



## **Coventry Local Involvement Network (LINK) Confidentiality & Data Protection Policy**

### **1 Scope**

This document sets out Coventry LINK's position on confidentiality and protecting the data that it and its Host holds. The purpose of this policy document is to establish a clear and agreed understanding of what confidentiality means.

Coventry LINK is committed to equality and diversity. It will never use any information it receives to discriminate against its members or against the wider community, or for any other purpose than that stated to the person who gave it.

### **2 Responsibility**

The LINK has a legal and moral obligation to ensure that specific personal information given to it is treated confidentially.

Under the Data Protection Act 1998, the LINK has a responsibility to ensure that all data it holds on individuals or groups must be held for valid reasons and must be held in a safe and secure manner.

All Member-Volunteers of the Coventry LINK and its Host are committed to ensuring that the LINK's Confidentiality and Data Protection policy is applied to all aspects of the LINK's existence and work. To this end, it is the responsibility of each LINK Member-Volunteer and Host staff member to be familiar with this policy, and to act in accordance with its aims and objectives.

### **3 What is confidentiality and data protection**

For the purpose of this policy, the Coventry LINK believes that confidentiality extends to any sensitive information that LINK is party to in the course of its activities. This includes information passed on in writing and verbally.

Data protection relates to the storage, access, and control of personal information held for LINK by its Host and with the permission of the person to whom those details relate.

### **4 Why information is kept**

Coventry LINK is a membership body and its work is based upon gathering the views and experiences of people living within Coventry of health and social care services,

and ensuring that those views and experiences are taken into account by the providers and commissioners of health and social care within the City. To do this, the LINK will be party to and record information that could be considered confidential.

Coventry LINK believes that in relation to its work, confidentiality can take two forms:

**A Sensitivity related confidentiality**

Individuals, groups or communities may disclose to the LINK information that is of a sensitive nature, and is passed on in confidence. Sensitive information may be passed on to LINK staff or member-volunteers to highlight a particular issue. This could include for example: details of treatment received for a medical condition to demonstrate an experience of accessing a service; or a service user might talk about personal circumstance, experiences of a personal nature, complaints made, cases of mistreatment or discrimination, or personal details such as age.

**B Safety related confidentiality**

This related to how confidential information given to the LINK is stored. For example, how a person's contact details are recorded and protected so only those authorised to access them can and how the data from surveys and interviews with service users is kept.

## **5 Use and storage of information given in confidence**

When an individual, or group passes on information that is of a personal nature it is the LINK's responsibility to ensure that this information is used in accordance with the wishes of those giving the information.

### **Community engagement and research**

Coventry LINK carries out community engagement work and research into peoples' views on NHS and social care services.

When meeting with an individual or group it is the responsibility of the LINK Member-Volunteer or the Host staff member conducting the meeting to make clear what will happen with any information given and to ensure that those taking part are comfortable with how any information given will be recorded and used.

Coventry LINK is unable to help those with specific problems or individual complaints about services. In such instances the LINK will endeavour to signpost to the appropriate body that can help. Coventry LINK cannot act as an advocate on behalf of individuals.

When confidential information is passed to the LINK as evidence of a wider issue, the LINK will take steps to protect the identity of the person giving the information.

Coventry LINK aims to feedback to those individuals, groups, or communities that provided it information on what happened as a result. Therefore, it will be necessary to

keep contact details and a record of involvement to facilitate this. Access to this confidential information will be restricted.

Coventry LINK may keep anonymous information indefinitely so that trends in health and social care provision can be monitored. Information that is considered confidential will be stored for a relevant period of time (for example completed questionnaires will be kept for up to three years to allow for any queries to be raised with the conclusions drawn from the data), unless a request for it to be destroyed is received by the person to whom the information relates.

Reports created by the LINK that contain evidence gathered from community engagement activities or research will not contain the names or any other identifying details of those that took part.

### **Contacts database**

Coventry LINK maintains a database of contact details for its members and of those who have asked to be kept informed of its work. All details are stored by the LINK's Host, Voluntary Action Coventry which acts as the data controller.

Any information stored within the contact database is with the knowledge and consent of those to whom it relates, or is taken from the public domain where that person has freely placed it.

Coventry LINK respects people's rights to privacy and to change their mind about having their information kept in the contact database. Anyone wishing to know what information is stored about them within the contact database may do so by contacting Coventry LINK. Anyone wishing to have their information removed from the contact database may do so by contacting Coventry LINK. This will amount to ending membership of the LINK.

Coventry LINK only uses the information stored within its contact database to pass on information relating to its work. Coventry LINK will not pass on any private information from its contact database without consent from the person to whom the information relates.

