must observe the procedures and recording guidelines on the handling of confidential information at all times.
- 2 It is not Derbyshire Carers Association policy to disseminate personal information / data about service users or employees to any outside agency including statutory authorities, without the prior knowledge and consent of the individual concerned. All personal information should be regarded, in the first instance, as confidential. Both service user and the provider of the information need to be able to trust the Association to respect confidentiality.
- 3 This policy defines the procedures to be followed by all Management Board Members, staff and volunteers concerning the obtaining, using, disclosure, security and general handling of personal data.
- 4 Carers and the person with care needs have a right to expect that information given in confidence will be used only for the purpose for which it was given.
- 5 All personal information should only be shared on a “need to know” basis. Where there is a legitimate need to know, information should only be divulged with the informed consent of the person concerned (see exemptions).
- 6 All formal requests for information will be recorded; this will include the date, the name of the person and or agency making the request, who will have access to this information and action taken.
- 7 In order that informed consent can be given by the Carer or the person with care needs for information concerning them to be released, it is

necessary that they fully understand why there is a need for information to be shared, with whom and why.

Exemptions

A person's right to confidentiality is not absolute and in exceptional cases may be overridden where there is evidence that sharing information is necessary, for example, because of :-

- The power of the court
- The power of certain tribunals
- As a requirement of legislation, e.g. statutory assessment under the Mental Health Act 1983.
- The need to prevent serious crime, such as:-
 - to prevent danger to a person's life
 - to prevent danger to other people
 - to prevent danger to the community
 - to prevent serious threat to others, including staff
 - to prevent breaching a legal obligation to supply certain information
- The health of the person
- Public health and welfare concerns
- The protection of vulnerable people
- Effective service delivery within the bounds of duty to care.

This list is not exhaustive.

Accuracy of information.

It is the responsibility of Board Members, staff and volunteers who receive information to ensure that it is accurate valid and up to date.

Where information appears to be inaccurate the matter should be reported to management.

When information is to be disclosed to a third party, it is recommended that a disclaimer clause is added. This information has been provided in good faith. Derbyshire Carers Association cannot accept liability for its accuracy.

How to deal with data breaches

The Company has robust measures in place to minimise and prevent data breaches from taking place. Should a breach of personal data occur (whether in respect of you or someone else) then we must take notes and keep evidence of that breach. If the breach is likely to result in a risk to the rights and freedoms of individuals then we must also notify the Information Commissioner's Office within 72 hours.

If you are aware of a data breach you must contact the **Data Protection Officer** immediately and keep any evidence you have in relation to the breach.