

CONFIDENTIALITY POLICY

Introduction

This policy sets out **Mind in the Vale of Glamorgan's** policy on confidentiality and covers the following:

- what is meant by confidentiality
- general principles of confidentiality
- the legal position on confidentiality
- circumstances in which confidentiality may be breached
- other points about confidentiality
- written information and records
- complaints about breaches of confidentiality review

1. What is meant by confidentiality?

1.1 Confidentiality is about maintaining the privacy of information that has been entrusted by one person to another.

2. General principles of confidentiality

2.1 **Mind in the Vale of Glamorgan** will at all times strive to maintain the confidentiality of the people that use and work for the organisation, except in exceptional circumstances (see 2.3).

2.2 In practice, this means that people who work or volunteer for **Mind in the Vale of Glamorgan** will NOT (see 2.3 for exception to this).

- discuss what they have been told by an individual with anyone who is not a **Mind in the Vale of Glamorgan** worker or volunteer, without the individual's consent
- discuss who has contacted **Mind in the Vale of Glamorgan** with anyone who is not a **Mind in the Vale of Glamorgan** worker or volunteer without the individual's consent
- publish information which could identify individuals, without consent

2.3 It may be necessary for a **Mind in the Vale of Glamorgan** worker/volunteer to discuss confidential information with their **Mind in the Vale of Glamorgan** colleagues - for example,

- where the worker/volunteer is uncomfortable/distressed by what they have been told
- if the worker/volunteer will be absent because s/he works part time, is on holiday, off sick, etc
- if the worker/volunteer is unsure how to respond to the person

The discussion of confidential information should, however, only take place when necessary and should be kept to a minimum.

3. *The legal position on confidentiality*

3.1 Confidentiality can be overruled if:

- a statute or court order demands it
- the "public interest" demands it

(It is not clear in law what the "public interest" is so if there is doubt, then legal advice must be obtained.)

3.2 Information about terrorism **MUST** be reported to the Police. However, it is not an offence to withhold other information from the Police or other organisations

4. *Circumstances in which confidentiality may be breached*

4.1 When any illegal activity is taking place, or has taken place, on **Mind in the Vale of Glamorgan's** premises. This may result in legal proceedings.

4.2 In cases where the Police have a warrant to inspect information that **Mind in the Vale of Glamorgan** has in its possession. The person or persons involved will be informed of what will happen. If this is not possible in advance, then the person will be informed of what happened and why, as soon as possible after the event. If the Police require sight of documents that we hold from a third party, they will be asked to contact the third party directly for access.

- 4.3 When **Mind in the Vale of Glamorgan** is seriously concerned for the personal safety of others. That is, when the disclosure of information could prevent an illegal activity, that puts other people at risk of physical harm, from taking place.
- 4.4 **Mind in the Vale of Glamorgan** workers/volunteers will always explain to a person when and why they are obliged to disclose any information they have or are given about the person. The person who has given the information, or whom the information is about, should be encouraged to report the information to the relevant authorities (eg. Police, Solicitor, medical staff, etc) themselves, otherwise the worker/volunteer may be obliged to disclose the information to these authorities. The worker/volunteer should be supported in this by the staff team and Executive Committee.

5. *Other points about confidentiality*

- 5.1 If a **Mind in the Vale of Glamorgan** worker/volunteer receives a request for information about a person connected with **Mind in the Vale of Glamorgan**, they will inform the requester of this policy and refer them directly to the person themselves.
- 5.2 If a worker/volunteer is given information about somebody by an outside body they should inform that body of this policy and ask them if the person involved has given their consent for this information to be disclosed. If not - and the information is being given verbally - the conversation should be stopped until consent has been obtained, unless in exceptional circumstances (see above).
- 5.3 If the information has been given in written form and it is not clear that the individual's consent has been asked for and given, then the written information should be returned, together with an explanatory note.
- 5.4 **Mind in the Vale of Glamorgan** accepts that it has no right to control what individuals who are part of **Mind in the Vale of Glamorgan** may choose to disclose to other individuals. However, we would encourage everyone when in possession of information about a fellow worker/volunteer/Executive Committee member

- to exercise sensitivity
- respect the privacy of the individual
- not to disclose information about the individual without their consent.

5.5 Support should be given to clients/staff/volunteers if any information that is disclosed to them by **Mind in the Vale of Glamorgan** causes concern or distress.

6. Written information and records

6.1 **Mind in the Vale of Glamorgan** operates an "open files" policy - therefore, clients/staff/volunteers may see any information that is kept that is pertinent to them.

6.2 If **Mind in the Vale of Glamorgan** holds information from a third party, the documents will be marked "confidential". We will ask the third party to inform the person that they have sent us the information and tell them that the person will have access to it.

6.3 Personal information kept on computers will be in line with **Mind in the Vale of Glamorgan's** GDPR Policy.

7. Complaints about breaches of confidentiality

7.1 If anyone feels that this policy has been breached, they should be encouraged to make a complaint, using the Complaints Procedure.

8. Review

8.1 This policy will be reviewed on an annual basis. This may lead to the policy being amended. Every effort will be made to inform people, to whom the policy might be relevant, of any changes.

Approved: May 2017 Review Date: May 2020