Should Voluntary Action Coventry cease to be the Host for Coventry LINK then confidential information held by it will only be passed on to the new Host with the consent of those to whom the information relates. Should permission not be given for this information to be passed on then it will be destroyed.

### **Monitoring information**

The LINK Host organisation reports on its contract to Coventry City Council and keeps a range of paper and electronic information to facilitate this. Individuals will not be identified in such reports without their explicit consent.

Coventry LINK works to ensure that it provides information to the community about its work through different mechanisms including a website and annual report. The LINK will ensure that confidential information is not passed on without consent.

The LINK collects ethnic and other demographic monitoring information to ensure that it is facilitating diverse involvement in its membership and work.

## **6 Circumstance for breaching confidentiality**

Coventry LINK will not disclose sensitive information to a third party without the individual's consent except in a situation, where there is a risk of harm to an individual or to others or where there is a legal duty to do so. There is a legal duty to breach confidentiality in cases of:

- 1 Child abuse, which will be reported to Social Services
- 2 to prevent crime for example: drug trafficking, money laundering, acts of terrorism or treason, which will be disclosed to the police.

There are two main Acts of Law that Coventry LINK must adhere to when dealing with confidential matters. The first is the Human Rights Act 1998. The second is the Public Disclosure Act 1998.

Should a situation arise where a LINK Volunteer-Member or a Host staff member feels information they have received fills the condition for breach of confidentiality as outlined in the Human Rights Act 1998, or is covered by the Public Disclosure Act 1998, they will report the information to the Project Manager for the LINK Host.

If a Volunteer-Member or Host staff member is unsure whether a breach of confidentiality needs to occur, then they will discuss the issue with the Project Manager for the LINK Host.

Any information passed to the Project Manager for the LINK Host for possible confidentiality breach will be assessed according to the Human Rights Act 1998, the Public Disclosure Act 1998, and any other relevant legislation.

Should a breach of confidentiality be required then the Project Manager will pass the information on to the appropriate body.

Any confidential information passed to the Project Manager that is assessed as not needing to be passed on under these acts will be destroyed or stored depending on its value to the LINK and in accordance with this policy.

## **7 Data protection**

Coventry LINK is committed to ensuring the safety and security of all confidential information it possesses.

All confidential information kept by the LINK is stored upon a secure server maintained by Voluntary Action Coventry and access to that information is password protected. Where information is stored upon a portable device, such as a laptop computer, that device is also password protected.

Only those members of staff who are directly employed to act as Host to the Coventry LINK have knowledge of the passwords required to access stored information.

Should a member of staff who is employed as Host to the LINK leave their post then Voluntary Action Coventry will ensure all confidential information used by that person is returned, and that their passwords are made invalid.

## **8 Complaints/breaches of this policy**

Coventry LINK has a Comments and Complaints policy to provide a confidential mechanism to both provide positive feedback or to raise issues of concern.

Anyone who is unhappy with practice or suspects a breach of confidentiality has occurred may complain through the Coventry LINK complaints procedure.

Where the Comments and Complaints policy is used to make any complaint about the LINK, the complaint and details of the person making the complaint will be held in confidence. Only those directly involved with investigating the complaint will know who has made it.

Coventry LINK is committed to ensuring that its policies and procedures meet the purposes they are created to fulfil. Should a situation arise when this policy does not achieve this, the LINK will investigate the incident and review this policy, making appropriate amendments to ensure that such an event will not occur again.

Breaches of confidentiality will be treated very seriously. Staff accessing unauthorised files or breaching confidentiality are likely to face disciplinary action. Ex-employees breaching confidentiality may face legal action. Volunteers breaching confidentiality will be in breach of the LINK Code of Conduct and subject to the sanctions available for this.

## **Appendix 1 legal provisions regarding confidentiality**

### **Human Rights Act 1998**

Article 8.2 of the Act makes a provision for organisations to breach confidentiality only if it satisfies the following three conditions:

- Be in accordance with the law;
- There must be a proper legal basis, such as a piece of legislation or rules of a professional body;
- Must pursue the following identified legitimate aims:
  - acting in the interests of national security, public safety or the economic well-being of the country;
  - acting for the prevention of disorder or crime;
  - acting for the protection of health or morals;
  - acting for the protection of the rights and freedoms of others.

### **The Public Disclosure Act 1998**

The Public Disclosure Act 1998 establishes a responsibility for all organisations to disclose information to the appropriate bodies regarding the following:

- A criminal offence;
- Failure to comply with legal obligations;
- A miscarriage of justice;
- Danger to health or safety of any individual;
- Any damage to the environment;
- An attempt to cover up information that would provide evidence that any of these five practices occurred.

End of policy.

Agreed: 19/06/09